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AI-Written Music, Copyright and APRA AMCOS

A Practical Guide for Australian Songwriters

Authorship, moral rights, ARIA's new chart rule, and the AI music litigation reshaping the industry

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Somewhere in Australia this week, a songwriter opened an AI tool, typed a prompt, and produced something that sounded, to their ear, like a finished song. Whether that moment created anything they can actually own is a genuinely hard question, and it is one no Australian court has yet had to answer directly. What has changed, in the space of a few remarkable weeks, is the amount of pressure building around that unanswered question. On 25 August 2026 the Australian Recording Industry Association updated its charts rules to exclude recordings that are not "substantially human made," with the change taking effect from the chart dated Monday 31 August 2026, published Friday 28 August. [1] Two days earlier, an American independent publisher filed federal lawsuits against two major AI platforms alleging their systems were trained on hundreds of unlicensed songs. [2] A few weeks before that, a German court delivered one of the most detailed judicial rulings anywhere in the world on how a generative AI music model can infringe the copyright of songs it was trained on. [3] None of this happened in isolation from a much older legal story: Australian copyright law has been arguing about what counts as genuine human creativity since long before anyone had heard of a large language model, and the answers that older story produced are exactly what will be reused to decide the newer one.

This guide is written for the person who actually has to navigate all of that: the working or aspiring Australian songwriter who has, at some point, let an AI tool touch a lyric, a melody, a mix, or an entire track, and now wants a straight, honest answer about where they stand. It sets out what Australian copyright law currently says, and does not say, about AI-assisted and AI-generated music, what moral rights add to that picture, what APRA and AMCOS are actually doing with your royalties right now, how the ARIA chart rule and other overseas developments compare, what happens if an AI clones your voice, and a genuinely practical checklist you can act on this week. A note on method before we start: this area moves quickly, several of the developments below are days old, and the legal analysis in places is a reasoned prediction rather than a settled rule. We have tried to be explicit throughout about which is which.

NOTE: *This guide accompanies our episode "AI-Written Music, Copyright and APRA" on the Legal Matters radio show. See the episode for the full on-air discussion, including the Men at Work "Down Under" story told in full.*

Why This Suddenly Matters: The Week's Developments

Music copyright law has spent the better part of two decades being tested at the edges by sampling, mashups, streaming economics and remix culture. Generative AI has compressed years of that slow, grinding argument into a matter of months, and the past fortnight is the clearest evidence yet of how fast the ground is moving beneath songwriters' feet.

First, ARIA's Charts Code of Practice was updated on 24 August 2026 to distinguish AI-generated recordings from AI-assisted ones. ARIA's own published guidance sets out the practical test in plain language: a recording generated by AI is not eligible for the ARIA Charts, while a recording made by humans that used generative AI remains eligible, provided it meets the rest of the chart rules. [4] This is best understood as a chart and awards eligibility standard, not a general prohibition on making or releasing AI music, and certainly not a rule of copyright ownership. The trigger, according to ARIA's own explanation, was that recordings with no human performance behind them were generating real streaming numbers and, in ARIA's words, "Australian artists are competing for attention in the most crowded market in history." [5]

Second, on 17 August 2026 the independent music publisher Round Hill Music filed two federal lawsuits in the United States District Court for the Northern District of California, one against the AI company Anthropic (*Round Hill Music LP v Anthropic PBC*, No. 5:26-cv-08505) and one against the AI music platform Suno (*Round Hill Music LP v Suno Inc*, No. 5:26-cv-08507). [6] Round Hill alleges that Anthropic used lyrics from at least 500 songs it holds rights to, including music recorded by James Brown, The Kinks and the Goo Goo Dolls, to train its Claude chatbot, and that Suno used the same songs to train its music generation system. [7] Round Hill has told the court it may eventually add "ten thousand or more" compositions to the litigation, with damages that could "potentially approach or conceivably exceed \$1 billion." [8] Round Hill's chief executive, Josh Gruss, said in a statement that the publisher intends "to take these cases to trial and to hold these companies accountable." [9] These claims add to a wave of parallel litigation against major AI developers, including separate proceedings brought against Anthropic by Universal Music Group and BMG Rights Management, and against Suno by Universal Music Group and Sony Music, over the alleged use of song lyrics and recordings in AI training. [10] None of these claims has yet been determined on their merits, and it is important not to treat an allegation in a filed complaint as an established fact.

