

**FORM 1**

**APPLICATION FOR GUIDANCE UNDER SECTION 43  
OF THE COMPETITION ACT**

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## PART 2 - INFORMATION TO BE PROVIDED BY THE UNDERTAKING MAKING THE APPLICATION

<b>1</b>	<b>Information about the Applicant(s) and the Other Parties to the agreement (the “Digital MOU”)</b>
1.1	<p><u>Applicant’s details</u></p> <p>Name: Music Publishers (S) Ltd (“MPS”)  Address: 79 Anson Road, #07-03 Singapore 079906  Tel: +65-6220 8858  Fax: +65-6220 6778  Email: info@mps.org.sg</p> <p>Description of business: MPS an association currently comprising 12 publishers. The publishers own the mechanical rights to a substantial number of musical works in Singapore. MPS is a non-commercial and non-profit making organisation and its principal activity is to act as a representative of the music publishers of Singapore in the protection and exploitation of their rights.</p>
1.2	<p><u>Applicant’s Representative’s details</u></p> <p>Name: Ivy Peh Choo Choo  Address: 79 Anson Road, #07-03 Singapore 079906  Tel: + 65 – 6534 7277  Fax: +65- 6534 7377  Email: ivypeh@touchmp.com  Capacity/Designation: Director</p>
1.3	<p><u>Proof of authority</u></p> <p>Written proof of the representative’s authority is attached under <b>Annex A</b> of this application.</p>
1.4	<p><u>Joint application</u></p> <p>Not applicable.</p>
1.5	<p><u>Brief description of the goods and services</u></p> <p>The publishers own the mechanical rights to a substantial number of copyrighted musical works in Singapore. The mechanical rights in a copyrighted musical work include the right to download and make digital copies. MPS assists the music publishers to licence these rights to end users.</p> <p>The Composers and Authors Society of Singapore Ltd (“COMPASS”) owns the public performance rights to a substantial number of copyrighted musical works in Singapore. The public performance rights in a copyrighted musical work include the right to stream over the internet. COMPASS also owns the mechanical rights to a small number of copyrighted musical works in Singapore. COMPASS licences these rights to end users.</p>

	<p>Under the Digital MOU, the parties intend to jointly license the mechanical and performance rights in respect of musical works to users of digital services (the “<b>Digital Licensees</b>”) in Singapore (the “<b>joint licence</b>”)</p>
1.6	<p><u>Other parties to the Digital MOU</u></p> <p>(a) <u>Details of party</u>  Name: Composers and Authors Society of Singapore Ltd (“<b>COMPASS</b>”)  Address: 37 Craig Road, Singapore 089675  Tel: 6323 6630  Fax: 6323 6639  Email: enquiry@compass.org.sg  Description of business: COMPASS is an organisation created to protect and promote the copyright interests of composers, authors and publishers of musical works. COMPASS is a non-profit organization which administers public performance, broadcast and reproduction rights in musical works. Although COMPASS mainly licenses performance rights, it also licenses some mechanical rights on behalf of a few independent songwriters and publishers.</p> <p><u>Contact person</u>  Name: Melvin Tan  Address: 37 Craig Road, Singapore 089675  Tel: + 65 – 6323 6630  Fax: +65 – 6323 6639  Email: melvintan@compass.org.sg  Designation: Licensing Manager</p> <p>(b) <u>Details of party</u>  Name: EMI Music Publishing Group Singapore Pte Ltd  Address: 50 Raffles Place, #32-01, Singapore Land Tower, Singapore 048623  Tel: +603-2201 6888  Fax: +603-2201 6999  Email: singapore@emimusicpub.com  Description of business: EMI Music Publishing Group Singapore is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p> <p><u>Contact person</u>  Name: Elizebeth Ku  Address: Suite 21-7, The Boulevard, Lingkaran Syed Putra,  Mid Valley City, 59200 Kuala Lumpur, Malaysia  Tel: +603-2201 6888  Fax: +603-2201 6999  Email: eku@emimusicpub.com  Designation: Finance &amp; Administration Manager</p> <p>(c) <u>Details of party</u>  Name: Forward Music Publisher Pte Ltd  Address: 4B, Bukit Pasoh Road, Singapore 089818  Tel: +65-6324-4290  Fax: +65-6324-4291  Email: N/A  Description of business: Forward Music Publishing Pte Ltd is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p>

