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ARTISTS AND RECORDING LABELS WIN IN HIGH COURT ON SIMULCAST CASE

Artists and recording labels have welcomed a decision by the High Court of Australia which confirms that licence fees should be paid by commercial radio stations for recorded music streamed via internet simulcasts.

The High Court has rejected a leave application by Commercial Radio Australia and cemented an earlier ruling of the Federal Court which found that internet simulcasts of radio programs fall outside the definition of a “broadcast” under the Copyright Act, and are therefore not covered by existing licences granted to Australian commercial radio stations.

The Phonographic Performance Company of Australia (PPCA) has been fighting the case on behalf of artists and labels for more than 4 years

PPCA CEO Dan Rosen said, “This puts an end to the legal wrangling over payment for recorded music streamed on the internet. It confirms radio stations must pay a licence fee for streamed music and we hope to move quickly to work out a fair and proper licensing deal. We look forward to working with radio to establish equitable arrangements.

“For too long radio has had a free kick - driving listening audience numbers and profits via the internet while not paying artists fairly for use of their recordings.”

Importantly a new licence for streamed music will not be bound by the controversial statutory cap which limits the maximum amount commercial radio operators can be asked to pay for broadcasting music to just one per cent of their gross income.

PPCA is continuing its campaign to scrap the one per cent cap. Recently the Australian Law Reform Commission released a discussion paper as part of the Copyright and the Digital Economy inquiry and concluded, *“there appears to be a strong case for repeal of the one per cent cap.”*

Any new music licence fees-whether for broadcast or internet streaming - will be either agreed by negotiation or set by the independent Copyright Tribunal.

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About PPCA

PPCA is a national, non-profit organisation established in 1969 to provide non-exclusive licences for the public performance and broadcasting of protected sound recordings and music videos. PPCA distributions are made directly to copyright owners and to Australian recording artists registered with PPCA under its artist direct distribution scheme.

Internet streaming tariffs will apply to all recordings (**both Australian and international**) which are protected under copyright law.