Third, and arguably the development that matters most for anyone trying to assess genuine legal risk rather than headline risk, the Munich Regional Court (Landgericht München I) ruled on 31 July 2026 in proceedings brought by the German collecting society GEMA against Suno, in what has been described as the first European court decision concerning a generative AI music tool. [11] The judgment is detailed and fact-specific, and it deserves to be described accurately rather than reduced to a single headline. GEMA's claim concerned six specific musical compositions, including "Daddy Cool," "Rasputin" and "Forever Young." The court found that Suno's models, trained in the United States on millions of complete recordings obtained by circumventing YouTube's download protections, had "memorised" those six works within the model's parameters, meaning the model retained enough of each work's actual content, not merely statistical patterns learned from it, that specific outputs reproduced the

works' melody and compositional structure when prompted with only the lyrics, a style tag and a title. [12] The court held that this went beyond Australia's or the European Union's equivalent text-and-data-mining style exceptions, which are designed to protect the analysis of information, not the retention of a work's actual expression, and separately found that Suno's access to the source recordings was unlawful in any event because it had circumvented an effective technical protection measure. [13] Applying United States law to the training conduct that occurred there, the court rejected a fair use defence on all four statutory factors, drawing a sharp distinction from earlier American rulings in cases such as *Bartz v Anthropic*, where the training material itself never resurfaced in the outputs users actually saw. [14] The judgment is not final. Suno can appeal to the Munich Court of Appeal, and commentators have flagged the extraterritorial jurisdictional finding, the memorisation standard, and the significance of GEMA's 176 repeated identical prompts as likely grounds of challenge. [15] Its immediate legal effect is confined to German and EU law and the six works in question; it is not binding on Australian courts. Its practical lesson, however, is broader and genuinely important: where a model can be shown to reproduce a specific song's protectable expression on straightforward, non-manipulative prompts, both the fact of "training" and the fact of the resulting "output" can independently give rise to liability, and a defence built solely around "we only analysed statistical patterns" may not hold up once a court is shown outputs that closely track an existing work.

Fourth, trade press reporting in the week of 17 August 2026 suggested that Apple Music was planning to apply "Made With AI" labels to tracks materially generated on platforms such as Suno. [16] We have not been able to locate a first-party Apple Music policy statement confirming this at the time of writing, so it is presented here as reported industry commentary rather than a confirmed operational fact, and readers should treat any specific claims about Apple's labelling practices with appropriate caution until Apple or a distributor publishes its own account of the policy.

Read together, even allowing for the genuine uncertainty around some of the reported detail, these developments tell you where the pressure is coming from. Regulators and industry bodies are trying to preserve a category of recognisably human-made music that audiences and voters can trust, courts are beginning to test, on real evidence, whether AI outputs directly infringe the songs they were trained on, and the money, both licensing revenue and litigation exposure, is moving faster than Australian copyright law was ever built to match. Underneath all of it sits the same question courts have wrestled with for as long as there has been recorded music: what actually counts as a human creative contribution, and how much of someone else's original work can a new work borrow before it crosses the line into infringement.

What Is Protected? A Song Is Not One Right

Before going further, it is worth pausing on something the AI debate makes easy to lose sight of: "a song" is not a single, unified legal right. The lyrics and the music are usually a literary work and a musical work respectively, and they may have different authors and different owners. [17] The recorded track is a separate copyright work again, a sound recording, typically owned by whoever made the arrangements for the recording, often a record label or production company, not the songwriter. [18] A performer may separately hold rights and protections in relation to their recorded performance. AI use can affect each of these layers quite differently in the same finished release. A human songwriter might, for example, own solid copyright in substantially rewritten lyrics, while an AI-generated instrumental backing track underneath those lyrics sits in a much more uncertain position, and the final mastered file might raise entirely separate ownership and contractual questions again, particularly if a producer or engineer contributed creative choices during mixing and mastering. Keeping these layers distinct in your own mind, and in any agreement you sign, will save a great deal of confusion later.

Can You Actually Copyright an AI-Written Song in Australia?