	<p><u>Contact person</u>  Name: Andrew Wong  Address: 4B Bukit Pasoh Road, Singapore 089818  Tel: +65-6324 4290  Fax: NIL  Email: forwardmp@pacific.net.sg  Designation: Publishing Executive</p>
(d)	<p><u>Details of party</u>  Name: HIM International Music Pte Ltd  Address: 745 Toa Payoh Lorong 5, The Actuary, #02-02B, Singapore 319455  Tel: +65-6478-0660  Fax: +65-6478-0770  Email: N/A  Description of business: HIM International Music Pte Ltd is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p> <p><u>Contact person</u>  Name: Er Puay Siam  Address: 745 Toa Payoh 5, #02-02B The Actuary, Singapore 319455  Tel: +65-6478 0660 extn 202  Fax: +65-6478 0770  Email: emilyer@himmusic.com.sg  Designation: General Manager</p>
(e)	<p><u>Details of party</u>  Name: Life Music Publishing Pte Ltd  Address: 1, Sims Lane, #04-03, Singapore 387355  Tel: +65-6749-4910  Fax: +65-6749-4907  Email: N/A  Description of business: Life Music Publishing Pte Ltd is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p> <p><u>Contact person</u>  Name: Lee Su Ping  Address: No. 66-68, Jalan Raja Chulan 50200 Kuala Lumpur, Malaysia  Tel: +603 - 20707524  Fax: +603- 2078 3213  Email: <a href="mailto:supping@goodsound.com.my">supping@goodsound.com.my</a> / <a href="mailto:supping@liferecords.com">supping@liferecords.com</a>  Designation: Manager</p>
(f)	<p><u>Details of party</u>  Name: Music &amp; Melody Pte Limited  Address: 20, Kramat Lane, #04-06, United House, Singapore 228773  Tel: +65-6238-2311  Fax: +65-6238-2310  Email: N/A  Description of business: Music &amp; Melody Pte Limited is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p>

	<p><u>Contact person</u>  Name: Paul Edwards  Address: 5A Ontario Ave, #03-02, Singapore 576194  Tel: +65 – 9633 9100  Fax: NIL  Email: music@singnet.com.sg  Designation: Director</p>
(g)	<p><u>Details of party</u>  Name: Peermusic Pacific Pte Ltd  Address: 2 Orchard Link #04-01A *SCAPE Mall  Singapore 237978  Tel: +65 6534 7277  Fax: +65 6534 7377  Email: N/A  Description of business: Peermusic Pacific Pte Ltd is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p> <p><u>Contact person</u>  Name: Ivy Peh  Address: 2 Orchard Link #04-01a , SCAPE Mall, Singapore 278978  Tel: +65-6534 7277  Fax: +65-6534 7377  Email: Singapore@peermusic.com  Designation: Publishing Administrator</p>
(h)	<p><u>Details of party</u>  Name: Rock Music Publishing (S) Pte Ltd  Address: 16 New Industrial Road, #05-08 Hudson Technocentre, Singapore 536204  Tel: +65-6286-5066  Fax: +65-6281-6533  Email: N/A  Description of business: Rock Music Publishing (S) Pte Ltd is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p> <p><u>Contact person</u>  Name: Angie Neo  Address: 16 New Industrial Road #05-08 Hudson Techno Centre,  Singapore 536204  Tel: +65-6286 5066 extn 135  Fax: +65-62816533  Email: angie@rock-records.org  Designation: Financial Manager</p>
(i)	<p><u>Details of party</u>  Name: Sony Music Publishing Pte Ltd  Address: 100 Amoy Street, Singapore 069920  Tel: +65-6213-5873  Fax: +65-6353-1771  Email: N/A  Description of business: Sony Music Publishing Pte Ltd is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p>

