

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ECONOMICS

REVIEW OF THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION ANNUAL REPORT
2017

13QW: Music industry: APRA-AMCOS – funds, fees and market power

Is the ACCC aware of market dissatisfaction in both the rights user and rights owners as well as content delivery services with respect to both the distribution of funds and the development of fee structures for music use in out of home spaces? What about the inclusion of the rights of the Phonographic Performance Company of Australia (PPCA) under license to APRA and branded as OneMusic Australia - what is the ACCC's view on whether this constitutes an extension of APRA's market power and what conditions can be implemented to ensure the market remains fair and equitable and preserves the interests of the Australian public?

Answer: The ACCC is aware that some market participants are dissatisfied with the performance of various copyright collecting societies. This awareness comes from the inquiry that the Productivity Commission conducted in 2016 into Australia's Intellectual Property Arrangements, and a follow on inquiry that the Department of Communications and the Arts is conducting into the voluntary code of conduct that those societies have adopted.

The ACCC is aware of OneMusic Australia but it is not the subject of an application for authorisation.

The ACCC has received some information from the broader industry alleging concerns under the *Competition and Consumer Act (2010)* (the CCA). The ACCC has not formed a view on whether the conduct by OneMusic raises competition concerns under the CCA.