



**Copyright
Crossroads**

**Australian Digital Alliance
Copyright Forum 2024**

**Friday 22 March 2024
National Library of Australia**

 **Australian
Digital Alliance**

THEME

COPYRIGHT CROSSROADS

The ADA Copyright Forum 2024 will focus on the challenges and opportunities brought on by rapidly evolving artificial intelligence (AI) technologies and the role copyright plays in this emerging field, the proposed copyright reforms and how balance in our copyright system can be achieved.

Reform of Australia's copyright system has been in a continuous state of flux for the past decade. Modernisation of the copyright system is urgently needed to unlock the true potential to aid innovation, creativity and research in Australia. Flexible and fair copyright exceptions are needed to achieve this balance. Alongside this, the challenges and opportunities brought on by rapidly evolving artificial intelligence technologies, and the role that copyright plays, are still emerging.

PROGRAM

8:30 AM

REGISTRATION

Outside NLA Theatre

9:05 AM

WELCOME & OPENING

NLA Theatre

Derek Whitehead OAM

Chairman of the Board, Australian Digital Alliance

9:20 AM

KEYNOTE ADDRESS

NLA Theatre

Professor Matthew Sag

Professor of Law in Artificial Intelligence, Machine Learning and Data Science, Emory University Law School

PERSPECTIVES ON AI IN AUSTRALIA

10:10 AM

NLA Theatre

Professor Kimberlee Weatherall

Professor of Law, University of Sydney

MORNING TEA

10:40 AM

NLA Foyer

COPYRIGHT AND AI: AN UPDATE FROM THE UNITED STATES COPYRIGHT OFFICE

11:00 AM

(pre-recorded video)

NLA Theatre

Shira Perlmutter

Register of Copyrights and Director, U.S. Copyright Office

CANADA'S APPROACH TO COPYRIGHT & AI

11:20 AM

NLA Theatre

Dr Carys Craig

Associate Dean (Research & Institutional Relations) and Associate Professor,
Osgoode Hall Law School

(presenting via video conferencing)

PROTECTING OUR FUTURE – INDIGENOUS DATA SOVEREIGNTY

11:50 AM

NLA Theatre

Peter-Lucas Jones (Te Aupōuri, Ngāi Takoto, Ngāti Kahu)

Chief Executive Officer, Te Hiku Media

LUNCH

12:30 PM

NLA Foyer

1:30 PM

AN UPDATE ON ICIP STANDALONE LEGISLATION

NLA Theatre

Patricia Adjei

Director, Standalone legislation, Department of Infrastructure, Transport, Regional Development, Communications and the Arts

2:00 PM

PANEL – PERSPECTIVES ON COPYRIGHT REFORM IN AUSTRALIA

NLA Theatre

Erin Driscoll

Manager of Licensing, Rights and Distribution at the National Film and Sound Archive of Australia (NFSA)

Robyn Van-Dyk

Head Research Centre, Australian War Memorial

Chair: TBC

Dr Kylie Pappalardo

Senior Lecturer, QUT Law School, Queensland University of Technology, Chief Investigator, Digital Media Research Centre and ARC Discovery Early Career Research Fellow

3:00 PM

AFTERNOON TEA

NLA Foyer

3:20 PM

PANEL – CHALLENGES AND OPPORTUNITIES FOR AI

NLA Theatre

Boris Eldagsen

Berlin-based photomedia artist
(presenting via video conferencing)

Olivia Lanchester

CEO, Australian Society of Authors (ASA)

Cullen Miller

VP Policy, Spawning AI
(presenting via video conferencing)

Seb Chan

Director & CEO, ACMI

Chair: TBC

Delia Browne

National Copyright Director, National Copyright Unit

CLOSING REMARKS

4:30 PM

NLA Theatre

Derek Whitehead OAM

Chairman of the Board, Australian Digital Alliance

CLOSE

4:40 PM

SPEAKERS



PATRICIA ADJEI

Director, Standalone legislation, Department of Infrastructure, Transport, Regional Development, Communications and the

Patricia is a Wuthathi, Mabuig Islander and Ghanaian woman from Sydney, Australia. She is the Director leading the standalone legislation at the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. Previously, Patricia was the Head of First Nations arts at Creative Australia. She has a Bachelor of Arts and Law from UNSW and the 2022 UNSW Alumni winner for her contribution to art and culture. She was also a 2018 Churchill fellowship recipient, investigating the practical application of laws in the USA and Panama that protect Indigenous cultural rights.