	<p><u>Contact person</u>  Name: Sharon Chua  Address: 100 Amoy Street, Singapore 069920  Tel: +65-6213 5873  Fax: +65-5353 1771  Email: Sharon_chua@sonyatv.com  Designation: Publishing Manager</p>
(j)	<p><u>Details of party</u>  Name: Touch Music Publishing Pte Ltd  Address: 2 Orchard Link #04-01A *SCAPE Mall, Singapore 237978  Tel: +65 6534 7277  Fax: +65 6534 7377  Email: N/A  Description of business: Touch Music Publishing Pte Ltd is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p> <p><u>Contact person</u>  Name: Karen Sim  Address: 2 Orchard Link #04-01a, SCAPE, Singapore 237978  Tel: +65-6534 7277  Fax: +65-6534 7377  Email: karensim@touchmp.com  Designation: Publishing Manager</p>
(k)	<p><u>Details of party</u>  Name: Universal Music Publishing Pte Ltd  Address: 31 Kaki Bukit Road 3, #07-02 (Lobby B), Techlink, Singapore 417818  Tel: +603 7620 1194  Fax: +603 7954 6198  Email: N/A  Description of business: Universal Music Publishing Pte Ltd is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p> <p><u>Contact person</u>  Name: Teo Chen Shin  Address: 31 Kaki Bukit Road 3, #07-02 (Lobby B)  Techlink, Singapore 417818  Tel: +603-7620 1194  Fax: +603-7954 6198  Email: jack.teo@umusic.com  Designation: General Manager</p>
(l)	<p><u>Details of party</u>  Name: Universal Music Publishing MGB Singapore Pte Ltd  Address: 31 Kaki Bukit Road 3, #07-02 (Lobby B), Techlink, Singapore 417818  Tel: +603 7620 1194  Fax: +603 7954 6198  Email: N/A  Description of business: Universal Music Publishing MGB Singapore is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p>

	<p><u>Contact person</u>  Name: Teo Chen Shin  Address: 31 Kaki Bukit Road 3, #07-02 (Lobby B)  Techlink, Singapore 417818  Tel: +603-7620 1194  Fax: +603-7954 6198  Email: jack.teo@umusic.com  Designation: General Manager</p>
(m)	<p><u>Details of party</u>  Name: Warner/Chappell Music Singapore Pte Ltd  Address: 1 Jalan Kilang Timor, #04-05, Pacific Tech Centre, Singapore 159303  Tel: +603 7721 2705 or +603 7721 2713  Fax: +603 7721 2701  Email: N/A  Description of business: Warner/Chappell Music Singapore Ltd is a music publisher which owns and licences out the mechanical rights to a number of musical works in Singapore.</p> <p><u>Contact person</u>  Name: Carol Chan  Address: Suite 2.2, 2<sup>nd</sup> Floor, Bangunan THK,  No.2A, Jalan 243, Seksyen 51A  46100 Petaling Jaya, Selangor Darul Ehsan  Tel: +603 – 7721 2700  Fax: +603 – 7721 2701  Email: carol.chan@warnerchappell.com  Designation: Regional Administration Director, Asia Pacific</p>
1.7	<p><u>Steps taken to notify parties to the Digital MOU of the Application</u></p> <p>Clause 11 of the Digital MOU expressly provides that the Digital MOU will be referred to the CCS. Each party to the Digital MOU will be notified of the submission to CCS within 7 working days from the date on which the application is lodged.</p> <p>Not all parties have received a copy of the Application as of the date of the application.</p> <p>The following information is confidential:</p> <p><u>From Form 1:</u></p> <ul style="list-style-type: none"> <li>(a) The Royalty Rate</li> <li>(b) Annual Report and turnover of Life Music Publishing Pte Ltd (2011)</li> <li>(c) Annual Report and turnover of Peermusic Pacific Pte Ltd (2011)</li> </ul> <p><u>From supporting documents:</u></p> <ul style="list-style-type: none"> <li>(a) The Digital Memorandum of Understanding</li> </ul>
1.8 & 1.9	<p><u>Group Relationships<sup>1</sup></u></p>

<sup>1</sup> The following information is based on information obtained from ACRA, and the most recent annual reports of each entity which are annexed to this Application.



