

October 19, 2026

The Hon. Anthony Albanese
Prime Minister
Parliament House
Canberra ACT 2600
Australia

Dear Prime Minister:

We, the undersigned stakeholders, write to you to express grave concerns over proposals to fundamentally alter the founding principles of Australian copyright law and to undermine the viability of the creative and media industries in Australia and beyond. Together, our organizations represent thousands of copyright owners, creative sector organizations, and publishers across the world, all of whom would be affected by ill-considered changes to the Australian copyright regime. Worryingly, these reports come after the Government's outright refusal to adopt a Text and Data Mining (TDM) exception in Australia – a significant show of support for the creative industries.¹

We write following worrying reports that Australia may be making a wrong turn on copyright. Government Ministers are, according to reports, contemplating proposals to grant AI developers a safe harbor for use of copyright protected works for AI, in exchange for donations into a funding pool or reaching a set number of deals with rightsholders.² These options – in addition to proposals to create a vague form of Extended Collective Licensing system³ – are highly disconcerting. They would reduce rightsholders' control over their investments by flipping the default so that content may be taken without permission, devalue the compensation rightsholders may negotiate for access to and use of their works, and destroy fast-developing voluntary AI licensing markets.

Australia has long been a strong supporter of the creative industries and the copyright economy. Capitulating to dominant AI developers by adopting a statutory pool solution would erode this reputation and turn the principles of copyright law upside down. Australia should not abandon its leadership position by aiming instead to adopt permanently weaker protections in exchange for speculative AI investments.

¹ Press Release, *Albanese Government to Ensure Australia Is Prepared for Future Copyright Challenges Emerging from AI*, Attorney General's Department (Oct. 26, 2025), <https://ministers.ag.gov.au/media-centre/albanese-government-ensure-australia-prepared-future-copyright-challenges-emerging-ai-26-10-2025>.

² See Cam Wilson, *Top AI Execs Meet with Albanese Ministers as Leaked Copyright Reforms Spark Political Blow-Up*, ABC (Sep. 16, 2026), <https://www.abc.net.au/news/2026-09-16/top-ai-firms-meet-albanese-ministers-copyright-law/107160498>.

³ See Rita Matulionyte, *Australia Is to Propose New Legislation on AI and Copyright Licensing, But What It Will Look Like?*, Kluwers Copyright Blog (Sep. 24, 2026), <https://legalblogs.wolterskluwer.com/copyright-blog/australia-is-to-propose-new-legislation-on-ai-and-copyright-licensing-but-what-it-will-look-like/>.

The ability of rightsholders to control uses of their works, outside of narrow circumstances, is fundamental to copyright. Forcing rightsholders to effectively forfeit their rights unless they opt-out (through burdensome registries or unworkable technical means, such as robots.txt instructions) or are one of the lucky few with whom AI developers deign to negotiate, would severely undermine this right. The proposals would also amount to a broad TDM exception in all but name – an approach the Government has explicitly rejected – marking Australia as out of step with the US, which does not allow unfettered use of copyrighted content for AI training or other purposes without negotiation. Further, experience in the EU shows that opt-out frameworks don't work in practice, while lawful access requirements fail to operate as the kind of safeguard they sound like. Australia should not be on the side of multinational, dominant tech companies and drive a race to the bottom at the expense of creative industries that support millions of workers and a thriving cultural ecosystem.

Due to the borderless digital ecosystem, policies undermining copyright protections will reverberate worldwide. In addition to inevitable spillover effects and the detrimental precedence set by one of the world's leading creative economies, the proposals risk establishing Australia as a location to launder infringement worldwide, with only minimal compensation from a pool that is overstretched and underfunded to adequately compensate rightsholders. Safeguards to protect against such eventualities would be difficult, if not impossible, to draft, apply, and enforce.

We are concerned the rumoured solutions on the table would be in clear violation of various international treaty obligations, including the Berne Convention for the Protection of Literary and Artistic Works, the WTO TRIPS Agreement, the WIPO Copyright Treaty, and the Australia-United States Free Trade Agreement. These agreements set out requirements regarding rightsholders' rights to control the reproduction and making available of their works, in addition to the right to freely and separately transfer such rights. They also set out a three-step test for limited exceptions that Australia has agreed to respect.

We call on the Australian Government to reject these proposals and to ensure that rightsholders do not become a further casualty of AI developers' relentless efforts to evade costs and responsibility.

Sincerely,

Alliance for Intellectual Property
America's Newspapers (AN)
American Association of Independent Music (A2IM)
American Society of Media Photographers (ASMP)
Anti Copying in Design (ACID)
Dr. Anya Schiffrin
Artists Rights Alliance (ARA)
Asociación Colombiana de Medios de Información
Asociación de Entidades Periodísticas Argentinas (ADEPA)
Asociación de Medios de Información
Association of American Publishers (AAP)
Association of Illustrators (AOI)

Association of Online Publishers (AOP)
Association of Photographers
Association of University Presses
Australian Independent Record Labels Association (AIR)
Brazilian Newspaper Association (ANJ)
British Association of Photo Libraries and Agencies (BAPLA)
Broadcast Music, Inc. (BMI)
Center for Media & Digital Governance
Centro Español de Derechos Reprográficos (Spanish Reproduction Rights Centre) (CEDRO)
Copyright Alliance
Copyright Clearance Center (CCC)
Corint Media
Country Press Australia
CreativeFuture
Digital Content Next (DCN)
Digital Media Leadership Alliance (DMLA)
European Magazine Media Association (EMMA)
European Newspaper Publishers' Association (ENPA)
European Publishers Council (EPC)
Greek Collecting Society for Literary Works (OSDEL)
Independent Society of Musicians (ISM)
International Association of Scientific, Technical & Medical Publishers (STM)
International Federation of Reproduction Rights Organisations (IFRRO)
International Federation of the Phonographic Industry (IFPI)
International Publishers Association (IPA)
Italian Federation of Newspapers and Magazines Publishers (FIEG)
Magyar Lapkiadók Egyesülete (Hungarian Publishers' Association) (MLE)
Music Publishers Canada
National Music Publishers' Association (NMPA)
National Newspaper Association (NNA)
National Press Photographers Association (NPPA)
News Media Association
News Media Canada
News Media Europe (NME)
News/Media Alliance (NMA)
Poska Izba Wydawców (The Polish Chamber of Publishers)
Press Database and Licensing Network (PDLN)
Professional Publishers Association (PPA)
Public Interest Publishers Alliance (PIPA)
Publisher's Association
Recording Industry Association of America (RIAA)
Songwriters of North America (SONA)
Správce Licenčních Práv Vydavatelů (Publishers' Licensing Rights Manager) (SLPV)
Stichting Organisatie voor Persuitgeversrecht (Dutch Foundation for Press Publishers' Rights)
Stowarzyszenie Dziennikarzy i Wydawców Repropol (Association of Journalists and Publishers Repropol)
Sveriges Publicisters Kollektiva Förvaltningsorganisation (SPCMO)

The Authors Guild
The Recording Academy
Verlegerverband SCHWEIZER MEDIEN
VG Newsmedia GmbH
WAN-IFRA World Association of News Publishers

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