

Actors' vs AI: Exploring Copyright Law



Presenter:

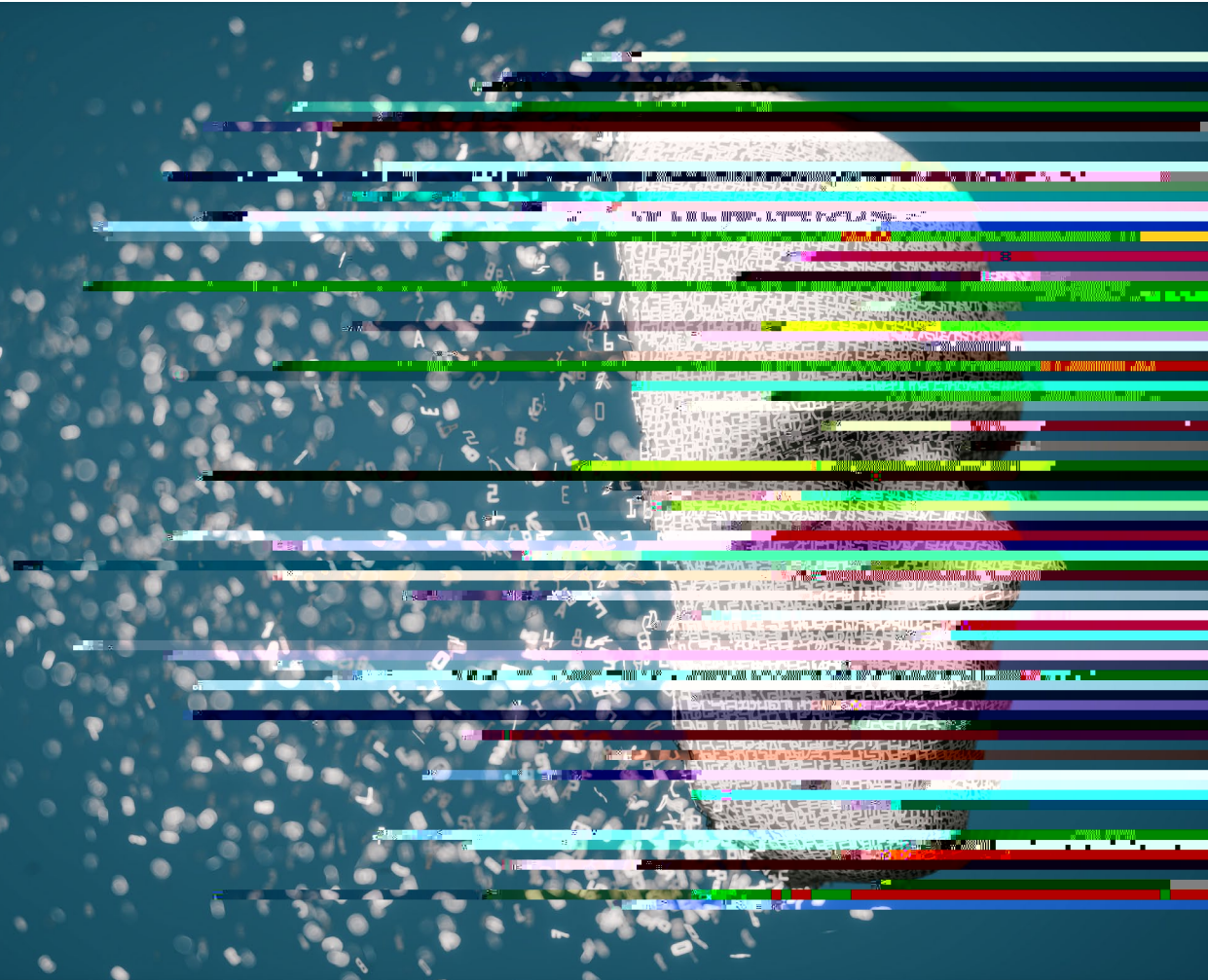
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Acknowledgment of the Country

I respectfully acknowledge the Aboriginal People and Torres Strait Islander People as the first inhabitants, traditional custodians and owners of the lands, waters and seas across Australia. I pay my respects to their cultures, ancestors and Elders, past and present - and all future generations.





