

FURTHER SUBMISSION BY APRA|AMCOS
ON THE TRANS-PACIFIC PARTNERSHIP INITIATIVE.

Trade Commitments Branch
DFAT
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Barton ACT 0221

By email tpp@dfat.gov.au

Dear Sirs

Further background information on APRA|AMCOS capacity building and technology transfer in copyright administration in the region.

AMCOS has already made a joint confidential submission with Music Industry Piracy Investigations Pty Ltd (MIPI) on the Trans-Pacific Strategic Economic Partnership Agreement (the "TPP") on 2 June 2010. Apart from supporting the need for a strong intellectual property ("IP") chapter in the TPP, as discussed in the case study on copyright enforcement in Fiji in that submission, we would like to provide further information about regional cooperation facilitated by APRA|AMCOS. This is undertaken to foster economic development and integration in the region through capacity building and technology transfer in the area of the cultural industries and specifically in music copyright.

APRA|AMCOS is also a member of the Music Council of Australia and we also endorse the sentiments expressed in their submission. While the current negotiating parties to the TPP are Brunei, Chile, New Zealand, Singapore, Peru, the United States and Vietnam, if the TPP is intended to provide a template for further economic cooperation for development for the Pacific as well as the broader Asia Pacific region, we believe that the copyright industries in those countries provide a key to their sustainable development and that Australia is best placed to facilitate such cooperation.

The Australasian Performing Right Association Limited

Australasian Performing Right Association (APRA) is a non-profit organisation, established in 1926, which represents over 62,000 Australasian composers, songwriters and music publishers. It administers the Performing Rights in music of its members and affiliated societies in Australia, New Zealand and the anglophone Pacific. It represents its members' interests around the world through reciprocal representation agreements with similar organisations.

Australasian Mechanical Copyright Owners Society

As we set out in our submission of 2 June 2010, Australasian Mechanical Copyright Owners Society (AMCOS) is a non-profit company representing over 2000 music publishers and composers in Australasia and administers certain reproduction rights on behalf of its members and affiliated societies around the world. APRA administers the operations of AMCOS, under contract.

Our Further Submission

APRA|AMCOS represents copyright owners throughout its Pacific territories and has been working with governments in the region, as well as regional bodies such as the Pacific Island Forum (PIF), the Secretariat of Pacific Communities (SPC) and the Pacific Island Trade and Investment Commission (PITIC). These activities assist Australia in achieving APEC's primary goals of voluntary cooperation, capacity building, sharing of best practices, and working with the private sector, to implement necessary reforms in infrastructure development, education and workforce training, and regulatory frameworks.

Realising the benefits of success of such initiatives is through the export revenue generated by effective copyright laws and enforcement in these territories, as well as rights administration infrastructure. To those ends, regional and bi-lateral trade agreements refer to and supplement existing minimum standards as well as obligations to assist developing nations through capacity building. There are also requirements for technical cooperation activities in copyright under TRIPs and APEC.

APRA is the oldest and most developed collecting society for musical works in the region and we have been very active in the establishment, training and technology transfer to music collecting societies in the region. We regularly advise, assist and host training sessions for societies in China, Thailand, Philippines, Malaysia, Chinese Taipei, etc. We were one of the first societies to assist in the establishment of a music copyright society in Vietnam (VCPMC) and have hosted detailed training sessions for employees of VCPMC many times over the last few years. We play a leading role in the Asia Pacific Committee of the International Confederation of Authors and Composers Societies (CISAC), with its regional office in Singapore, as well as working with the Singapore office of the World Intellectual Property Organisation (WIPO) to achieve regional harmonisation and development of copyright laws. This is particularly important in the digital era, in cooperating and elaborating regional approaches and regimes for cross border licensing and enforcement.

In the area of IP, we believe IP chapters in regional agreements provide mechanisms for improving copyright regimes in developing countries and facilitate access to copyright works on just terms. They provide an important avenue to raise non-compliant measures in copyright and to offer capacity building, technical cooperation and technology transfer to developing markets for musical works. This is particularly the case for many of our important emerging markets in the territories that Australia has concluded, or is considering, agreements with, such as China, Japan, Korea, ASEAN, India, as well as the TPP. In the case of developing countries and least developed countries in the Pacific region, investment in local music and cultural industries leverages their significant cultural heritage to support job creation, tourism and cultural export opportunities through benefit sharing in copyright administration.

