

- If so, to whom should a patent be granted in respect of its output? For example, the owner of the machine upon which the AI software runs, the developer of the AI software, the owner of the copyright in its source code or the person who inputs the data used by the AI to develop its output? The answer to this question will be critical in determining who reaps the windfalls of the AI revolution.
- If AI is capable of being recognised as an inventor, should the standard of inventive step be amended such that it is no longer judged by reference to the knowledge and thought processes of the hypothetical unskilled worker in the field? Questions of validity such as inventiveness (as well as sufficiency/enableness) are often resolved with reference to a hypothetical skilled team. If we accept that the notional skilled team has access to — or perhaps even is — an AI device, their ability

to solve technical problems would likely be considerably enhanced, both quantitatively and qualitatively. And while we might observe that calculators, computers, high-throughput sequencing and other innovations enable skilled teams to expand their capabilities, we must also accept none of these technologies are even arguably capable of independent inventiveness — unlike AI, the potential of which is yet to be fully understood.

- What continuing role might the ground of revocation for false suggestion or misrepresentation have, in circumstances where the inventor is a machine?

The Australian Full Court recognised the urgency of resolving these questions. It is, however, yet to be seen how or when — as these issues were put to the courts in the recent DABUS cases — and until then “to be or not to be, that is the question”.

Event Report: CAMLA Young Lawyers Music Law 201 Seminar

Nicola McLaughlin (Legal Counsel, nbn, CAMLA Young Lawyer Committee Secretary)

Springboarding off the first event in the Music and the Law Series, the CAMLA Young Lawyers Committee were thrilled to kick off CAMLA's first hybrid event for 2022 with its very own Music Law 201. The event boasted a lively and practical discussion about the complexities of collective licensing and the role of copyright collecting societies in the music industry.

Key topics of discussion included:

- the different roles of each collecting society;
- the intentions behind creating OneMusic Australia (the joint initiative between APRA AMCOS and PCCA);
- whether you need a licence to perform or record a cover song;
- whether the everyday TikTok user requires a licence to incorporate music in their posts; and
- how music royalties flow from streaming services.

Our esteemed panellists included Lynne Small, (Chief Operating Officer, Australian Recording Industry Association and Phonographic Performance Company of Australia) Kate Haddock (Partner, Banki Haddock Fiora) and Chris Johnson (Director of Legal Services, APRA AMCOS). Following CAMLA's first in-person event since the second wave of COVID-19, the audience and panellists enjoyed catching up over some drinks and nibbles provided by our gracious host, Banki Haddock Fiora.



The CAMLA Young Lawyers Committee would like to take this opportunity to thank Banki Haddock Fiora and our expert panellists for donating their time and answering an abundance of questions from the lively audience.

Special thanks also to our event moderators, Isabella Boag Taylor (Associate, Bird & Bird) and Belyndy Rowe (Senior Associate, Sainty Law)