Start with what the statute actually says, rather than with what feels intuitively fair. The *Copyright Act 1968* (Cth) protects original literary, dramatic, musical and artistic works. [19] Australian courts have consistently held that originality requires an identifiable human author who has exercised independent intellectual effort in creating the particular expression in question, and this requirement long predates the current wave of generative AI tools. It was forged in a series of cases about compilations, databases and automated document generation that had nothing to do with music but everything to do with the underlying legal question of how much human input copyright actually demands.

In *IceTV Pty Ltd v Nine Network Australia Pty Ltd* [2009] HCA 14, the High Court considered whether IceTV had infringed Nine's copyright in its television guide by using time and title information drawn from Nine's own weekly schedule. [20] The Court found no infringement, but in reaching that conclusion it reinforced that copyright protection depends on the exercise of "skill and judgment" directed at the particular form of expression, not simply on the labour of compiling information. That emphasis on human skill and judgment, rather than mechanical output or sheer effort, runs through every later Australian decision dealing with computer-generated material.

The clearest application to purely machine-generated content came in *Telstra Corporation Ltd v Phone Directories Co Pty Ltd* [2010] FCAFC 149, where the Full Federal Court found that telephone directories produced largely through automated processes lacked the human authorship necessary to attract copyright at all. [21] The reasoning is blunt but important: if a court cannot point to a human who exercised independent intellectual effort over the material form of a work, copyright may simply not exist in it, regardless of how commercially valuable the finished output is.

Australian copyright legislation contains no special rule allocating copyright in a work generated by AI, and, importantly, no Australian court has yet decided a case about copyright subsistence in a generative AI song specifically. What we can say is this: the better view, drawn from these existing originality and

authorship authorities, is that copyright depends on an identifiable human author contributing sufficient independent intellectual effort to the relevant expression. A wholly machine-generated track, produced from a bare prompt with no meaningful further human input, is therefore at real risk of having no enforceable copyright in Australia at all. But the legal significance of iterative prompting, selection between multiple AI-generated options, extensive editing, model training and arrangement has not been authoritatively settled, and reasonable views can differ on exactly where the line sits. [22] Arts Law's own guidance for creators is candid about this uncertainty, noting that "what contribution is enough" has "no definite answer yet," while observing that if a creator produces an image or a track and uses an AI tool to edit it, the human contribution is likely to be enough, whereas it remains genuinely unclear whether more indirect contributions, such as writing and tweaking prompts, training an underlying model, or simply pre-selecting and lightly editing an AI's output, would be enough on their own. [23]

WARNING: *A song with little or no identifiable human creative contribution is at real risk of having no enforceable copyright in Australia at all. This has not been decided by an Australian court for generative AI music specifically, but if you release AI-generated music and assume it is automatically "yours" the way a hand-written song would be, you may be relying on a right that does not exist, and you may not be able to stop anyone else from using the same or similar output.*

The most defensible practical position is this: substantial human writing, composing, performing, arranging or genuinely expressive editing is the strongest basis for a copyright claim. Selecting between AI-generated options, curating outputs, or extensive prompting may assist your position, but their legal sufficiency on their own has not been authoritatively settled in Australia, and you should not assume that keeping a log of your prompts is, by itself, enough to create copyright where none would otherwise exist. The more specific, deliberate and identifiable your own creative decisions, the stronger your position, but "stronger" is not the same as "certain," and anyone relying heavily on AI-generated material in a commercially significant release should treat this as a live risk to be managed, not a solved problem.

This broadly mirrors how the United States Copyright Office has approached the same underlying problem in a different legal system: no registration for content generated by AI on its own, but registration remains available for works where a human has added sufficient original expression on top of AI-assisted material, provided the AI-generated content is disclosed to the Office. [24] Two different legal systems arriving independently at a similar functional answer, no protection for the machine's own output, protection for what a human genuinely added, is a reasonably strong signal about where this area of law is heading globally, even before any legislature has formally acted, though it should be read as a helpful comparison rather than binding guidance for Australian purposes.