Patricia has worked on developing the Creative Australia Protocols for using First Nations Cultural and Intellectual Property in the Arts. Patricia has served on the City of Sydney, Aboriginal and Torres Strait Islander advisory panel and has been a Board member of the Contemporary Pacific Arts Festival and the Moogahlin Performing Arts Board. She is currently on the RAP advisory committees for Beyond Blue and Intrepid Travel. She is an advisory member of the Sunshine Coast Arts Committee and the editor of the inaugural Lexis Nexis First Nations legal newsletter. Trish also previously worked as a lawyer at the Copyright Agency, Arts Law Centre of Australia and National Indigenous TV. Patricia was the 2010 WIPO Indigenous intellectual property law fellow and has attended WIPO IGC meetings on TK since 2007. She is also a published author, having written several articles and a chapter on Indigenous cultural intellectual property rights.

DELIA BROWNE

National Copyright Director, National Copyright Unit

Delia Browne is a Sydney based policy lawyer specialising in Copyright issues. She is the National Copyright Director of the National Copyright Unit for the Copyright Advisory Group to COAG Education Council. The NCU provides copyright advice to the School and TAFE sector. See www.smartcopying.edu.au for information sheets and online educational resources on copyright. The NCU also advocates for copyright law reform on behalf of the School and TAFE sector.

She is a cofounder and President of Peer2Peer University (P2PU) a free online disruptive education initiative, the deputy chair of the Australian Centre of Photography and an iCommons Board Director. She is a passionate advocate of Creative Commons

and Open Education and was one the drafters of the Cape Town Declaration on Open Education. She is on the editorial boards of the Media and Arts Law Review and the NZ Intellectual Property Review and is a sought after conference presenter.

SEB CHAN

Director & CEO, ACMI

Seb Chan is Director & CEO at ACMI in Melbourne. Appointed to the role in August 2022, he was previously a key part of the team behind the organisation's \$40 million renewal project, underpinned by co-design methodology, which transformed ACMI into a multi-award winning, multiplatform museum. Seb joined ACMI as Chief Experience Officer in 2015, as the senior executive responsible for the Experience & Engagement division of the museum, guiding teams responsible for visitor experience, marketing, brand & communication design, digital products, technology, and the museum's collections, digitisation & digital preservation programs. He designed and leads ACMI's CEO Digital Mentoring Program (2021–ongoing), working with CEOs and directors across the Australian arts and cultural sector. He is currently the National President of the Australian Museums and Galleries Association.



Prior to ACMI, Seb led the digital renewal and transformation of the Cooper Hewitt Smithsonian Design Museum in New York (2011–15) and the Powerhouse Museum's pioneering work in open access, mass collaboration and digital experience during the 2000s. His work has won awards internationally in the museum, media and design spheres. Seb is Adjunct Professor, School of Media and Communications, in the College of Design and Social Context at RMIT, and an international advisory board member of Art Science Museum (Singapore). He is an alumnus of the Getty Leadership Institute, Salzburg Global Seminar and UNSW. Seb also leads a parallel life in digital art, writing and music.



DR CARYS CRAIG

Associate Dean (Research & Institutional Relations) and
Associate Professor, Osgoode Hall Law School

Dr Carys Craig is the Associate Dean (Research & Institutional Relations) and an Associate Professor at Osgoode Hall Law School, York University, in Toronto, Canada. She is also the Director of Osgoode's Law & Technology Program, IP Osgoode, Academic Director of Osgoode's Professional LLM Program in Intellectual Property Law, and Editor-in-Chief of the Osgoode Hall Law Journal. A recipient of the Institute of International Education Outstanding Service Award and the President's University-wide Teaching Award, Dr. Craig teaches and publishes in the areas of copyright, trademarks, law and technology, and legal theory. Her award-winning scholarship has been cited with approval in several landmark copyright rulings of the Supreme Court of Canada. Dr. Craig holds an LL.B. (First Class Honours) from the University of Edinburgh, an LL.M. from Queen's University in Kingston, Ontario, and an S.J.D. from the University of Toronto.



ERIN DRISCOLL

Manager of Licensing, Rights and Distribution at the National
Film and Sound Archive of Australia (NFSA)

Erin has an extensive background in copyright law and rights management in both cultural heritage and government settings. She has previously worked across in-house legal and rights-related roles at both the NFSA and the National Museum of Australia. She has helped deliver copyright reforms within the federal public service, including the remake of the Copyright Regulations 1969 and lead the consultations on copyright modernisation through 2018-19. She also supported the Copyright Law Review Committee in its inquiry into copyright and contract and also legal policy work related to Australia's compliance with its international copyright obligations.

