



16 March 2018

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

By email: copyright.consultation@communications.gov.au

Dear Director,

Review of Copyright Online Infringement Amendment

Phonographic Performance Company of Australia Ltd (**PPCA**) would like to thank the Department of Communications and the Arts (the **Department**) for providing PPCA with the opportunity to make a submission in relation to the review of the *Copyright Amendment (Online Infringement) Act 2015* (**Online Infringement Amendment**).

PPCA is a national non-government, non-profit Australian copyright collecting society which was established in 1969. PPCA represents the rights of registered artists and record labels and grants non-exclusive licences for the broadcast, communication or public playing of recorded music and music videos.

PPCA consults with parties across the music industry on issues that are of importance to PPCA's licensors and registered artists. In relation to the Department's review of the Online Infringement Amendment, PPCA supports the submission made to the Department by Music Rights Australia (**MRA**).

The widespread availability of unlicensed music online has a negative impact on PPCA's registered artists and licensors. It also affects many of PPCA's licensees who operate legitimate businesses in a market that is distorted due to the pervasiveness of unlicensed online services such as peer-to-peer file-sharing networks and streaming services. The Online Copyright Infringement Amendment remains an important facet of Australia's copyright law framework by enabling rights holders to obtain injunctive relief against infringing sites. This consequently allows legitimate online services to operate on a more level playing field.

As noted in the submission made by MRA to this review, the initial data suggests that the site blocking orders made under s115A of the Copyright Act (Cth) 1968 are yielding positive results and disrupting access to the unlicensed sites which are the subject of those orders. PPCA remains supportive of the Online Infringement Amendment and we believe that it is an important mechanism for providing online copyright protection and assists in reducing the accessibility of overseas infringing websites in Australia.

However as noted by MRA, any proposed amendments to the legislation should be deferred for at least 18 months to enable a more conclusive assessment of the long-term effectiveness of the Online Infringement Amendment to be completed.

PPCA thanks the Department for providing PPCA with the opportunity to comment on this review and we look forward to engaging in a further dialogue with the Department if requested.

Yours sincerely,

Lynne Small
General Manager