(a)	<u>MPS</u> MPS is a company limited by guarantee. Its members are the 12 music publishers listed under Paragraph 1.6 above.
(b)	<u>COMPASS</u> COMPASS is a company limited by guarantee.
(c)	<u>EMI Music Publishing Group Singapore Pte Ltd</u> Ultimate parent: EMI Group Ltd (USA) Immediate parent: EMI Group Holdings Singapore Pte Ltd (Singapore)
(d)	<u>Forward Music Publishing Pte Ltd</u> Ultimate parent: Forward Investment Co, Ltd (Taiwan) Immediate parent: Forward Music Publishing Co, Ltd (Taiwan)
(e)	<u>HIM International Music Pte Ltd</u> Ultimate parent: HIM International Music Inc (Taiwan) Immediate parent: HIM International Music Inc (Taiwan)
(f)	<u>Peermusic Pacific Pte Ltd</u> Ultimate parent: Songs Of Peer, Ltd (USA) Immediate parent: Songs of Peer, Ltd (USA)
(g)	<u>Rock Music Publishing (S) Pte Ltd</u> Ultimate parent: Rock Records Co, Ltd (Taiwan) Immediate parent: Rock Records Co, Ltd (Taiwan)
(h)	<u>Sony Music Publishing Pte Ltd</u> Ultimate parent: Sony Corporation (Japan) Immediate parent: Sony Corporation of America (USA)
(i)	<u>Touch Music Publishing Pte Ltd</u> Ultimate parent: Ocean Butterflies Holdings Inc. (Cayman Islands) Immediate parent: Ocean Butterflies International Pte Ltd (Singapore)
(j)	<u>Universal Music Publishing Pte Ltd</u> Ultimate parent: Vivendi SA (France) Immediate parent: Universal Music Pte Ltd (Singapore)
(k)	<u>Universal Music Publishing MGB Singapore Pte Ltd</u> Ultimate parent: Vivendi SA (France) Immediate parent: Universal Music Publishing MGB Holding B.V. (France)

	(l) <u>Warner/Chappell Music Singapore Pte Ltd</u>  Ultimate parent: Warner Acquisition Corp (USA) Immediate parent: Warner/Chappell Music, Inc (USA)
<b>2</b>	<b>Purpose of Application</b>
2.1	<u>Relevant prohibition</u>  This Application is made in relation to the s. 34 prohibition.
2.2	<u>Guidance or Decision</u>  This Application is for guidance.
2.3	<u>Provisions / effects of the Digital MOU which may breach the s. 34 prohibition</u>  The parties to the Digital MOU are in the business of music publishing, including the licensing of copyright in musical works. They are entering into an agreement to market their copyright under a single joint licence.  Clause 1 of the Digital MOU defines “Royalty Rate” as “[CONFIDENTIAL] of the Retail Price of the Services... or at such rate or rates as shall be advised by the Party or Parties from time to time.”  The Royalty Rate is the rate charged to Digital Licensees for the joint licence created under the Digital MOU.
2.4	<u>Block Exemption</u>  The Applicant is unaware of any applicable block exemption.
2.5	<u>Relevant Exclusion</u>  The Applicant considers that the Digital MOU is entitled to benefit from the “net economic benefit” exclusion under s. 35 of the Competition Act.  The economic gains from the Digital MOU are as follows: <ul style="list-style-type: none"> <li>• <b>Lower costs for Digital Licensees</b> – The joint licence will result in a reduction of the royalty rate paid by the Digital Licensees for mechanical and performance rights in the musical works. Under the Digital MOU, the royalty rate will be [CONFIDENTIAL] or such other rate as shall be advised by the parties. The current royalty which Digital Licensees pay separately is 12.5%, comprising 6% to the publishers and 6.25% to COMPASS.</li> <li>• <b>Convenience and efficiency</b> – The joint licence gives the Digital Licensees the convenience of obtaining a single licence which allows music downloading and streaming services by dealing with only one collecting society in their licensing arrangement, saving time and transaction costs. MPS will license the mechanical and performance rights to the Digital Licensees and collect the licensing fees on behalf of the publishers and COMPASS.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>New forms of distribution</b> – Digital Licensees such as Spotify and others are waiting to enter the Singapore market provided that the parties establish and offer a joint licence for their use.</li> </ul> <p>The anti-competitive effects of the Digital MOU are limited for the following reasons:</p> <ul style="list-style-type: none"> <li>• In respect of most musical works, the publishers and COMPASS do not have the same types of rights in these musical works. The publishers will have the mechanical rights, and COMPASS will have the public performance rights. Digital Licensees will therefore have to obtain licences from both the publishers and COMPASS separately in order to be sure that they have sufficient rights to provide their services. Therefore, the publishers and COMPASS are not strictly competitors.</li> <li>• The joint licence is a copyright pool. The rights being jointly offered are complementary and not substitutes of each other because both the mechanical rights and the performance rights are necessary for Digital Licensees to provide their Services.</li> <li>• The Digital MOU is a non-exclusive licensing arrangement which does not expressly prohibit the Digital Licensees from obtaining the mechanical rights and the performance rights independently of each other and on different terms by negotiating with MPS and COMPASS separately, and the parties have not agreed to fix the royalties in such cases.</li> </ul> <p>Having a fixed Royalty Rate is indispensable for the following reasons:</p> <ul style="list-style-type: none"> <li>• Multiple rights holders who come together to create a joint licence which may be obtained from a single source need to agree on royalties in order for the joint licence to exist in the market.</li> </ul>
3	<b>Details of the Agreement</b>
3.1	<p><u>Brief description of the Digital MOU</u></p> <p>As described in paragraph 1.5 above, the Digital MOU is an agreement between MPS, the 12 music publishers and COMPASS to offer their rights in a number of musical works jointly in order to create a single joint licence that would be sufficient for Digital Licensees like Spotify to distribute the musical works online. The purpose of the Digital MOU is to provide a simple one-stop licensing model to Digital Licensees in Singapore.</p> <p>The Digital MOU is to take effect from 1 June 2012 and will expire on 31 May 2014. It may be renewed thereafter.</p>
3.2	<p><u>Certified copy of the Digital MOU</u></p> <p>[CONFIDENTIAL]</p>
3.3	<p><u>Relevant provisions of the Digital MOU which restricts independent decisions</u></p> <p>Clause 1 of the Digital MOU requires that the “Royalty Rate” charged to Digital Licensees is [CONFIDENTIAL], or such other rate as may be advised by the parties to the Digital MOU.</p>