Moral Rights: The Part Almost Everyone Forgets

Copyright ownership is one issue. Moral rights are a separate, and frequently overlooked, layer of protection under Part IX of the *Copyright Act 1968* (Cth), which gives a human author of a copyright work three distinct rights: the right to be attributed as the creator of the work, generally understood to derive from provisions including section 193, the right against having someone else falsely attributed as its creator, addressed in provisions including section 195AC, and the right against having the work subjected to treatment that is derogatory to the author's honour or reputation, addressed in provisions including section 195AI. [25] These rights exist independently of who owns the copyright itself, they generally cannot be sold or transferred, though a written consent can permit certain acts that would otherwise infringe them, and critically, they attach only to a human author or performer, never to an AI tool. [26]

This creates two practical points worth understanding clearly. First, if you have contributed genuine independent intellectual effort to an AI-assisted song, you are entitled to be credited as an author, and a collaborator who did not contribute a substantial creative effort is not entitled to claim that same credit, regardless of who ran the AI prompt or who owns the studio. [27] Split sheet disputes, discussed further below, are very often really moral rights disputes wearing a financial disguise, someone feeling written out of a credit line matters just as much, sometimes more, than a disagreement over percentage points.

Second, because moral rights only attach to human authors, an AI tool itself has no moral rights, and Australian law does not currently impose a general legal obligation to disclose that AI was used to generate a work, unless a specific platform, chart body or awards body imposes that disclosure requirement contractually or as an eligibility condition. [28] Australia's non-binding AI Ethics Principles encourage transparency and explainability as a matter of good practice, but they create no enforceable duty. [29] That gap is precisely why ARIA's chart rules and international awards eligibility criteria, discussed below, have had to step in and impose disclosure and authorship standards that the underlying copyright statute does not itself demand.

IMPORTANT: *Moral rights cannot be bought, sold or generally waived away in Australia, though a written consent can permit certain acts that would otherwise infringe them. If you are engaging a session musician, a co-writer, or a producer who uses AI tools as part of their contribution, get clear written agreement on attribution before release, not after a dispute starts.*

APRA, AMCOS and Getting Paid When AI Is Involved

Copyright and royalties are related but genuinely separate questions. Even where a valid copyright exists, you are only paid for it if the correct collecting body has been mandated to licence it, and has accurate information that the song exists in the first place.

APRA AMCOS is actually two organisations operating jointly. APRA controls the performing right, which is exercised when a song or composition is performed in public or communicated to the public, and APRA is able to licence this right on a member's behalf for almost all uses, including where those rights are exercised by generative AI programs, models, platforms or services. [30] AMCOS controls the reproduction right, which is exercised when a song or composition is copied in any form, but historically AMCOS has only controlled the reproduction right for a limited number of specific uses, and was, at the start of 2025, not in a position to licence reproductions made for the purpose of training generative AI systems at all. [31]

To close that gap, in early March 2025 AMCOS sought a non-exclusive mandate from writer and publisher members, intended to take effect from 1 April 2025, that would allow AMCOS to licence certain reproductions of members' songs made by generative AI programs, models, platforms or services, and their users, described as "Generative AI Inputs," where those rights are exercised in Australia and New Zealand. [32] Membership in this mandate is not automatic or compulsory: AMCOS members were given the opportunity to opt out of it entirely, and the formal process was run through a letter and member webinar rather than by simply amending the standard membership terms unilaterally. [33] Crucially, and this is the detail songwriters most often miss, APRA AMCOS was explicit from the outset that this mandate does not cover any reproduction or adaptation of a member's song to the extent that a substantial part of it ever appears in a so-called "Generative AI Output." [34] In other words, being one of millions of songs an AI model was licensed to train on, assuming your mandate covers that at all, is a completely different legal question from that same model later reproducing your song's original expression when a stranger types a prompt.

The practical upshot is that a songwriter cannot simply assume, from the existence of the 2025 mandate process, that any particular AI developer is currently licensed to use their catalogue, that they personally opted in rather than out, or that a specific payment will follow from a specific use. Members should check their own individual mandate status and the most current APRA AMCOS communications before drawing any conclusions about a particular platform or a particular royalty, because this is a live, evolving commercial arrangement rather than a settled legal rule, and the practical position agreed in early 2025 may already have shifted by the time you read this.

NOTE: *Being an APRA AMCOS member and having your songs used as AI training data are not automatically connected, and giving AMCOS a Generative AI mandate does not by itself prove any particular developer is licensed or that you will receive a particular payment. Check your own mandate status and current APRA AMCOS material before drawing conclusions about a specific platform.*

Training Versus Output: Two Different Legal Questions

It helps to separate two questions that are often run together in commentary on this topic: does copying a song to train an AI model require a licence, and does an AI system's output infringe copyright in an existing song. These are genuinely different legal questions, with different answers, and conflating them leads to overstatement in both directions.