The submission by the Music Council of Australia to DFAT on the TPP highlighted the importance of the 2009 accession of Australia to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. We believe that the establishment of effective music copyright societies ensures the participation of creators from developing countries in the equitable commercial exploitation of their works in the digital age. APRA|AMCOS hosted the first Asia Pacific regional meeting of the International Federation of Coalitions for Cultural Diversity in July this year. Key cultural policy makers from the region attended and the focus was on measuring the size of the contribution of cultural industries to development in those territories.

APRA established and maintained an office in Fiji from the mid 1980s to ensure local songwriters could benefit from the commercial exploitation of their works in Fiji and abroad. Over 10 years ago a local society the Fiji Performing Right Association (FPRA) was established to take over the operations locally. We have previously described the anti-piracy activities we have undertaken with the government and the local society in Fiji. We also maintain our assistance to FPRA in terms of governance, management, education, workshops, training as well as providing on-line access to the “CMS Pacific” software – a documentation and distribution platform that allows FPRA to register the works internationally through the CISNet database of musical works. It ensures that Fiji repertoire has access to all of the international standard metadata to ensure its proper identification in traditional and digital services around the world. It also allows FPRA to input music usage information for distribution of its licensing revenues. CMS Pacific is also to be made available to other societies that we are working to establish in our other Pacific territories such as PNG, Samoa, Tonga.

APRA has also partnered with WIPO, especially the new Copyright Development Services Division, in national and regional training seminars and workshops on copyright and collective management. APRA held a two day workshop on Copyright Administration in the Pacific in Brisbane in 2007 with WIPO and our Attorney General’s department. I attach a copy of the program for your information. APRA was also a founding member of the Pacific Arts Alliance and participated in workshops at the Festival of Pacific Arts in 2008.

Australia’s well developed copyright regime and music industry allows great scope for partnerships with Pacific Island musicians and APRA has supported many of these opportunities for showcases and co-writing opportunities. We note the details of the ABC’s Pacific content on their regional broadcasting services in submissions they have made on the TPP. APRA|AMCOS’ development activities in the field on music copyright in the region ensure benefit sharing for the copyright owners of materials used in these services. As for cultural export for the Pacific more generally, APRA’s involvement in the Australian World Music Expo in Melbourne each year, www.awme.com, and the One Movement for Music Festival and Asia-Pacific MusExpo workshops, www.onemovementmusic.com, provide unparalleled access for Pacific musicians and industry for exposure to major markets and the development of export revenue streams.

We note that a recent trade policy working paper published by the OECD on “Policy Complements to the strengthening of IPRs in Developing Countries”, notes that with a 1% increase in copyright protection in such economies, there is a 6.8% increase in FDI¹. Therefore, provisions in trade agreements that facilitate the enforcement of copyright rights, as well as supporting the establishment of collective administration and mechanisms for benefit sharing in the cultural industries; will play a significant role in economic and cultural development.

In conclusion, we believe a strong IP Chapter in the TPP will provide a useful framework for cooperation and development of participating nations, especially through strengthening capacity building and technology transfer in the field of administration and enforcement of music copyright, which is already underway. This reflects the desire of the APEC 2009 Economic Ministers Declaration on strengthening regional economic integration through “a comprehensive long-term growth strategy that supports more balanced growth within and across economies,

¹ Cavazos Cepeda, R., D. Lippoldt and J. Senft (2010), “Policy Complements to the Strengthening of IPRS in Developing Countries”, *OECD Trade Policy Working Papers*, No. 104, OECD Publishing. doi: 10.1787/5km7fnwz85d4-en page 21.

achieves greater inclusiveness in our societies, and which seeks to raise our growth potential through innovation and a knowledge-based economy”.

Thank you for this further opportunity to express our views and to explain our activities in the region. We remain at your disposal if you have any questions or require any further details.

A handwritten signature in black ink, appearing to read 'Scot Morris', with a stylized, flowing script.

Scot Morris
Director International

Copy to: Sabiene Heindl, General Manager, MIPI