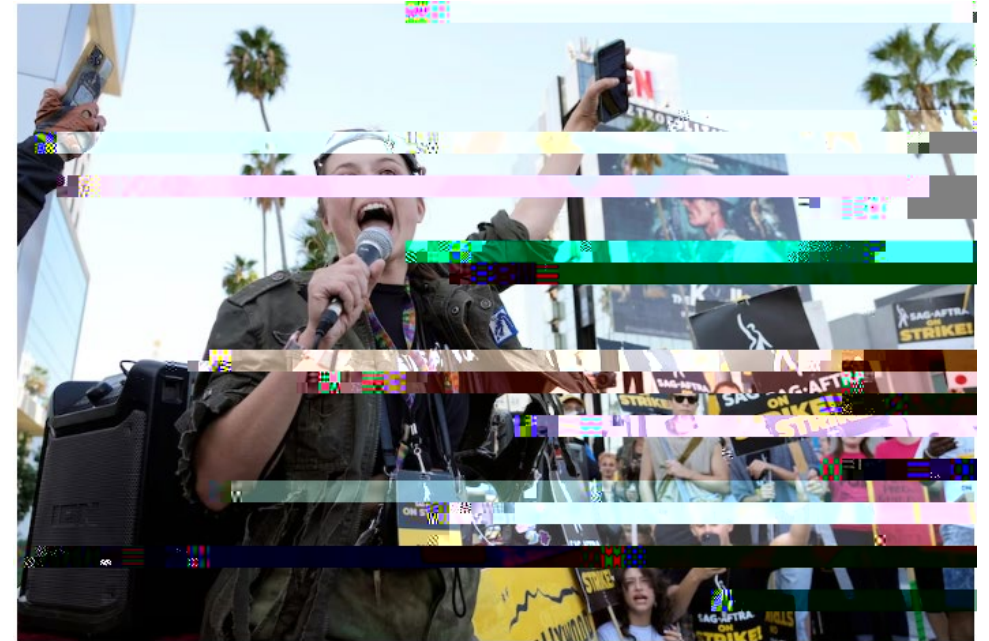
Black Mirror's season 5 episode "Rachel, Jack and Ashley Too"
starring Miley Cyrus

Image source - <https://screenrant.com/black-mirror-season-5-rachel-jack-ashley-too-ending-explained/>