On training, Arts Law's guidance for creators explains that copying a copyright work to build a training data set, for example by scraping images or audio from publicly available websites, will generally require permission from the rights holder unless an existing exception applies, but that Australia currently has no exception specific to data mining or machine learning, and it remains unclear whether older exceptions such as fair dealing for research and study were designed to cover this kind of use at all. [35] Put simply, in Australia, copying protected works to train a model is likely to engage the reproduction right in many circumstances, but the application of existing exceptions and other defences to the particular facts of generative AI training is genuinely unsettled, rather than clearly resolved either for or against AI developers.

On output, it is fair to say that an Australian claim over an AI-generated song that closely resembles an existing work would be likely to raise the ordinary questions Australian copyright law has always asked in music infringement disputes: was there reproduction, was a substantial part of the earlier work taken, and who is legally responsible for that act. It is not yet established by any Australian authority exactly how those questions would be applied to a model provider, a platform operator, an individual user, or a distributor, and there is no guarantee an Australian court would adopt the same attribution reasoning the Munich court applied to Suno under German and EU law. The Munich judgment is genuinely useful as an illustration of how a sophisticated court, working through detailed technical evidence, can analyse memorisation and attribution in a generative AI system, but it should be read as an instructive overseas case study, not as a preview of a settled Australian rule.

The History of "Substantial Part": What Counts as Taking Someone's Creative Work

Long before generative AI existed, Australian and international courts had to work out precisely how much of someone else's song you can borrow before you have infringed their copyright. These older cases matter enormously now, because the same legal test, developed decades before anyone typed a prompt into a text box, is the one that will be applied to future generative AI disputes in Australia.

Kookaburra and Down Under: Australia's own answer

The most instructive Australian authority is *Larrikin Music Publishing Pty Ltd v EMI Songs Australia Pty Ltd* [2010] FCA 29. [36] Men at Work's 1979 and 1981 recordings of Down Under included a flute riff drawn from Kookaburra Sits in the Old Gum Tree, a four-bar children's round written by Marion Sinclair in 1934, whose rights had passed to Larrikin Music. Justice Jacobson found that although the flute riff

used only two bars of Kookaburra, and Down Under was an entirely different song in structure, genre, tempo and length, those two bars still amounted to a "substantial part" of Kookaburra, because the assessment of substantiality turns on the quality of what was taken, not the quantity. [37] The judgment's emphasis was on quality rather than quantity, and on whether the copied features formed a substantial part of the earlier copyright work, not of the later, allegedly infringing one.

EMI and the songwriters appealed. The Full Federal Court dismissed the appeal in *EMI Songs Australia Pty Ltd v Larrikin Music Publishing Pty Ltd* [2011] FCAFC 47, upholding the trial judge's finding. [38] The High Court refused special leave to appeal further, drawing the litigation to a close. Men at Work's record label was ultimately ordered to pay Larrikin five per cent of royalties from Down Under, backdated to 2002. [39]

The lesson for anyone assessing generative AI risk is direct and slightly unsettling. It does not matter that the finished song sounds completely different overall, uses a different tempo, genre or arrangement, or borrows only a handful of seconds of material. If what was taken represents the original, recognisable creative essence of an earlier work, that can be enough to infringe. An AI model that reproduces even a short but distinctive melodic or lyrical fragment from a song in its training data carries exactly this kind of risk, which is precisely the scenario APRA AMCOS deliberately carved out of its Generative AI Input mandate, and precisely the kind of reasoning the Munich court applied when it compared Suno's outputs to the six GEMA-affiliated works note by note.

My Sweet Lord: when copying happens without anyone meaning to

Kookaburra is not the only cautionary tale worth knowing, and one of the oldest and most famous examples in music copyright history is not Australian at all. In *Bright Tunes Music Corp v Harrisongs Music Ltd*, 420 F. Supp. 177 (S.D.N.Y. 1976), an American court found that George Harrison's 1970 hit "My Sweet Lord" infringed The Chiffons' earlier song "He's So Fine," despite Harrison's own evidence that he had not consciously copied anything. [40] The court accepted that the similarity was almost certainly the product of what has come to be described as subconscious copying, Harrison had heard the earlier song many times and, without deliberate intent, reproduced its musical structure closely enough to infringe. This case matters for the AI conversation because it demolishes any assumption that infringement requires deliberate, knowing copying. If a human songwriter can infringe without meaning to, purely by having absorbed an earlier song into their own creative instincts, an AI model trained systematically on enormous volumes of existing music is arguably at even greater structural risk of reproducing protected material without anyone intending it, which is exactly the mechanism the Munich court's memorisation finding against Suno was built on.