3.4	<u>Standard form terms and conditions</u>  Not applicable.
4.	<b>Information on the Parties to the Agreement or Conduct and the Groups to Which They Belong</b>
4.1	<u>Applicable turnover</u>  The information below is obtained based on the information found in the latest available annual reports and accounts. The annual reports and accounts of each party and their ultimate parent companies (where applicable) are attached under Annex C and Annex D.
(a)	<u>MPS</u>  Turnover: SGD 11,486 (2011) % of turnover due to music publishing in Singapore: up to 100 %
(b)	<u>COMPASS</u>  Turnover: SGD 18,538,002 (2011) % of turnover due to music publishing in Singapore: up to 100 %
(c)	<u>EMI Music Publishing Group Singapore Pte Ltd</u>  Turnover: SGD 1,270,816 (2011) % of turnover due to music publishing in Singapore: up to 100 %
(d)	<u>Forward Music Publisher Pte Ltd</u>  Turnover: SGD 133,148 (2010) % of turnover due to music publishing in Singapore: up to 100 %
(e)	<u>HIM International Music Pte Ltd</u>  Turnover: SGD 16,112,124 (2011) % of turnover due to music publishing in Singapore: up to 100 %
(f)	<u>Life Music Publishing Pte Ltd</u>  Turnover: [CONFIDENTIAL]
(g)	<u>Music &amp; Melody Pte Limited</u>  Turnover: No Annual Report available % of turnover due to music publishing in Singapore: up to 100 %
(h)	<u>Peermusic Pacific Pte Ltd</u>  Turnover: [CONFIDENTIAL]

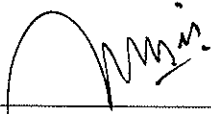
	(i)	<u>Rock Music Publishing (S) Pte Ltd</u> Turnover: SGD 153,046 (2011) % of turnover due to music publishing in Singapore: up to 100 %
	(j)	<u>Sony Music Publishing Pte Ltd</u> Turnover: SGD 3,847,584 (2011) % of turnover due to music publishing in Singapore: up to 100 %
	(k)	<u>Touch Music Publishing Pte Ltd</u> Turnover: SGD 541,929 (2010) % of turnover due to music publishing in Singapore: up to 100 %
	(l)	<u>Universal Music Publishing Pte Ltd</u> Turnover: SGD 1,239,907 (2010) % of turnover due to music publishing in Singapore: up to 100 %
	(m)	<u>Universal Music Publishing MGB Singapore Pte Ltd</u> Turnover: SGD 496,731 (2010) % of turnover due to music publishing in Singapore: up to 100 %
	(n)	<u>Warner/Chappell Music Singapore Pte Ltd</u> Turnover: SGD 1,221,078 (2011) % of turnover due to music publishing in Singapore: up to 100 %
4.2	<u>Relevant products / service market</u>	
	(a)	<u>MPS</u> Music publishing, including the licensing of copyright in musical works
	(b)	<u>COMPASS</u> Music publishing, including the licensing of copyright in musical works
	(c)	<u>EMI Music Publishing Group Singapore Pte Ltd &amp; parent company</u> Music publishing, including the licensing of copyright in musical works
	(d)	<u>Forward Music Publishing Pte Ltd &amp; parent company</u> Music publishing, including the licensing of copyright in musical works
	(e)	<u>HIM International Music Pte Ltd &amp; parent company</u> Music publishing, including the licensing of copyright in musical works
	(f)	<u>Life Music Publishing Pte Ltd</u> Music publishing, including the licensing of copyright in musical works

