



13 October 2014

Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

By email - adjudication@accc.gov.au

A91453 – Communications Alliance Ltd – Submission

Australasian Performing Right Association Ltd and Australasian Mechanical Copyright Owners Society Ltd (together **APRA AMCOS**) thank the Australian Competition and Consumer Commission (**ACCC**) for the opportunity to comment on the Communication Alliance's (CA) Application for Authorisation dated 8 September 2014 (**Application**).

APRA is a performing right collection society established in 1926 to administer the public performance and communication rights (often referred to collectively as performing rights) of its songwriter, composer and music publisher members. APRA represents over 85,000 music creators in Australia and New Zealand alone. In addition to representing the interests of its Australasian members, APRA represents the vast majority of the world's music creators through its reciprocal agreements with similar performing right societies throughout the world. APRA is a member of CISAC, the International Confederation of Societies of Authors and Composers. As a result of the national treatment principle enshrined in the Berne Convention, to which Australia is a signatory, foreign right owners are treated in the same way as nationals, effectively providing reciprocal rights management amongst collecting societies in approximately 133 countries.

APRA administers licences with more than 100,000 businesses which include businesses as diverse as cafes, restaurants, hotels and clubs to retailers, fitness centres, cinemas, radio and television broadcasters, digital service providers (DSPs) and internet service providers (ISPs).

In addition, APRA manages the reproduction rights business of its sister collecting society, AMCOS. AMCOS represents virtually all music publishers in Australia and New Zealand and, through reciprocal arrangements, the vast majority of the world's composers, writers and music publishers. On behalf of its members, AMCOS grants licences for certain reproductions of musical works. This involves collecting royalties from digital service providers, independent record companies, film-makers, educational institutions and others who record or reproduce music in some form.

APRA AMCOS is recognised as a key organisation within the Australasian music industry. It is actively involved in supporting and promoting music related creative communities and widely regarded by our members as their voice on issues relating to their rights.

APRA AMCOS welcomes the CA's stated goal to implement "follow the money" strategies designed to combat and limit online copyright infringement by reducing advertising revenues that flow to websites that focus on unauthorised content and thereby reduce the commercial incentive for such website operators to be engaged in such activities.

However, APRAMCOS does not believe that the CA proposal as set out in the Application will achieve that goal, for the reasons set out in the submission regarding the Application by Music Rights Australia (of which APRA AMCOS is a founding member). Together with the Audited Media Association of Australia, Music Rights Australia has been working tirelessly on behalf of the Australian music industry for at least the last 12 months at developing a more robust, comprehensive and effective proposal to address the relevant issues and which has the potential to be more effective in seeking the CA's stated goals.

For the reasons set out in Music Rights Australia's submission, APRA AMCOS is unable to support CA's Application in its current form. However, APRA AMCOS looks forward to working together with CA and other stakeholders to progress this initiative over the coming months.

APRA AMCOS has no objection to this submission being placed on the ACCC's public register.

Yours sincerely

A handwritten signature in black ink that reads "J Carter". The signature is written in a cursive style with a horizontal line underneath the name.

Jonathan Carter
General Counsel
Direct Tel + 61 2 9935 7860
Email jcarter@apra.com.au