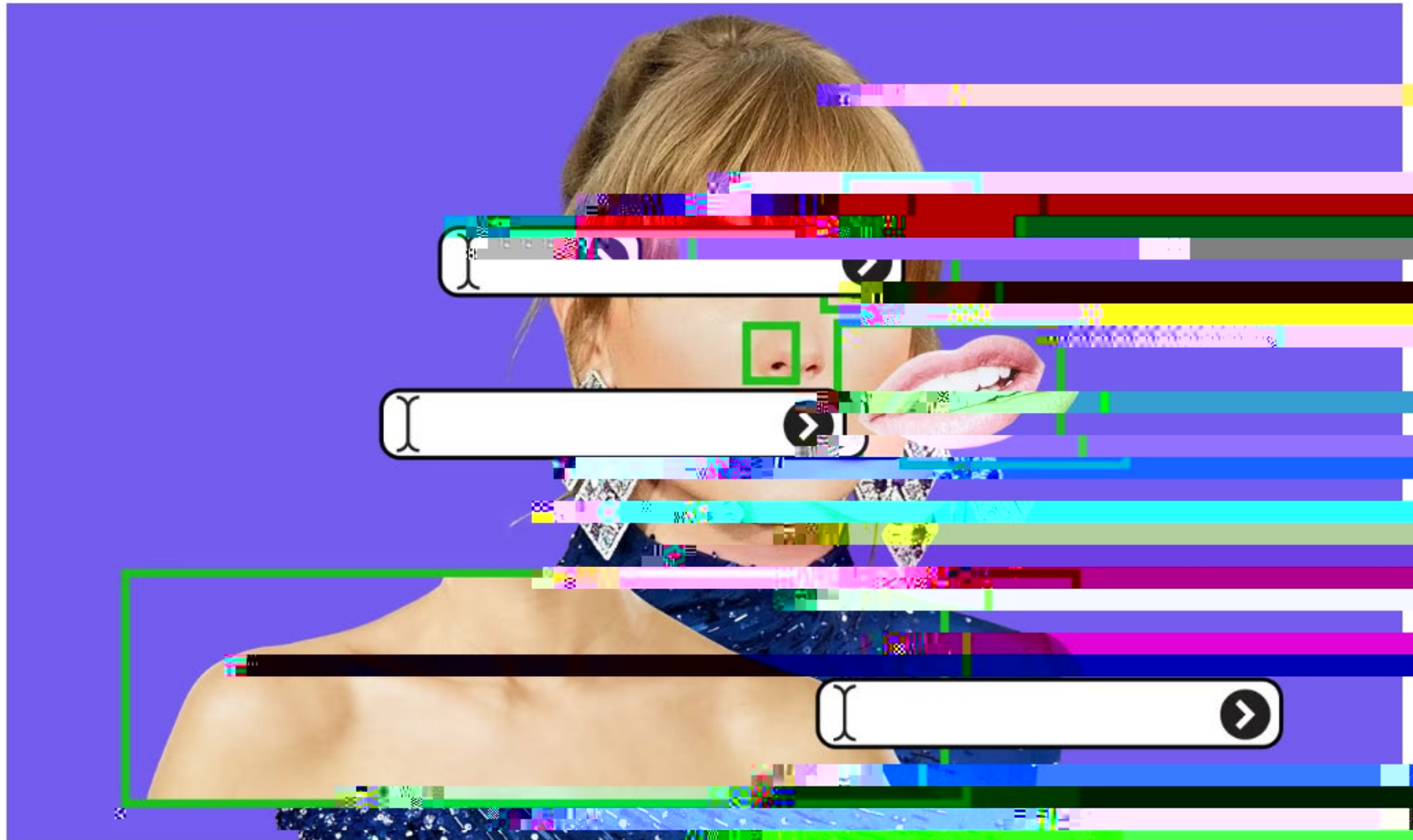
"[Actors are concerned that] 'I mightn't even get my next job, because my AI-interpretive one might get it'"

"But people deserve to have human stories told by humans."



The stand-off between the union and major Hollywood studios began in July. (AP: Chris Pizzello)





Deepfake pornographic images of Taylor Swift spread across the social media platform X. Composite: FilmMagic/Jeff Kravitz/Getty images