Blurred Lines and Stairway to Heaven: the international counterpoints, read carefully

Two well known United States cases illustrate the limits on both sides of the substantial part test, and it is worth describing them precisely rather than reaching for the popular shorthand version of each. In the "Blurred Lines" litigation, a jury found that Pharrell Williams and Robin Thicke's song infringed Marvin Gaye's "Got to Give It Up," in a decision the Ninth Circuit ultimately upheld. [41] That litigation remains genuinely controversial. Musicologists and commentators have criticised the result as giving excessive practical weight to the overall feel, groove and style shared between the two recordings, but the legal analysis before the court concerned similarities to the protectable expression fixed in the deposited composition, not a free-standing legal right in a musical "feel" or genre. Copyright does not confer a monopoly over a genre, an era's production style, or a general sonic atmosphere, and it is important not to overstate what the case actually decided as a matter of law, even while noting that the practical reasoning has attracted sustained academic criticism for blurring that line in effect.

Skidmore v Led Zeppelin, 952 F.3d 1051 (9th Cir. 2020) (en banc), went the other way. The Ninth Circuit, sitting en banc, upheld a jury finding that Led Zeppelin's Stairway to Heaven did not infringe the earlier song "Taurus" by the band Spirit, partly because the descending chord progression at issue was a common building block of Western music, not something original enough to Spirit to be independently protectable. [42] Some musical elements, basic chord sequences, standard scales, common rhythmic patterns, are simply too fundamental to the shared musical language to belong to any one songwriter, no matter how memorably they were first used.

Read together, and read carefully, these cases and Australia's own Kookaburra saga sketch a reasonably complete map of the risk terrain relevant to AI-generated music. AI models are trained to reproduce statistical patterns across enormous numbers of songs, which makes them well suited to capturing genre conventions and overall stylistic feel, precisely the territory that generated genuine legal controversy in the Blurred Lines litigation, while occasionally reproducing specific, original, protectable phrases from individual songs in their training data, precisely the territory Kookaburra, My Sweet Lord and the Munich Suno judgment were each concerned with in different ways. A songwriter using AI tools should hold both risks in mind at once, and understand that neither one disappears simply because the finished track sounds original to a casual listener's ear.

Similar Industry Approaches, But No Single Global Legal Standard

It is genuinely striking that multiple independent industry bodies around the world have converged on a broadly similar idea within months of each other, without any single piece of legislation forcing their hand, and it is worth naming that pattern honestly while being careful not to overstate it as a unified legal rule.

ARIA's rule asks whether a recording is "substantially human made," and treats a recording as ineligible where generative AI produced the entirety or the primary portion of its creative elements, including a lead vocal or a key instrumental performance, even where a human later mixed or mastered the result. [43] Human mixing, mastering, EQ and editing alone do not change that outcome under ARIA's stated criteria. [44] The Recording Academy, which awards the Grammys, has said publicly that "only human creators are eligible" to win, and that a work containing no human authorship is not eligible in any category, while works featuring some AI-generated elements may still be considered where the human authorship component is meaningful. [45] Reporting on the Latin Recording Academy's own updated guidelines, announced in March 2026, describes a broadly similar principle applied to its own categories and processes. [46] These three bodies, an Australian chart body, an American recording academy, and a Latin American recording academy, appear to have independently rejected the idea that "the AI did the work but a human clicked publish" is good enough, and each has adopted some version of a meaningful human contribution test.

That said, these are separate private rulesets with different scopes, evidentiary requirements and consequences, governing different charts, different award categories and different geographic markets, and it would overstate the position to describe this as a single binding international legal standard. The exact technical boundaries each body draws, what counts as a "primary" creative element, what counts as "meaningful" human authorship, are set by each organisation's own rules and are not necessarily identical to one another, even where the underlying instinct is the same. Anyone releasing music with AI involvement, whether or not a chart position or an award nomination is the goal, would do well to document their creative process against the strictest version of these tests they might realistically encounter, since it costs little to be ready for scrutiny and can cost a great deal not to be.

