



29 June 2018

The Director, Copyright Law Section
Department of Communications and the Arts
GPO Box 2154
Canberra ACT 2601

By email: copyright@communications.gov.au

Dear Director,

Exposure Draft—Copyright Amendment (Service Providers) Regulations 2018

The Phonographic Performance Company of Australia Ltd (**PPCA**) welcomes the opportunity to provide comments in respect of the consultation process for the exposure draft of the Copyright Amendment (Service Providers) Regulations 2018 (**Exposure Draft**). PPCA thanks the Department for providing stakeholders with the opportunity to provide comments in relation to this important consultation.

PPCA is a national non-government, non-profit Australian copyright collecting society which was established in 1969. PPCA operates on non-exclusive basis and grants licences for the broadcast, communication or public playing of recorded music and music videos. PPCA represents the interests of over 2,500 recorded music rights holders (licensors) and 4,000 registered Australian recording artists. PPCA's registered artists and record company licensors range from small independent artists and labels to world renowned artists and major label record companies. PPCA distributes the licence fees that it collects from the provision of the aforementioned licences to the record labels and Australian recording artists that are registered with PPCA.

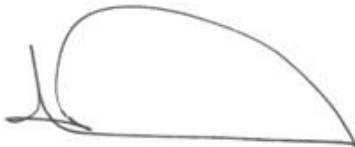
PPCA has consulted with various organisations within the music industry in relation to the Exposure Draft and PPCA endorses the submission made by Music Rights Australia to this consultation process.

As PPCA has noted in previous submissions to the Government, PPCA's licensors and registered artists rely on a strong copyright framework that is fit for purpose. The digital economy and the innovative online business models which are licensed by PPCA's licensors have provided new opportunities for our stakeholders to distribute their music via various digital formats. However, as noted in the submission made by Music Rights Australia to this consultation, the current notice provisions in the Copyright Act are not fit for purpose, particularly in respect of the digital marketplace. Instead of the process of 'notice and takedown' for infringing material which is made available online, PPCA supports the introduction of a 'notice and stay down' procedure.

In respect of the introduction of an industry code, from PPCA's perspective it is important to note that the majority of PPCA's licensors and registered artists are small businesses or individuals that operate with limited resources and infrastructure to enforce their rights in relation to the unlicensed use of their copyright material on a service provider's network. The implementation of an industry code will assist these small businesses to protect their copyright without pursuing litigation at first instance. However, it is essential that the industry code specifies that the costs of operating such a code reside with the relevant service providers that receive the protection of the safe harbour provisions.

We would be pleased to discuss this further with the Department or provide any further information if required.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Small'. The signature is fluid and cursive, with a large loop at the end.

Lynne Small
General Manager