

# Australian Intellectual Property Journal

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## ARTICLES

### **Creative Machines: AI and IP Rights in Digital Authorship and Patentable Inventions** – *Francina Cantatore*

The evolution of the concepts of “author” and “inventor” in the technology age has caused ownership in artificial intelligence (AI) generated works to become an area of contention. Conflicting, often indeterminable interests have surfaced between stakeholders involved in the creation of AI capable of creating content. The law has taken a reactive approach, as it has done in past with novel copyright law challenges emerging in the digital landscape where content is being disseminated on different platforms subject to a variety of statutes and contractual terms. This article deals with computational creativity in the context of intellectual property (IP) rights in AI-generated content generally; and more specifically, the issue of rights ownership in AI authored works and patentable inventions. It investigates the implications of machine learning on IP rights in the context of Australian, United Kingdom and United States law; and considers whether current IP frameworks effectively accommodate AI creativity. .... 176

### **Protecting the Golden Egg: Can Australian Copyright Law Respond to the Growing Problem of Live Sports Broadcast Piracy?** – *Lachlan Gepp*

The jewel in the crown. The golden egg. Call them what you will, live sports broadcast rights are the most vital asset for professional sports organisations and broadcasters and are under attack by an ever-growing online piracy problem which erodes their value. Illegal live streaming is the primary concern and continues to slip through the cracks of the Australian copyright law framework for myriad reasons. This article explores the dominant methods of illegal live streaming and considers whether the *Copyright Act 1968* (Cth) adequately protects rights holders’ copyright in live sports broadcasts. Further, it questions whether legislative reform would overcome the inherent prosecutorial challenges presented by a copyright infringement claim in the digital age and concludes that combative efforts are better spent improving counter-technologies or identifying new ways to distribute live content to consumers in a more affordable and varied fashion. .... 189

### **Time to Face the Music: Lifting the Australian Commercial Radio Royalty Cap** – *Mary Whitehead*

The music industry’s global neighbouring rights market has experienced significant growth over the past decade, yet under Australia’s copyright laws, record labels and performers remain trapped under a 1% ceiling with respect to royalties earned when their sound recordings are broadcast on commercial radio. This article will examine the initial justification for the 1% statutory pricing cap and reveal why, 52 years since its inception, it is time for the Australian Government to repeal the cap under s 152(8) of the *Copyright Act 1968* (Cth) and allow rights holders the freedom to negotiate fair licence fees. .... 216

