



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

Cc: The Hon Dr Jim Chalmers MP, Treasurer
The Hon Michelle Rowland MP, Attorney General
Senator the Hon Don Farrell, Minister for Trade and Tourism (Deputy Leader of the Government in the Senate)
The Hon Tony Burke MP, Minister for the Arts (Leader of the House)
Senator the Hon Tim Ayres, Minister for Industry and Innovation
The Hon Dr Andrew Charlton MP, Assistant Minister for Science, Technology and the Digital Economy

14 July 2026

Dear Prime Minister,

We understand certain representatives from the AI sector are advocating for a scheme that may include (1) an AI Training Permit that would allow certain AI companies to train on the world's copyright works in Australia, and (2) an Australian Public Benefit Fund that would provide some compensation for Australian creatives.

We write to express our serious concerns about these proposals, which are inconsistent with Australia's international treaty obligations, undermine the foundations of its copyright framework and place Australia out of step with international norms. These AI sector representatives claim that their proposed scheme differs from the text and data mining exception which the Australian Government showed leadership in rejecting last year. However, the proposed scheme is simply a TDM exception by another name – leading to the same practical effect, namely a damaging effect on the Australian and international copyright-based sectors – and Australia's Copyright law would have to be amended to reflect such a step.

From what we understand is being considered, the proposed scheme:

- would be incompatible with the exclusive right to authorize the use of copyright works including for AI model training and deny rightsholders, where they choose to license, the ability to negotiate the commercial terms and conditions for such use (including levels of remuneration);
- risks normalizing an “access first, compensate later” model that weakens the value of copyright works; and would legitimize past infringements as “permit holders” who would not be subject to copyright liabilities in respect of their AI training. This will deny rightsholders the ability to seek redress for unauthorized uses of their works and undermine confidence in the rule of law, and would potentially be in breach of the TRIPS agreement to which Australia is a party. It would also disadvantage responsible and lawful businesses that have invested in licensing arrangements;
- could treat all categories of copyright works as equal or all works in a category as equal, thereby compromising rightsholders' right to value their copyright works and negotiate relevant terms and conditions for access. Any attempt by the state to sort works into broad categories based on the perceived value of the work is likely to be highly arbitrary and run counter to free market principles. It is also highly unlikely to fully account for the full range of different values, licensing practices, investment levels and substitution risks of the various classes and types of copyrighted works available;
- is based on a false premise, with no supporting evidence, that a problem or market failure exists that requires such a radical intervention. Licensing markets are already emerging across creative and other copyright sectors (some arrangements public, some not). This demonstrates that commercial agreements can support AI innovation across a wide array of stakeholders – *including* SMEs and other smaller rightsholders – while respecting copyright;
- is based on a misunderstanding that the only concern for rightsholders is the level of remuneration. Rather, some rightsholders may want to exercise their exclusive right to withhold their work from licensing for reasons other than

price, including to protect against brand damage and loss of control against inappropriate use of their copyrighted works or specifically culturally significant First Nations intellectual property;

- would not meet the three-step test under the Berne Convention, TRIPS, WCT, AUSFTA and more, and could face international challenge. Indeed, it would represent a fundamental departure from international copyright norms; and
- by only paying Australian creators or rightsholders, would ignore national treatment, which would put Australia in breach of every copyright treaty and free trade agreement to which it is a party.

The Albanese Government has consistently pushed for Australian stories to be told, not just to Australians, but also to the world. The cornerstone of Australia's creative economy is premised on a robust copyright framework that gives storytellers, writers, publishers, directors and producers confidence that their works will be treated as intellectual property. This framework ensures that their work can be properly valued, that development and productions costs can be accounted for, and that the resulting copyright work can be commercialized and monetized to the benefit of all rightsholders. This is also essential to sustaining and growing the significant international and domestic investment in Australia's copyright-based and creative sectors.

The proposed scheme being advocated by certain AI interests would undermine Australia's strong copyright framework and seriously harm Australia's push to become a global creative powerhouse.

Throughout history, the copyright-based creative industries have invested in and embraced innovation. It is our view that the success of the creative sectors and the AI sector is fully compatible and complementary. The creative sectors embrace AI-enabled tools that enable human creators to give life to their artistry and creative vision in ways that are compelling and immersive. However, AI innovation should be undertaken in a sustainable and legal manner.

We thus respectfully ask that the Albanese Government rejects consideration of such proposals and instead encourages these AI interests to engage in genuine licensing discussions with rightsholders, and take the opportunity instead to improve the copyright framework in Australia based on the following principles:

- **Consent:** Upholding the principle of respect for exclusive rights, thus ensuring that those who wish to use copyright works to develop their AI models must obtain prior authorization from rightsholders first; and
- **Voluntary licensing:** that the only way forward that provides certainty for all parties is voluntary licensing (where the copyright owner and AI developer can freely decide on commercial terms).

Signed

APRA AMCOS
Association of American Publishers (AAP)
Australasian Music Publishers' Association (AMPAL)
Australian Broadcasting Corporation (ABC)
Australia New Zealand Screen Association (ANZSA)
Australian Publishers Association (APA)
Australian Recording Industry Association
European Publishers Council (EPC)
Free TV Australia
The Guardian
IMPF, the global trade body for independent music publishers
International Association of Scientific, Technical & Medical Publishers (STM)
International Confederation of Music Publishers (ICMP)
International Confederation of Societies of Authors and Composers (CISAC)
International Federation of Film Producers Associations (FIAPF)
International Federation of the Phonographic Industry (IFPI)
International Publishers Association (IPA)
Nine
Phonographic Performance Company of Australia (PPCA)
Screen Producers Australia (SPA)
Screenrights
UK Publishers Association (UKPA)