WARNING: *Genuine grey areas remain, including an AI-generated chorus paired with human-written verses, AI-suggested chord progressions that meaningfully shape a final composition, and permission-based voice cloning used within an artist's own creative process. None of these has a settled answer under Australian law or under any single awards body's rules. If your song sits in one of these categories, document your human creative contribution in detail before release, because the rules governing this exact scenario are still being written in real time, by different bodies, for different purposes.*

What ARIA's Chart Rule Actually Means for You

ARIA's rule is an eligibility standard for its own charts and, as a consequence, its own awards. It is not a general legal prohibition on releasing AI music, and it does not decide copyright ownership. A recording developed using generative AI is eligible only where it is substantially human made, raises no stream or chart manipulation concerns, and complies with applicable laws, including copyright and related rights. [47] ARIA's guidance sets out three practical categories. AI-generated recordings, where generative AI produced the recording or the primary part of its creative elements, including a lead vocal or a key instrumental performance, are not eligible. AI-assisted recordings, where humans wrote the song and performed the lead vocal and the primary instruments while generative AI did something minor on top, remain eligible. AI used in production, such as AI mastering, AI drum machines, stem separation, reverb, or instrument patches a person then plays, is treated as acceptable and does not affect eligibility. [48]

Importantly, ARIA assesses each recording on its own facts against these criteria, rather than applying a fixed checklist mechanically, and requires an accurate declaration about the use of generative AI whenever a release is submitted to the ARIA survey. [49] Where ARIA has a concern about a specific recording, it will contact the rights holder or their representative, explain the concern, and give them an opportunity to respond with supporting evidence before any decision is made, with a further right to escalate a disputed decision to the ARIA Chart and Marketing Committee and then the ARIA Board. [50] ARIA can decline to survey a recording, adjust chart positions retrospectively, withdraw accreditations, or revoke an ARIA number one award. [51] It has been explicit that chart eligibility does not affect royalties, radio play, or what any streaming service carries, and that the changes apply to charts dated from 31 August 2026 onward, without retrospectively reopening charts already published before that date except where a recording included in a chart is later found to have been ineligible under the criteria then in force. [52] ARIA has also said it is applying its own three-part test consistently with a broader labelling standard published by IFPI on 30 July 2026, distinguishing "AI-Generated" from "AI-Assisted" content globally, although ARIA has deliberately chosen not to adopt IFPI's further criterion concerning whether the generative AI service used is itself properly licensed, on the basis that licensing arrangements between major music companies and AI developers are still a rapidly developing area. [53]

This has an immediate practical consequence for how you should actually be working, not just how you should think about the law after the fact. If you want a recording to remain chart eligible, document your own creative process as you go: which vocal takes and instrumental performances were genuinely human, which AI tools touched the production and in exactly what capacity, and be ready to describe that process clearly if ARIA, a label, or a rights holder ever asks. You will not remember these details as clearly in twelve months as you do today.

Voice Cloning, Deepfakes and Australia's Fragmented Protections

There is a further layer of risk that has nothing to do with copyright in a song's melody or lyrics, and everything to do with the human voice itself. Generative AI tools can now convincingly clone a specific singer's voice, and Australian law does not have a single, clean answer to what happens when someone does that without permission.

Unlike the United States, where several states, most notably Tennessee's so-called *ELVIS Act*, have created an explicit statutory property right in a person's voice and likeness, Australia has no equivalent legislation. [54] The common law of Australia does not recognise an independent cause of action protecting how a person's identity, including their name, image and voice, is used commercially, in the way some other jurisdictions do. [55] It is also important to separate voice imitation from copyright infringement of a sound recording. Copyright can subsist in the musical work, the lyrics, and separately in the sound recording of a particular performance, and a performer may hold their own protections in relation to their recorded performance, but a newly generated AI performance that merely sounds similar to an existing artist's voice, without reproducing the actual earlier recording, does not, without more, establish that the earlier sound recording's copyright has been infringed. [56] Voice similarity and copyright infringement of a specific recording are genuinely different legal questions, and it is a mistake to assume that a convincing soundalike automatically means someone's copyright has been copied.

