

Australian Intellectual Property Journal

Volume 34, Number 1

2023

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ARTICLES

Art and Authorship: From Warhol to the Creativity Machine – *Shira Perlmutter*

Recent copyright disputes in the United States highlight complex issues of how art is created and adapted. An important US Supreme Court case involves the application of the fair use doctrine to the licensing of Andy Warhol’s silkscreen prints based on artist Lynn Goldsmith’s photograph of the musician Prince. And the development of artificial intelligence capable of producing appealing works of music, visual art, and text is challenging traditional concepts of authorship, with test cases being brought in the United States and other jurisdictions around the world. In this address, the Register of Copyrights and Director of the US Copyright Office discusses what is at stake in these cases and their implications for copyright more broadly. 5

A Study of the Ubiquitous Concept of Use as a Trade Mark in Australian Trade Marks Law – Determining When a Use Is as a Trade Mark and Who Is a User – *Janice Luck*

The concept of use of a sign as a trade mark is a critical consideration in many parts of the *Trade Marks Act 1995* (Cth) including in determining the rights granted to the owner of a registered trade mark, whether a sign satisfies the distinctiveness requirements for valid registration, when a person is the owner of a trade mark and thus the person entitled to register the trade mark and the use that must be made of a registered trade mark to maintain its valid registration. This article analyses several authorities with the objective of identifying a set of principles to assist in determining whether the use of a sign is as a trade mark and also looks at recent case law concerned with determining who is using the sign as a trade mark. 17