	(g)	<u>Music &amp; Melody Pte Limited</u> Music publishing, including the licensing of copyright in musical works
	(h)	<u>Peermusic Pacific Pte Ltd &amp; parent company</u> Music publishing, including the licensing of copyright in musical works
	(i)	<u>Rock Music Publishing (S) Pte Ltd &amp; parent company</u> Music publishing, including the licensing of copyright in musical works
	(j)	<u>Sony Music Publishing Pte Ltd &amp; parent company</u> Music publishing, including the licensing of copyright in musical works
	(k)	<u>Touch Music Publishing Pte Ltd</u> Music publishing, including the licensing of copyright in musical works
	(l)	<u>Universal Music Publishing Pte Ltd &amp; parent company</u> Music publishing, including the licensing of copyright in musical works
	(m)	<u>Universal Music Publishing MGB Singapore Pte Ltd &amp; parent company</u> Music publishing, including the licensing of copyright in musical works
	(n)	<u>Warner/Chappell Music Singapore Pte Ltd &amp; parent company</u> Music publishing, including the licensing of copyright in musical works Music recording, including the licensing of copyright in musical works
5	<b>Other Information</b>	
5.1	<u>Other helpful information</u>	
	5.1.1	<u>Other reasons why there is no appreciable effect on competition</u> <ul style="list-style-type: none"> <li>• Fixed royalties are an integral part of the market for copyrighted musical works in Singapore under the Singapore Copyright Act. Section 57 of the Singapore Copyright Act fixes a 5% royalty for the recording of musical works.</li> <li>• In any event, as the MOU is a non-exclusive licensing arrangement, there is less likely to be an appreciable effect on competition.</li> </ul>
	5.1.2	<u>Other reasons why there is a net economic benefit</u> <ul style="list-style-type: none"> <li>• The Copyright Tribunal in the UK considered and found that a royalty of 8% was a reasonable royalty to be paid for on-demand downloading and streaming services. (British Phonographic Industry Limited (and various online and mobile providers) v MCPS and PRS [CT84-90/05])</li> </ul>

	<ul style="list-style-type: none"> <li>Courts in the US and in Europe have found that it is not anticompetitive for collective management organisations to create a joint licence, and to agree on the royalties of the joint licence. The fixing of a royalty was found to be indispensable to the creation of a joint licence in such cases. (See <i>Broadcast Music, Inc. v. CBS, Inc.</i> - 441 U.S. 1 (1979) and <i>IFPI 'Simulcasting'</i> (Case No COMP/C2/38.014))</li> </ul>
5.2	<p><u>Fee payment</u></p> <p>A cheque for the sum of S\$3,000.00 has been made out to the Competition Commission of Singapore, and has been enclosed with this Application.</p>
<b>6</b>	<b>Supporting Documents</b>
6.1	<p><u>Written proof of authority</u></p> <p>The written proof of the representative's authority is attached under Annex A</p>
6.2	<p><u>Copy of Digital MOU</u></p> <p>[CONFIDENTIAL]</p>
6.3	<p><u>Annual Reports and Accounts</u></p> <p>Copies of the most recent non-confidential annual reports and company profiles for each party to the Digital MOU are attached under Annex C &amp; E respectively.</p> <p>Copies of the most recent annual reports and accounts for the ultimate parent company, if any, of each party to the Digital MOU are attached under Annex D.</p>
6.4	<p><u>Written Statement on Confidential Information</u></p> <p>The written statement on confidential information is attached under Annex F.</p>

## PART 2A - DECLARATION

The undersigned declare and confirm that all information given in the Form 1 and all pages annexed hereto are correct to the best of their knowledge and belief, and that all estimates are identified as such and are their best estimates based on the underlying facts



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NAME: IVY PEH CHOO CHOO  
Designation: Director, Music Publishers (S) Ltd  
Date: 30 August 2012



