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Can Copyright Survive GenAI? Second Annual Jill McKeough lecture, 5 March 2026 – *David Lindsay*

Since ChatGPT was released in November 2022, policy makers have struggled to meet the fundamental challenges posed by generative AI (GenAI) for copyright law and policy. Responses to the rise of GenAI have been radically polarised, with some (largely in the tech industry) arguing that copyright restrictions inhibit beneficial innovation while others (including those in the arts) argue that GenAI undermines incentives to produce creative content. This edited and updated version of the annual Jill McKeough lecture, delivered at UTS on 5 March 2026, critically analyses the significant challenges GenAI poses for Australian copyright law and policy. First, it introduces the essential background to these challenges by explaining why GenAI developers have engaged in the widespread unauthorised copying and use of copyright works. Second, the lecture sets out seven fundamental propositions about the relationship between copyright and GenAI, which serves to frame the analysis. Third, the current Australian policy debate is introduced. Fourth, the lecture explains and analyses unresolved legal and policy issues relating to whether the use of copyright works in GenAI training is, or should be, infringing. Fifth, the lecture identifies and analyses three immediate policy issues that must be resolved for Australian copyright law to successfully meet the challenges of GenAI: opt-ins or opt-outs of the use of works in GenAI training; transparency of training data sets; and licensing issues, including issues relating to voluntary licensing, compulsory licensing, extended collective licensing and levies. Overall, the lecture concludes that copyright and GenAI can satisfactorily co-exist, but only if prudent and considered reforms are implemented to hold AI developers to account, retain incentives for creators and ensure the sustainability of human-centred creative industries. 137

Copyright Protection for Artificial Intelligence Works: Preventing the Deepfake Demise of the Music Industry – *Mia Grant*

Is affording copyright protection to work generated by artificial intelligence (AI) a mechanism of saving the music industry from demise? This article addresses the question of whether AI works should be afforded copyright protection under Pt III of the Copyright Act 1968 Cth ('Copyright Act'). The current approaches proposed by scholars for AI copyright protection are insufficient to provide certainty for authors and lack consideration of emerging technological advancements. These advancements in relation to literary, artistic, dramatic, and music works are vastly different and have varying effects on the relevant industry. This article will focus on the ability of AI to produce music works and propose a tailored approach to copyright protection to prevent the deepfake demise of the music industry. 153

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