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AI and Copyright – What the Law Is Saying Now

Accellier Webinar

24 March 2026





AGENDA

- AI-related uses of content
- Copyright Agency's overall approach
- AI activities in educational sectors
- Protecting your own content & ethical practice
- Q&A

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Over 40,000 members

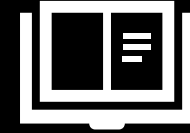


Image by Shutterstock



*Laurie Muller and Tom Keneally with
the first cheque distribution of the
Copyright Agency.
Photo by Copyright Agency
staff*

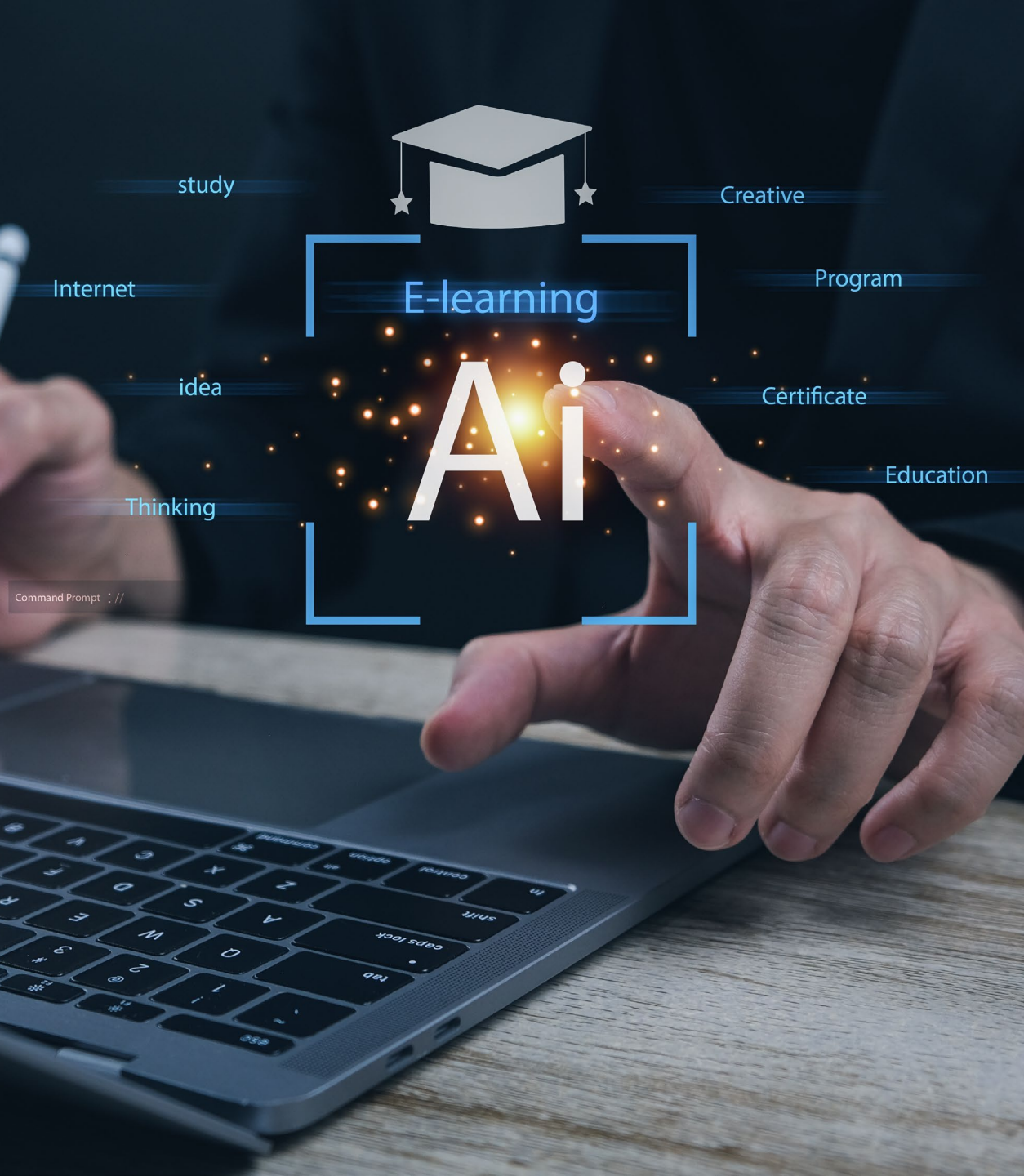
WHAT WE DO

We enable the use of text, print music and images in return for fair payment to the creators for use of their material.