## **PART 3 - ACKNOWLEDGEMENT OF RECEIPT**

To: Music Publishers (S) Ltd  
79 Anson Road,  
#07-03  
Singapore 079906

Re: The application dated **30 August 2012** concerning the creation of a joint licence for copyright in musical works under the Digital Memorandum of Understanding involving the following undertakings: Music Publishers (S) Ltd, EMI Music Publishing Group Singapore Pte Ltd, Forward Music Publisher Pte Ltd, HIM International Music Pte Ltd, Life Music Publishing Pte Ltd, Music & Melody Pte Limited, Peermusic Pacific Pte Ltd, Rock Music Publishing (S) Pte Ltd, Sony Music Publishing (Pte) Ltd, Touch Music Publishing Pte Ltd, Universal Music Publishing Pte Ltd, Universal Music Publishing MGB Singapore Pte Ltd, Warner/Chappell Music Singapore Pte Ltd and Composers and Authors Society of Singapore Ltd

Received on:

Registered under the reference number:

## **PART 4 – INFORMATION FOR THE COMMISSION’S PUBLIC REGISTER**

### **Parties:**

- (a) Music Publishers (S) Ltd (“MPS”)
- (b) EMI Music Publishing Group Singapore Pte Ltd
- (c) Forward Music Publisher Pte Ltd
- (d) HIM International Music Pte Ltd
- (e) Life Music Publishing Pte Ltd
- (f) Music & Melody Pte Limited
- (g) Peermusic Pacific Pte Ltd
- (h) Rock Music Publishing (S) Pte Ltd
- (i) Sony Music Publishing (Pte) Ltd
- (j) Touch Music Publishing Pte Ltd
- (k) Universal Music Publishing Pte Ltd
- (l) Universal Music Publishing MGB Singapore Pte Ltd
- (m) Warner/Chappell Music Singapore Pte Ltd
- (n) Composers and Authors Society of Singapore Ltd (“COMPASS”)

### **Summary of Agreement:**

- (a) The Digital Memorandum of Understanding (the “Digital MOU”) is an agreement among a group of copyright licensors to pool and offer their rights in their musical works via a single, joint licence in order to facilitate the distribution of these musical works over the internet.
- (b) MPS represents an association of music publishers who licence out the mechanical rights in a substantial body of musical works. The mechanical rights are necessary in order to offer for download copies of the musical work.
- (c) COMPASS licences out the public performance rights in a substantial body of musical works, and the mechanical rights in a small number of musical works. The public performance rights are necessary to stream the musical work online.
- (d) The music publishers and COMPASS currently license out their rights separately. Therefore, a digital licensee who wishes to distribute music online will need to obtain a licence for the mechanical rights from the music publishers via MPS, and a licence for the public performance rights from COMPASS.
- (e) The main benefit of the Digital MOU is that these digital licensees who wish to distribute the musical works will only need to obtain a single joint licence which will be administered by MPS. This will reduce administrative costs, and allow digital licensees easy access to a large number of musical works.
- (f) The joint licence will coexist with the licenses currently being offered by the music publishers and COMPASS separately.

### **Description of the relevant Goods/Services:**

- (a) The parties are involved in music publishing, including the licensing of the copyright in musical works.
- (b) Under copyright law, a digital licensee who wishes to distribute musical works online in Singapore requires a licence from the owner of the mechanical rights in the musical works, and from the owner of the public performance rights in the musical works.
- (c) The music publishers licence out the mechanical rights in a substantial body of musical works, and these licenses are administered by MPS.
- (d) COMPASS licenses out the public performance rights in a substantial body of musical works, and the mechanical rights in a small number of musical works.
- (e) The joint licence created under the Digital MOU will be a licence for the mechanical rights in the musical works owned by the music publishers, and for the public performance and mechanical rights owned by COMPASS.

## **PART 5 – PAYMENT DETAILS FOR FEES PAYABLE**

To: Finance Department  
Competition Commission of Singapore  
5 Maxwell Road  
#13-01, Tower Block  
MND Complex  
Singapore 069110

I enclose herewith OCBC cheque no. 567827 for the amount of SGD 3,000.00 being the fees payable.



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NAME: IVY PEH CHOO CHOO  
ADDRESS: 79 ANSON ROAD, #07-03 SINGAPORE 079906  
Date: **30 August 2012**