

November 2, 2026

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

Dear Prime Minister,

We, the Digital Creators Coalition ("DCC")[1], applaud Australia's longstanding commitment to promoting the creative sectors and protecting copyright. However, we have grave concerns regarding the proposals that the Government of Australia is considering with respect to copyright and artificial intelligence ("AI"). While no legislative text has been released, we understand that the Government is considering several alternative forms of intervention into copyright licensing, including statutory licensing, extended collective licensing, and licensing quotas.

Australia has long been exemplary in terms of supporting creators and defending their rights and has consistently upheld the vital role copyright plays in catalyzing the contributions of the Australian creative sector. Most recently, we were heartened by your statement in July 2026 that, "No company should use Australian books, music, art or news to build or train AI without the artist's control. That includes the artist's control of the price and value of their work. Anything less, is theft".[2] The DCC could not agree more.

[1] The DCC consists of member organizations that represent individual creators, independent producers, small-and-medium-size enterprises, large businesses, and workers from across the copyright-based creative sectors, including movies, music, television, illustrators, photographers, authors, publishers, choreographers and fans as well as news, magazine and digital media. We are committed to advancing the interests of the creative community in the digital environment and are united in our resolve that strong copyright protection for creators should be a top priority for international engagement and economic diplomacy.

[2] *The Guardian*, "'Not up for grabs': Albanese establishes AI office and vows to protect Australian creatives from copyright 'theft'", July 15, 2026, available at: 'Not up for grabs': Albanese establishes AI office and vows to protect Australian creatives from copyright 'theft' | AI (artificial intelligence) | The Guardian. See also Attorney General Rowland announcement in October 2025, "[t]he Government stands behind Australia's creative industries and, by ruling out a Text and Data Mining Exception, is providing certainty to Australian creators." available at: Albanese Government to ensure Australia is prepared for future copyright challenges emerging from AI | Our ministers – Attorney-General's portfolio.

Yet, by announcing its consideration of untested proposals that would severely harm creators and fundamentally undermine the copyright protection on which they depend, in the span of a month and with no material change of fact, the Government of Australia appears to have reversed not only its earlier findings, but also your country's time-honored commitment to protecting artists against the theft of their work.[3] Unfortunately, these proposals reflect a solution in search of a non-existent problem and would usher in an era of:

- ***international non-compliance*** in terms of Australia's international treaty obligations as well as its legal and policy positioning *vis-à-vis* the international community;

- ***creative contraction*** as creators would receive a miniscule fraction of the value of their creation for the wholesale theft of their work, thereby devastating the livelihoods of creators in Australia, significantly diminishing the creative sector's contributions to jobs, growth, and foreign direct investment, and impoverishing the future of Australian creativity and cultural heritage;

- ***AI stagnation*** as the market for voluntary licenses between creators and AI developers will cease, thereby diminishing Australia's long-term innovation potential and undermining the sustainability of its AI market for investment and growth; and

- ***jeopardizing job creation and economic growth*** resulting from the combination of creative sector decline coupled with the as-yet unfulfilled promises of AI that would be exacerbated by the prohibition on imports of copyright-infringing AI models trained in Australia into major overseas markets.

The Proposals Will Leave Australia Isolated Internationally

Several aspects of the proposals are out of compliance with your country's international treaty obligations. For example, the proposals raise serious concerns regarding numerous commitments under the Australia-United States Free Trade Agreement ("AUSFTA") with respect to copyright protections, exceptions and limitations, and contractual freedom. And a "fund" for Australians harmed by the new regime would constitute an additional violation of national treatment under AUSFTA.

Likewise, such proposals contravene or otherwise fundamentally impair several commitments under the World Intellectual Property Organization ("WIPO"), including the WIPO Copyright Treaty, and the WIPO Performances and Phonograms Treaty, as well as the World Trade Organization Agreement on the Trade-Related Aspects of Intellectual Property Rights. And the proposals also contravene G7 and G20 commitments to respect copyright and consent.

Furthermore, Australia stands virtually alone in pursuing such proposals. While a small number of countries have adopted copyright exceptions for training AI models, which the DCC strongly opposes, a far larger number have rejected proposals that would diminish copyright protection for training AI models. For example, the Governments of Chile, Colombia, Hong Kong, and the United Kingdom had considered and subsequently declined to enact proposals to weaken copyright for the purpose of AI model training. Earlier this year, the Government of India

[3] See eg, *AI on Australian Terms; Consultation Proposa*l, available at:https://www.aph.gov.au/Parliamentary_Business/Tabled_Documents/17995

considered a statutory licensing proposal covering the training of AI models using copyright protected content without authorization. After overwhelming opposition from the US Government, the creative community and the technology sector, India has not moved forward with that proposal.

Critically, Nasscom, the influential business association that represents the technology industry in India, called on the Government of India not to intervene in free-market licensing, stating: "The US Copyright Office examined this question carefully and found a developing market for training data licensing. It recommended allowing that market to mature before intervening. India has not yet conducted this baseline assessment…Legislating without this evidence risks displacing commercial arrangements that are quietly working."[4] Australia should let licensing markets develop instead of undermining the creation of a functioning marketplace. Even Australia's Productivity Commission is recommending a three-year delay before establishing specific AI copyright exemptions.