AI-related uses of copyright content

- Training of foundational models
 - e.g. OpenAI, Deep Mind, Llama, Claude, Gemini
- Fine-tuning of foundational models for specialist application
 - e.g. scientific, legal, education
- Use of models in AI tool
 - E.g. Microsoft Copilot uses OpenAI; also Chat GPT
- Contextual datasets to assist response to prompts
 - e.g. scientific, legal, education
 - Can be alternative to fine-tuning
 - Includes Retrieval Augmented Generation (RAG)
- Inclusion of 3rd party content in prompts for AI tool
 - e.g. 'please summarise this journal article'
- Sometimes: 3rd party content in AI tool outputs





What happens where?

- Training of foundational models
 - Offshore (mostly Silicon Valley, and China)
 - Not clear whether this will occur in Australia
- Other AI-related activities
 - Can occur in Australia
 - Smaller scale activity
 - Content can be sourced legally
 - Including under licensing arrangements

Our overall approach

2-pronged approach:

1. Support Government policies that encourage responsible AI activity in Australia

- Government departments/agencies as exemplars
- Processes/guidelines/requirements: content lawfully sourced and used
- Including under licensing arrangements for 3rd party content

2. Compensate Australians for works used for training offshore

- Separate to copyright system
- More similar to requiring platforms to support local journalism
- Working with Australian Society of Authors and others to develop with Government





AI activities in education (including RTOs)

- We want to support ethical AI activities in educational institutions by making it easy to use 3rd party content
- AI activities in educational sector could include:
 - copying 3rd party content in prompts for AI tool
 - copying/sharing outputs from AI tools
 - creating contextual datasets to improve outputs from AI tools e.g. 'retrieval augmented generation' (RAG)

What can licensed RTOs do now?

- Firstly check whether your RTO is licensed.

All TAFEs are covered under blanket sector wide agreement

Private RTOs are case by case – check on the CA website

- Statutory Education Licence scheme allows some AI activities
 - We are appointed by the Government to manage the scheme
 - Allows teachers to copy/share without permissions usually required
 - Compensation paid under a remuneration agreement
- Scheme allows copying/sharing associated with AI tools if:
 - solely for educational purposes
 - not subsequently used for any other purpose
 - amount is not prejudicial eg. 10%/one chapter



Generative AI Output & Ownership



What is the view on output ownership now in Australia?

Requirement for 'independent intellectual effort' (human authorship) for "works" but not for other types of subject matter eg. sound recordings and films

How can I protect my own content?



Photo by [VGstockstudio](#)

- Use the copyright notice e.g.
© 2025 Copyright Agency Limited
- Digital Rights Management (e.g. encryption, watermarking)
- Become a Copyright Agency creator/copyright owner member
- Legal advice in the event of infringement
- Ensure internal policies are up to date
- Use AI tools with caution

Sector Leadership and ethical practice for RTOs as copyright users

Transparency
when using AI
tools to develop
and deliver
materials

**Moral Rights &
attribution**
ensure that you
are crediting the
creators of any
works used

Risk mitigation
via blanket
licence or direct
permission

- When uploading works to AI platforms – ensure that you are appropriately licensed (e.g. via Statutory Education Licence)
- Consider output ownership on a case by case basis.
- Ensure your RTO has an updated AI policy and copyright policy

Useful information

- Copyright Agency's website: www.copyright.com.au
- [Australian Copyright Council](http://www.copyright.org.au) - provides expert information and advice including a range of information sheets and guides for the education sector. The Council also run regular seminars and webinars, including sessions for educators and administrators in educational institutions. www.copyright.org.au

Australian Copyright Council also provide a free legal advice service.

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Questions?