Erin has worked on a range of policy reforms within the communications and arts portfolio, including the regulation of digital platforms and supported the initial work on the development of stand-alone legislation for the protection of indigenous cultural and intellectual property rights. Erin is currently the Chair of the Copyright in Cultural Institutions (CICI) group. She is a passionate about the arts and cultural heritage, with a background in dance and dance teaching.

BORIS EL DAGSEN

Berlin-based photomedia artist

Boris Eldagsen (*1970) is a Berlin-based photomedia artist, who studied fine arts at the art academies of Mainz, Prague and Hyderabad (India) - and philosophy at the universities of Cologne and Mainz.



He has exhibited in international institutions and festivals for over 20 years and has been teaching for international art colleges, universities, festivals and museums since 2004. Between 2003 and 2009 he lived in Melbourne and taught at VCA and PSC.

Boris is “Head of Digital” at the German Photographic Academy (DFA) and one of the leading AI experts in the international photography scene. In April 2023 he refused the Sony World Photography Awards, admitting that he applied with an AI-generated image to initiate a debate about the relationship between AI-generated images and photography. His stunt became worldwide news and his image THE ELECTRICIAN one of the most famous of the year.

PETER-LUCAS JONES

Chief Executive Officer, Te Hiku Media

Peter-Lucas Jones (Te Aupōuri, Ngāi Takoto, Ngāti Kahu) is the Chief Executive Officer of Te Hiku Media, an iwi organisation owned by the five iwi of the Far North of New Zealand. He is also Chairman of Te Whakaruruhau o Ngā Reo Irirangi Māori (The Iwi Radio Network), Chairman of Te Rūnanga Nui o Te Aupōuri, and Deputy Chair of Whakaata Māori.



In his role as a kaitiaki (guardian) of iwi radio data, Peter-Lucas oversees the safeguarding of data while driving the advancement of te reo Māori natural language processing tools.

Te Hiku Media is at the forefront of an innovative initiative to revitalise the Māori language, utilising AI technology and emphasising the protection and control of data. The development of their own Kaitiakitanga License allows for the responsible use of Māori data from a haukāinga (local people belonging to a specific marae) standpoint.

Peter-Lucas will talk about their groundbreaking Papa Reo project, highlight the significance of Māori having control over data, platforms, and technologies, and demonstrate how Te Hiku Media is actively addressing the challenges faced by Indigenous communities.



OLIVIA LANCHESTER

CEO, Australian Society of Authors (ASA)

Olivia Lanchester is the CEO and company secretary of the Australian Society of Authors (ASA). Previously, Olivia worked as an intellectual property lawyer in private practice and as a freelance editor. Olivia advises authors and illustrators on all aspects of the publishing process, and is highly experienced in the negotiation of publishing, agency and distribution contracts. She

leads the ASA's advocacy on copyright reform, cultural policy, unfair contracts and lending rights, and advocates for the recognition of authors as key drivers of the creative economy. Olivia is also a director of the Australian Copyright Council and sits on the board of the International Authors Forum.



CULLEN MILLER

VP Policy, Spawning AI

Cullen is the VP of Policy at Spawning. Spawning believes that a future of consenting data will benefit both AI development and the people it is trained on. Spawning is an independent third party that created a Do Not Train registry intended to provide machine readable opt-outs to AI model trainers.



DR KYLIE PAPPALARDO

Senior Lecturer, QUT Law School, Queensland University of Technology, Chief Investigator, Digital Media Research Centre and ARC Discovery Early Career Research Fellow

Dr Kylie Pappalardo studies how automation, digital distribution, and intellectual property laws shape the reach and diversity of our culture. Her work seeks to develop and inform law, public policy and industry norms that prioritise marginalised voices and diverse perspectives in the production and distribution of screen content.

Kylie is a Senior Lecturer in the Law School at the Queensland University of Technology (QUT), a Chief Investigator with the Digital Media Research Centre (DMRC), and an Australian Research Council (ARC) Discovery Early Career Research (DECRA) Fellow (2021-2024) (DE210100525). Her DECRA project examines the impact of copyright law in Australia's screen industries, focusing on distribution and access to audiovisual material. It considers how the high costs and complex logistics of screen production and distribution can be reconciled with the public goal of broad, affordable and sustained availability of audiovisual content that represents the full diversity of Australia's people and cultures.

Kylie holds degrees in Law and Creative Writing from QUT, a Master of Law from Georgetown University in Washington D.C., and a PhD from the Australian Catholic University.

