

**AUDIO VISUAL COPYRIGHT SOCIETY LIMITED (trading
as Screenrights) AND FOXTEL MANAGEMENT PTY
LIMITED
COPYRIGHT TRIBUNAL CASE (CT1 of 2010)**

Screenrights and Foxtel were parties to an earlier application to the Copyright Tribunal, which was determined by the Tribunal in 2006 to determine the value of retransmission of the five primary channels (ABC, SBS, Seven, Nine and Ten) and ABC2 and SBS2.

With the launch of the free to air high definition multichannels in 2008, Foxtel commenced retransmitting these additional channels to its subscribers under the statutory licence in Part VC of the Copyright Act. Further new multichannels such as ABC3, Go!, 7Two and Eleven have since been launched and are also being retransmitted. A total of 9 new multichannels are currently being retransmitted by Foxtel.

Audio Visual Copyright Society Limited known as Screenrights administers the provisions in Part VC of the Copyright Act and has been seeking agreement from Foxtel for the payment of equitable fees for this retransmission of its members' content.

Foxtel and Screenrights have to date not been able to reach agreement on the amount payable.

Accordingly, Screenrights has applied to the Copyright Tribunal, a division of the Federal Court, to determine the amount payable. This is being heard before Tribunal members, Justice Jago and Dr HA Sibley, between 30 January and 10 February 2012.

WHAT IS RETRANSMISSION?

Retransmission royalties are generated when free to air television or radio broadcasts are retransmitted across a different network. This is because provisions in the Australian Copyright Act allow broadcasts of copyright material to be retransmitted in Australia provided the retransmitter pays a royalty to the copyright owners.

Screenrights has been appointed by the Australian Government to administer these provisions, with royalties payable to rightsholders in programs that are retransmitted from 4 March 2001.

Statement dated 30 January 2012