Generative AI, Intellectual Property and Copyright Law*

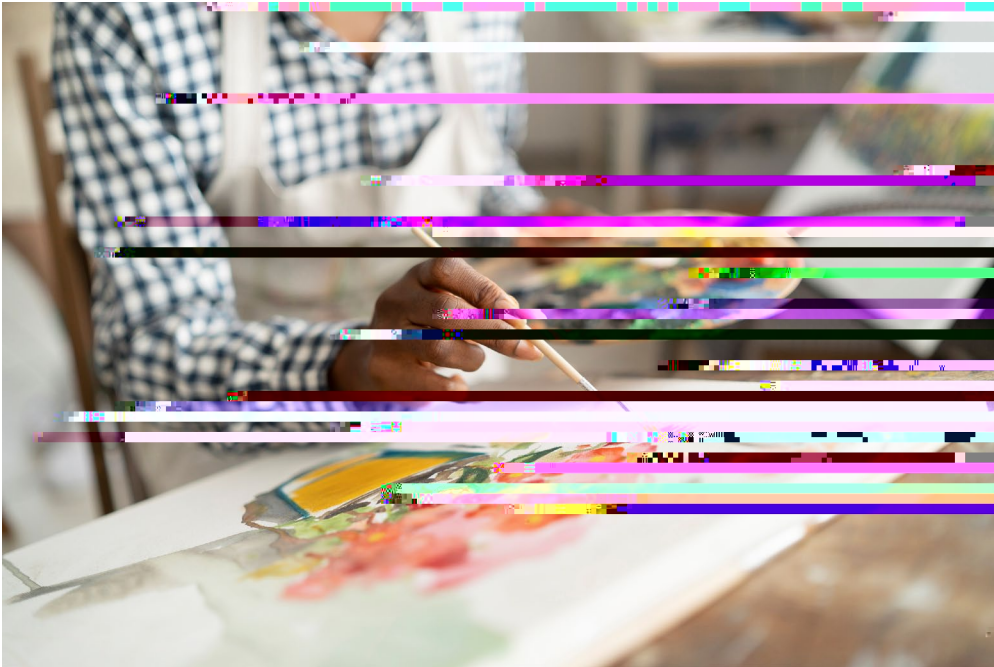
- **Generative AI** = based on machine learning; capable of creating new content.
Examples of GenAI – ChatGPT, Midjourney



