

# Australian Intellectual Property Journal

Volume 34, Number 2

2023

EDITORIAL – *General Editor: David Brennan* ..... 73

## ARTICLES

### **Out of Sight Out of Mind: Rights for Non-featured Performers in the Australian Recording Industry** – *Dr Rod Davies*

Non-featured performers make the music we hear on our airwaves every day. Unlike other countries, Australia has no system in place to pay these musicians and singers ongoing royalties, an approach that stems from years of ignoring the universal right of every creative artist to enjoy the material benefits of their work. This article looks at the history of performers’ rights in Australia, in particular four key decision-making moments that have shaped the way Australia currently regards non-featured performers culturally, legally, politically and economically. Conclusions recommend cultural and legislative reform in order to make the Australian model of remuneration more equitable. .... 74

### **Impact of Patents on the Practice of Synthetic Biology in Australia: A Qualitative Study** – *Alison McLennan and Sarah Maslen*

Synthetic biology is a developing field at the convergence of molecular biotechnology, biochemical engineering, genomics, and digital information technology. The field aims to transform how we tackle pressing global problems, including climate change and infectious diseases. It offers Australia an economic opportunity of \$27 billion annually by 2040. As we invest in the scientific research, it is also important to explore intellectual property (IP) issues in this field. Based on interviews with synthetic biologists in Australia, this article examines how the potential IP impediments to innovation in synthetic biology anticipated in the literature play out in practice. While these conversations reveal some concerns and challenges with broad patents on foundational technologies, patent thickets, and issues with standardisation, many of the hypothetical problems identified in the legal literature are not playing out as expected. Scientists “work around” IP issues and those in university settings take comfort in the cover of “academic use”. While this immediately appears promising it also has important implications for innovation and the development of synthetic biology as a field which we explore. .... 89

