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The New Industrial Revolution

With the support of **Allens** 

8:45 WELCOME

MC: **Luke Hawthorne**, Senior Associate, *King & Wood Mallesons*

WELCOME TO COUNTRY

Metropolitan Local Aboriginal Land Council

9:00 FROM PARLIAMENT HOUSE, CANBERRA

A Message from the Commonwealth Attorney-General, **The Hon Mark Dreyfus KC MP**

9:05 INTRODUCTION

Alida Stanley, President, *Copyright Society of Australia* & Member, *Copyright Tribunal of Australia*

9:15 KEYNOTE: WIPO – IN CONVERSATION

Sylvie Forbin, Deputy Director-General, *World Intellectual Property Organization* (Geneva)

Michele Woods, Director, Copyright Law Division, *World Intellectual Property Organization* (Geneva)

9:50 PROSECUTING AI: AUTHORS GUILD v OPENAI INC. & MICROSOFT CORPORATION

The Authors Guild's class action lawsuit against OpenAI and Microsoft alleges that the training of Chat GPT on fiction and non-fiction copyright works without a licence amounts to copyright infringement. This discussion will examine the case within the broader landscape of AI-related copyright litigation in the US, and consider the critical questions it raises about the intersection of AI technology and intellectual property rights and the role of a licensing marketplace.

Umair Kazi, Director of Advocacy and Policy, *The Authors Guild* (New York)

Alida Stanley, President, *Copyright Society of Australia* & Member, *Copyright Tribunal of Australia*

10:20 THE OTHER MINING BOOM: COPYRIGHT AND TEXT & DATA MINING

Text and data mining (TDM) is becoming an increasingly commercially valuable activity, particularly with the rise of large language models and other types of generative AI. This international panel will explore the TDM exceptions to copyright infringement in the European Union, Japan and United States, and discuss how they compare to the Australian regulatory environment.

Atif Wolfgang Bhatti, Intellectual Property Counsel, *Linklaters* (Frankfurt)

Tomoo Shibano, Partner, *TMI Associates* (Tokyo)

Doris Estelle Long, Professor Emeritus of Law, *University of Illinois Chicago* (Chicago)

Moderator: **Joel Barrett**, Partner, *Allens*

11:10 MORNING TEA**11:30 COPY BYTE: Will Crown copyright rule despite no commercial licence?**

Australian News Channel Pty Ltd v Isentia Pty Ltd

11:40 BIG DEALS: COPYRIGHT DEALS THAT CHANGED THE WORLD

Several pivotal commercial transactions have shaped modern copyright law, influencing how creative works are protected, distributed, and monetised globally. Focusing on a selection of these transactions, our expert panel will discuss the evolving nature of copyright in response to commercial opportunities, technological advancements and changing creative practices.

Stuart Prager, Partner, *Grubman Shire Meiselas & Sacks* (New York)

Claudia Wallman, Senior Legal Counsel, *Spotify*

Josephine Johnston, Chief Executive Officer, *Copyright Agency*

Moderator: **Damian Rinaldi**, Chief Executive Officer, *AMPAL* & Principal, *Sonic Lawyers*

12:25 THE PROTECTION SPECTRUM: WHEN COPYRIGHT MEETS COMPETITION

The relationship between competition law and copyright law in Australia is complex and evolving. Both regimes aim to promote innovation and efficiency, but can, at times, conflict. The Australian Competition and Consumer Commission (ACCC) recognises that while copyright licensing can raise concerns about market power and anti-competitive practices, collective and direct licensing play valuable roles. Our expert panel examines this evolving balance between access and protection.

Dr Stephen King, Commissioner, *Productivity Commission* (National Competition Policy)

Carolyn Oddie, Partner, *Allens*

Moderator: **Rebecca Dunn**, Partner, *Gilbert+Tobin*

1:10 LUNCH**2:00 COPY BYTE: Hytera Communications Corporation Ltd v Motorola Solutions Inc****2:10 VIEWS FROM THE BENCH**

Leading copyright judges share recent decisions from their jurisdictions, illustrating how exceptions are applied in both online and traditional environments. This discussion will focus on the importance of context in applying copyright limitations and exceptions.

The Hon Justice Stephen Burley, *Federal Court of Australia*

The Hon David Yates SC, Former Judge of the *Federal Court of Australia*

Moderator: **James Lawrence**, Partner, *Addisons*

2:55 POLICY UPDATE

This expert panel will discuss current copyright policy debates in Australia and around the world including the Australian Government's Copyright Enforcement Review which sought feedback on current copyright protection mechanisms and their effectiveness. Additionally, the panel will address the establishment of the government's AI and Copyright Expert Reference Group, developments in ICIP legislation and the efficacy of a small claims court to determine certain copyright disputes.

Dr Warwick Rothnie, *Emmerson Chambers* (VIC)

Dr Louise Buckingham, Chief Executive Officer, *Arts Law Centre of Australia*

Moderator: **Fiona Phillips**, Principal, *Fiona Phillips Law* & Member, *Copyright Tribunal of Australia*

3:45 AFTERNOON TEA**4:05 COPY BYTE: Benchmarking goes 'belly up' – Aldi loses copyright fight**

Hampden Holdings I.P. Pty Ltd v Aldi Foods Pty Ltd

4:15 THE LICENSING SOLUTION

Will copyright licensing emerge from the recent global spate of AI litigation, offering a way for Generative AI companies to legally use copyright protected content for their models' training and development? If a licensing solution is embraced by both copyright owners and Generative AI platforms, could this foster a more collaborative relationship between rightsholders and AI companies, to the benefit of both?

Constance Herreman Follain, Director of Legal and Public Affairs, *CISAC* (Paris)

Jonathan Carter, Chief Operating Officer & General Counsel, *APRA AMCOS*

5.00 CLOSING REMARKS

Emma Johnsen, Vice-President, *Copyright Society of Australia* & Partner, *Marque Lawyers*

* Copy byte: a bite sized copyright law update

6:30pm

COPYRIGHT NOW DRINKS & DINNER

The Tea Rooms, Queen Victoria Building, Sydney

Guest Speaker: **Malcolm Knox**, Award-Winning Australian Author and Journalist

