



## Fourth Ministerial Roundtable on Copyright: Image Makers Association Australia Summary – 4th Dec2023

### SUMMARY

This week Vice President Ben Guthrie attended the fourth Ministerial Roundtable on Copyright on behalf of IMAA members. The meeting was chaired by Federal Attorney-General Mark Dreyfus KC MP and was attended by a large cohort of disparate business groups who could be broadly split into those who make creative content and those who use that content. This month's meeting was a wrap-up of the information-gathering process undertaken by the office of the Attorney-General throughout this year in relation to copyright reform. At the meeting all participants (including the IMAA) were provided with the opportunity to reflect upon some of the discussions and opinions that had been put forward throughout the year. Much of the commentary and discussion revolved around the implications of generative AI to copyright. Other topics such as orphan works, quotation, remote learning & broadcast definitions were also canvassed. It was comforting to hear opinions put forward by a large number of other meeting participants that sought to maintain or strengthen the rights of those of us who generate creative work.

Image Makers Association Australia expressed to the Attorney-General that if any reforms were to be undertaken in relation to orphaned works that we would be supportive of some form of new small claims court or tribunal that could facilitate future payments to rights holders for use of work that might become orphaned but is later identified and claimed by their authors. We expressed a preference for a licensing model over a limited liability model for this reform. We also expressed that we would be supportive of such a small court or tribunal also being a mechanism that photographers and other creators could use to pursue copyright infringements more broadly in an efficient and cost-effective manner. Delving deeper into the problem of works becoming orphaned from their creators we have also expressed to the office of the Attorney-General that it would be very beneficial if practices of meta-data stripping could be banned so that digital copyrighted works never become orphaned in the first place.

On the topic of the quotation of copyrighted material and some of the related, potential reforms that were discussed, the IMAA has noted that our members would not be supportive of any changes to the fair dealing provisions that would broaden or increase the potential for non-remunerated use of our Works. On the position of some roundtable participants that it is their opinion that chasing copyright owners for use of copyrighted material is time-consuming and thus burdensome, we have noted that arguing that such a process is lengthy or burdensome should not provide sufficient reasoning for diminishing our rights or income as copyright holders. We agreed with other participants that any potential reforms that support quotation from copyright material for further publicly beneficial purposes should apply only to the extent that this does not unfairly impact upon the rights of copyright owners.

In terms of the process ahead, the Attorney-General noted that reforms will be considered more deeply throughout the first half of next year, along with continued stakeholder engagement. A formal and publicly accessible outcomes paper will be distributed by the office of the Attorney-General in the coming weeks. It was also noted that a Copyright AI Reference Group is to be established by the AG in the new year. Image Makers Association Australia will continue to represent our members in these ongoing processes and will continue to advocate for the rights of our membership in relation to any proposed reforms.