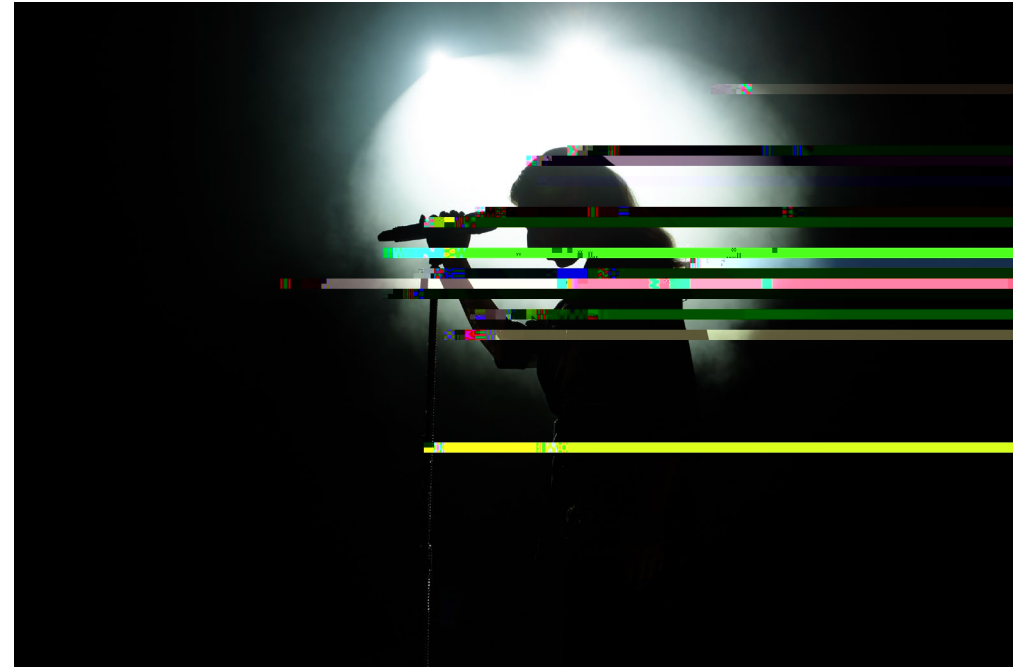




Key Difference between Copyright and Performers' Right



versus



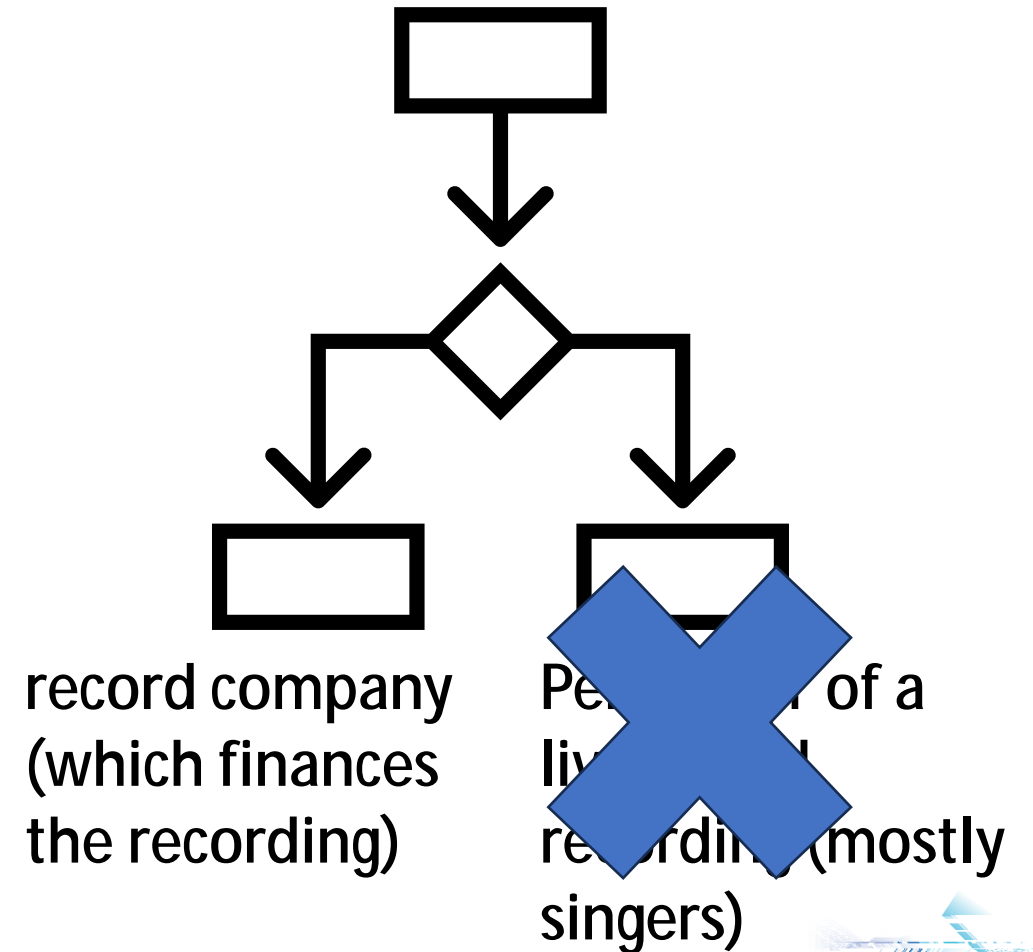
Exceptions –

Where there is a Contract (s 22(3B))

Or

If the performance was commissioned (s 97(3))