SHIRA PERLMUTTER

Register of Copyrights and Director, U.S. Copyright Office

Shira Perlmutter is the Register of Copyrights and Director of the U.S. Copyright Office. Appointed in October 2020, Perlmutter advises Congress and executive branch agencies on copyright policy and directs the administration of important provisions of the U.S. Copyright Act, leading a workforce of nearly 500 employees.



Prior to her appointment as Register, Perlmutter had served since 2012 as Chief Policy Officer and Director for International Affairs at the United States Patent and Trademark Office (USPTO). In that position, Perlmutter was a policy advisor to the Under Secretary of Commerce for Intellectual Property and oversaw the USPTO's domestic and international IP policy activities, including through the Office of Governmental Affairs, the Global Intellectual Property Academy (GIPA), the IP Attaché Program, and the Office of the Chief Economist.

Before joining the USPTO, Perlmutter was Executive Vice President for Global Legal Policy at the International Federation of the Phonographic Industry (IFPI). Prior to that, she held the position of Vice President and Associate General Counsel for Intellectual Property Policy at Time Warner.

Perlmutter previously worked at the World Intellectual Property Organization (WIPO) in Geneva as a consultant on copyright and electronic commerce. In 1995, she was appointed as the first Associate Register for Policy and International Affairs at the U.S. Copyright Office. From 1990 through 1995, Perlmutter was a law professor at The Catholic University of America, teaching copyright, trademark, and unfair competition law, as well as international intellectual property law. While on the faculty, she was the copyright consultant to the Clinton Administration's Advisory Council on the National Information Infrastructure. Earlier in her career, she practiced law in New York City, specializing in copyright and trademark counseling and litigation. She is a co-author of a leading casebook on international intellectual property law and policy, has published numerous articles on copyright issues, and is a research fellow at the Oxford Intellectual Property Research Centre at Oxford University.

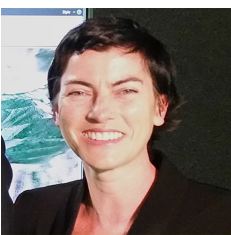


PROFESSOR MATTHEW SAG

Professor of Law in Artificial Intelligence, Machine Learning and Data Science, Emory University Law School

Matthew Sag is a Professor of Law in Artificial Intelligence, Machine Learning and Data Science at Emory University Law School. Professor Sag is a leading U.S. authority on the fair use doctrine in copyright law and its implications for researchers in the fields of text data mining, machine learning, and AI.

Professor Sag was born and educated in Australia. He earned honors in Law at the Australian National University and clerked for Justice Paul Finn at the Australian Federal Court. Professor Sag practiced law in London as an associate at Arnold & Porter, and in Silicon Valley with Skadden, Arps, Slate, Meagher & Flom. In July 2023, he testified to the U.S. Senate Judiciary Committee Subcommittee on Intellectual Property in relation to copyright and Generative AI.



ROBYN VAN DYK

Head Research Centre, Australian War Memorial

Robyn van Dyk is Head of the Australian War Memorial's Research Centre. Her work involves leading the Research Centre team to develop, manage, preserve, and provide access to the Memorial's archival and published collections.

Ms van Dyk has curated a variety of exhibitions, including co-curating the MAGNA award-winning Anzac voices (2014) and a joint exhibition with Australian Geospatial-Intelligence Organisation, *Gallipoli to Afghanistan and the future: 100 years of mapping* (2015) and *A Matter of Trust: Dayaks & Z Special Unit Operatives in Borneo 1945* (2018).

She is the concept leader for Anzac connections, the Memorial's major centenary web project to enhance availability and access to digital content. Ms van Dyk has produced museum-related publications and delivered papers at national conferences. In October 2012, she travelled to Afghanistan as the Memorial's official curator, and spent several weeks observing conditions and collecting records and objects. Ms van Dyk has recently partnered with the Australian National University in an ARC-funded project researching Australians in Borneo during the Second World War.

PROFESSOR KIMBERLEE WEATHERALL

Professor of Law, University of Sydney

Kimberlee is a Professor of Law at the University of Sydney focusing on the regulation of technology and intellectual property law, and a Chief Investigator with the ARC Centre of Excellence for Automated Decision-Making and Society. She is a Fellow at the Gradient Institute, a research institute developing ethical AI, and a research affiliate of the Humanising Machine Intelligence group at the Australian National University, and a co-chair of the Australian Computer Society's Advisory Committee on AI Ethics. She is the co-host of IP Provocations, a podcast asking challenging questions about IP law.



CREDITS

Boris Eldagsen's headsot: Photo taken by Jan Sobottka www.catonbed.de

Seb Chan's headshot: Photo taken by Eugene Hyland.

Cullen Miller's headshot: Illustration by Iris Luckhaus 2023.

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