



Joint Select Committee on Artificial Intelligence

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Introduction

Screenrights is grateful for the opportunity to make this submission to the Committee on this issue of utmost importance to copyright owners.

Screenrights is a signatory to the Australian rightsholders' submission representing Australia's creative industries, copyright holders and content licensing bodies, including authors music, art, film, publishers, broadcasters, new media organisations and visual arts.

This separate submission responds primarily to point (j) in the Committee's Terms of Reference. We also briefly submit on sovereign AI capability, point (e).

Finally, Screenrights notes and acknowledges the national security implications set out in points (l) and (m) of the Terms of Reference.

About Us

Screenrights is a non-profit copyright management organisation representing the screen production sector, with more than 5,200 members in 73 countries worldwide. Our members are writers, visual artists, producers, directors, sales agents, broadcasters and distributors.

Screenrights is appointed by the Commonwealth and the Copyright Tribunal to administer several licensing schemes on behalf of filmmakers. The licences include educational use of broadcasts, retransmission of free-to-air broadcasts and government use of broadcasts. Screenrights collects the fees for the use and distributes them to the copyright owners of the programs used.

In the 2025/26 financial year, Screenrights distributed \$43 million to copyright owners under our statutory licences and other services.

Screenrights also administers a licensing scheme in New Zealand, which includes educational licences.

Supporting the integrity of copyright in a fast-changing digital environment and supporting our members' right to fair compensation for the usage of their creative material is a fundamental objective for Screenrights.

(j) Artificial Intelligence and Copyright

"the interaction of AI with existing intellectual property and copyright laws, including the use of Australian creative, cultural and media content in the training of AI models"

In our submission we set out a way of building on Australia's copyright licensing frameworks consistent with the objectives set out by the Prime Minister of maintaining control and compensation for rightsholders while ensuring that there is a viable avenue for licensing in Australia to encourage domestic AI development and application.

Screenrights supports the introduction of an Extended Collective Licensing (ECL) for audiovisual works. ECL is a legislative mechanism that assists voluntary collective licensing by widening the reach of a collective licence once a threshold of rightsholders have agreed to participate. It has a long history of application in Europe dating back to the 1960s, and has been used for a range of purposes from retransmission to educational use of content.

Screenrights submits that ECL is needed because smaller copyright holders in screen content do not have the market power to negotiate directly with AI companies. Moreover, the transaction costs of small individual licences are likely to be prohibitive for both rightsholders and AI developers. Unlike other forms of creative content, audiovisual material presents greater challenges for purely voluntary collective licensing due to the many individual works and rightsholders with an interest in a film.

Critically, in line with the Government's commitment to preserve control of their property rights, ECL maintains that control by allowing individuals to opt out of the scheme. Screenrights recognises that larger copyright holders may wish to license their content directly, and the ECL opt out allows them to do so. Others, such as owners of ICIP content, may not wish to offer a licence at all, and again ECL allows them to enforce their rights directly.

Screenrights submits that an ECL opt out is viable because it is managed by an interaction between a collecting society and a copyright owner. This contrasts with the proposal of some in the tech sector who propose opt outs based on code (such as robots.txt) on web pages. In practice, these tech opt outs are virtually impossible for rightsholders to implement as their content will be placed on third party websites outside their control. Smaller rightsholders in particular will not have the market power to require such protections as part of commercial licensing arrangements with content platforms, nor the resources to enforce the placement of their content on unprotected websites that could be anywhere in the world.

Annexed to this submission is a whitepaper with more information on Extended Collective Licensing as a tool to assist voluntary licensing for AI in Australia.

(e) Sovereign AI capability

"the opportunities for Australian sovereign AI capability"

As referred to in the introduction, Screenrights acknowledges the national security implications of AI. One answer to this question could be the development of sovereign AI capability to ensure that Australia has domestic control of AI systems, for example, to protect our critical infrastructure from cyber risk.

To this end, Screenrights notes that the Copyright Act already has a statutory licence for government use of copyright material. Section 183 of the Act permits any use that is for the services of the Commonwealth (or a State or Territory). Screenrights submits that this provision clearly covers matters of national security and so could be used to develop sovereign AI capability as a response to the national security risks of AI.

More information

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