The Proposals Will Have a Significant Negative Impact on the Australian Economy

The Negative Impacts on Australia's Creative Sector

By reducing copyright from an exclusive right to a mere entitlement to some form of untested fund, the proposals are tantamount to the expropriation of creative works and cultural heritage in Australia. Under *exclusive rights*, rights holders can negotiate terms for the use of their rights and refuse to authorize the use of their rights if the terms on offer are not mutually agreed. Exclusive copyrights empower creators to negotiate licenses that take into account the needs of the parties and that reflect the fair market value of the creative works at issue.

Any form of mere *remunerative entitlement* regimes, such as those being considered by Australia, are without precedent in the context of AI. A statutory license or remuneration rights model would completely undermine rights holders' ability to negotiate commercial free-market terms for the use of their creative works. There is no market failure that would justify these proposals for training generative AI models that are designed to produce directly substitutional outputs or otherwise directly compete with the copyrighted materials used to train the model and dilute the market for the original copyrighted materials.

The Negative Impacts on Australia's AI Sector

To be successful and sustainable, AI models must be trained on high quality, authentic content whose provenance is known and understood. AI companies rely on a regular influx of new high-quality training content, and copyright intensive industries are the source of most high-quality material. Accordingly, the long-term success of the AI industry is rooted in the long-term success of copyright industries.

Forward-thinking policy that preserves competitiveness in AI must therefore preserve and incentivize a cooperative, symbiotic relationship among these industries. Without strong

[4] Nasscom, "AI and Copyright: Getting the Implementation Questions Right", February 10, 2026, available at: https://community.nasscom.in/communities/public-policy/ai-and-copyright-getting-implementation-questions-right.

copyright protection, quality content will diminish drastically. The inevitable result is "AI slop", and possibly model collapse.[5]

The Negative Impacts on Australia's Economy

The proposals, if adopted, would have significant negative consequences on Australia's economy. First, the proposals would hobble critical job creation, economic growth, and exports generated by the creative sector in Australia. Second, the proposals would imperil Australia's AI sector and its future contributions to the economy because of the inability of Australian AI models to be exported to and used in key foreign markets such as the European Union and the United States. AI models that are trained under one of the proposed licensing regimes in Australia would not comply with the laws of those jurisdictions and will jeopardize Australia's relationships with those countries as it will be viewed as diverting AI investment away from those markets.

For example, under Article 2(1)(a) and Recital 106 of the EU AI Act, models trained outside the EU and subsequently placed in or put into service in the EU must comply with EU copyright rules. As the proposed licensing alternatives are inconsistent with EU copyright law, all Australian AI models would be considered illegal in that market. Likewise, Australian AI models would be inconsistent with US law as the United States has no such statutory licenses. Any company training their AI models in Australia will likely face endless and costly litigation regarding the legality of their models in that jurisdiction, regardless of the perceived legality in Australia.

Conclusion

For the reasons enumerated above, the DCC urges the Government of Australia to reject the licensing proposals under consideration and any others that diminish copyright protection in the AI context. Government intervention in the market for AI copyright licensing is neither necessary nor desirable. We appreciate the consideration by the Government of Australia of our perspective and look forward to working with the Government toward the timely resolution of this matter. We stand ready to provide any assistance with respect to this priority.

Sincerely,

American Association of Independent Music
American Society of Composers, Authors and Publishers
Artist Management Association
Artist Rights Alliance
Artist Rights Institute
Association of American Literary Agents
Association of American Publishers
Association of Independent Music Publishers

[5] *See, e.g.,* Ilia Shumailov et al, *AI Models Collapse When Trained On Recursively Generated Data,* Nature, July 24, 2024 (updated Mar. 21, 2025), https://www.nature.com/articles/s41586-024-07566-y; Figarri Keisha et al, *Knowledge Collapse in LLMs: When Fluency Survives but Facts Fail under Recursive Synthetic Training,* arxiv.org, (Sept. 5, 2025), https://arxiv.org/abs/2509.04796.

Association of Writers & Writing Programs
Austin Texas Musicians
The Authors Guild
Black Music Action Coalition
Broadcast Music, Inc.
Choreographers Guild
Concept Art Association
Copyright Alliance
Copyright Clearance Center
CreativeFuture
Fan Alliance
Folk Alliance International
Future of Music Coalition
Georgia Music Partners
Getty Images
Independent Film & Television Alliance
International AntiCounterfeiting Coalition
Music Artists Coalition
Music Managers Forum - US
Nashville Songwriters Association International
National Association of Voice Actors
National Music Council of the United States
National Music Publishers' Association
News/Media Alliance
Production Music Association
Recording Academy
Recording Industry Association of America
SESAC Music Group
The Society of Composers & Lyricists
Songwriters Guild of America
Songwriters of North America
SoundExchange