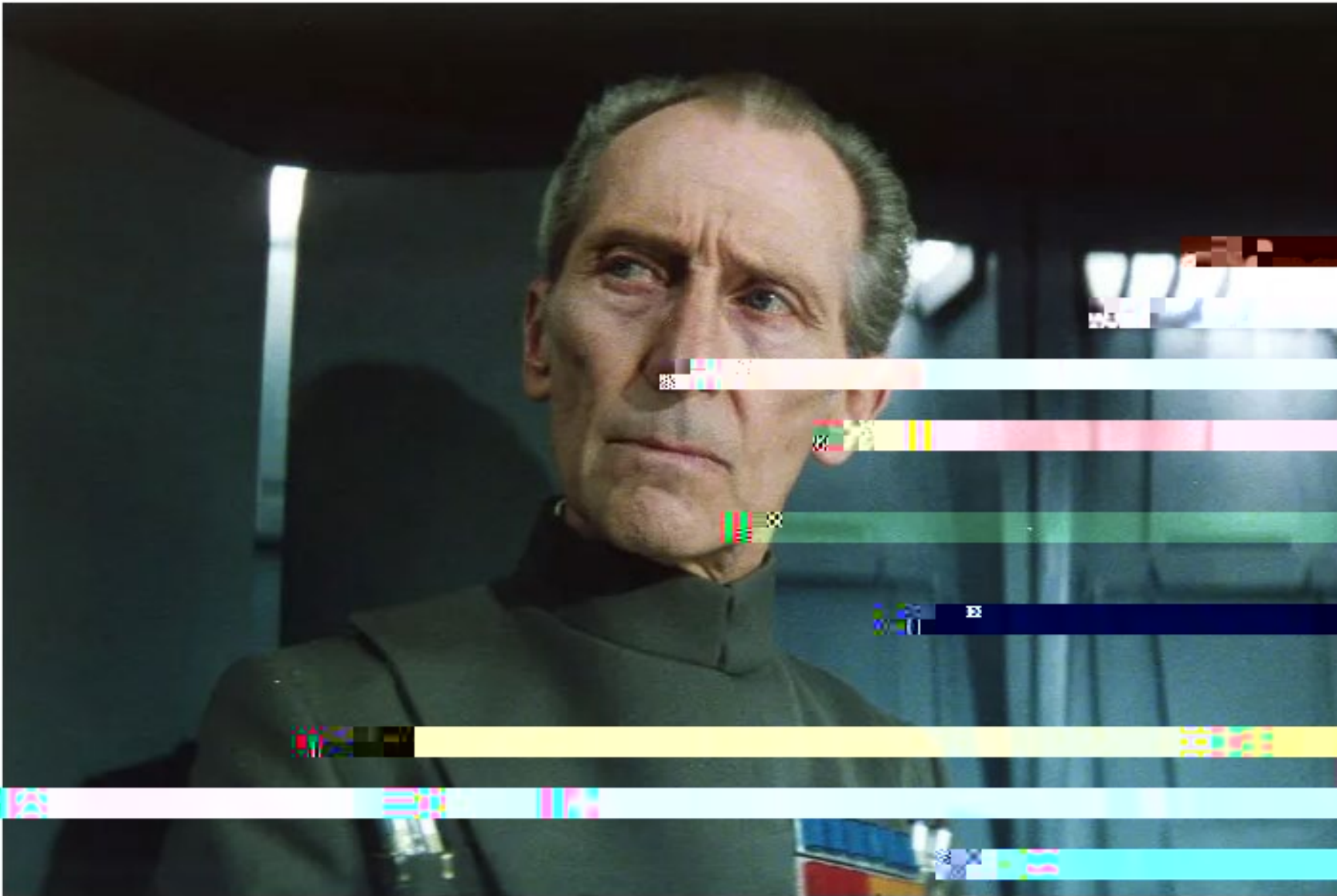
Copyright in Sound Recording



Key Issue 2:

Are current industry practices and contracts
in light of AI inherently unfair to
performers?





Peter Cushing as G



Findings from research

- Importance and impact of contractual agreements in the



Actors' vs AI



Key Issue 3:

How do we move forward?



Broadly,

- Industry Agreement - compensation for reuse of the scans, along with consent.
- AI Copyright Code
- Australian Government's Interim Response* -
 - place people and communities at the centre when developing and implementing its regulatory approaches
 - use a risk-based framework to support the safe use of AI and prevent harms occurring from AI (approach similar to EU AI Act)
 - will be open in its engagement and work with experts from across Australia in developing its approach to the safe and responsible use of AI.

*Summary Source:



Individually,

Content creators and performers should actively monitor digital and social channels and examine the risk to your intellectual property in any contracts

As AI developers or Users of AI tools – seek suitable assurances or permissions from the provider

