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EDITORIAL – *General Editor: Dianne Nicol* 73

OBITUARY

Vale Jim Lahore: A Personal Tribute 75

ARTICLES

Do Wrongs Make a (Copy)right? Illegal Works and Copyright Subsistence Under Australian Law – *Jordan Leahy and Jani McCutcheon*

Whether copyright subsists in works that were created in contravention of a law is a legal question that generates important social and policy issues. There are significant normative implications in granting wrongdoers a property right as powerful, enduring and extensive as copyright. This reward may encourage or at least normalise unlawful behaviour, and permit wrongdoers to profit from their misconduct. Yet, if copyright subsistence should be denied to such “illegal works”, determining the bases and threshold for exclusion of copyright will be difficult. This article interrogates these demanding issues, and ultimately argues that copyright will and should subsist in works created in contravention of law. 78

If Value Then Right? Copyright and Works of Non-human Authorship – *Dilan Thampapillai*

Copyright law must eventually decide how it will respond to the emergence of sophisticated artificial intelligence (AI) technologies that have the capability of mimicking human authors. Any move to accommodate AI within the framework of copyright law will create profound doctrinal and philosophical tensions. Nevertheless, there are sound reasons for pushing ahead with law reform in this area lest the law becomes superseded or an impediment to progress. The case for reform and the shape it will take is a matter of great controversy. This article addresses the difficulties and drivers in this area of the law. 96

Limiting Access, Limited Blocking: Evidence and Practice in s 115A Injunctions – *Rob Nicholls*

Section 115A of the *Copyright Act 1968* (Cth) provides copyright owners with the ability to seek an injunction to disable access to online services that infringe or facilitate copyright infringement and have infringement as a primary purpose or effect. This article sets out the rationale for the access limitation approaches that are used by copyright holders and discusses their limitations. 114