None of this means an artist whose voice has been cloned is without any remedy at all, but the available tools are fact-specific, fragmented across several different areas of law, and none of them is automatic. Depending on the circumstances, potential avenues include the tort of passing off, the misleading or deceptive conduct and false representation provisions of the *Australian Consumer Law* in Schedule 2 of the *Competition and Consumer Act 2010* (Cth), trade mark law where a distinctive vocal element or persona has been registered or protected, false endorsement claims, breach of confidence, privacy-related claims, defamation, contractual restrictions in recording, licensing or platform agreements, and platform-level takedown mechanisms. [57] Passing off and *Australian Consumer Law* claims in particular generally require the conduct to occur in trade or commerce, meaning purely non-commercial or clearly parodic content sits in a genuine grey zone, and both routes require evidence that consumers were actually likely to be misled about the artist's involvement, which can be a real evidentiary hurdle precisely because the point of a convincing voice clone is that it sounds authentic. [58] Each of these avenues depends heavily on the particular representation made, the commercial context, the audience, and the available evidence, and a claim can fail under any one of them even where the underlying conduct feels obviously unfair.

The practical upshot for songwriters and performing artists is twofold. If you are considering using an AI tool to generate a vocal performance in someone else's style, understand that the absence of a single clear Australian statute is not the same as the absence of legal risk; several overlapping areas of law may still apply depending on exactly what you do and how you present it. If you are the artist whose voice might be cloned, the most reliable protection currently available is often contractual, building clear

terms into any recording, licensing or platform agreement that expressly restrict AI voice replication, rather than relying on a single general legal right that Australia simply does not yet have.

A Practical Checklist for Australian Songwriters

Bring all of this together into concrete, actionable steps, expressed with the appropriate caveats rather than as blanket rules.

1. Understand that copyright is automatic, but only for genuine human creative contribution. There is no registration system for copyright itself in Australia. The moment an original song is fixed in material form, whether written down, recorded, or saved as a digital file, copyright exists automatically, provided a human exercised genuine skill and judgment in creating it.^[59] If a song was produced entirely by AI with no meaningful human input, that automatic protection may not apply at all, and this remains a real risk even though no Australian court has yet decided the point directly.
2. Build and preserve a genuine evidence trail of your own creative process, not just a prompt log. Preserve dated lyric drafts, MIDI and audio exports, and arrangement files. Keep unedited human vocal and instrumental takes. Retain your digital audio workstation's project and version history and any cloud timestamps. Where AI tools were used, retain the prompts entered, the outputs considered, the reasons particular outputs were rejected, and the specific human edits made afterwards. Record who supplied each stem, sample and voice model, and the applicable tool's plan or terms on the date it was used. This record helps your position on copyright, moral rights, and chart or awards eligibility, but be clear-eyed that documentation is evidence of what you did, not a legal cure, it cannot make an otherwise non-human expression copyrightable, and it cannot clear a genuinely copied melody.
3. Register every individual song with APRA AMCOS through the Writer Portal, promptly and accurately. Registration does not create your copyright and does not conclusively decide who owns it. What it does is assist APRA and AMCOS in matching your song to actual uses and distributing royalties correctly. Delay or inaccurate metadata can mean uses go unmatched, distributions are delayed, or a later claim is harder to substantiate, so treat registration as an ongoing administrative discipline rather than a one-off task.
4. Put co-write and AI-assisted contributions in writing on the day the song is finished, and be precise about what the document actually does. A "work of joint authorship" under Australian copyright law has its own statutory requirements, including genuine collaboration and contributions that are not separate from one another, and copyright ownership does not automatically track a negotiated commercial percentage split simply because everyone agreed to one. A signed split sheet recording percentages, contributions, and where relevant which parts came from an AI tool, is excellent and strongly recommended commercial practice, and it prevents the great majority of later disputes over credit and payment, but it is a commercial agreement about how income will be shared, not a legal determination of who the statutory copyright owner is, who owns the sound recording, or what

consents are actually required to exploit the work. Where a release is commercially significant, get advice on the underlying ownership question as well as the commercial split.

5. Understand the "substantial part" test before you release anything that echoes an existing song. Whether a court is looking at Kookaburra and Down Under, He's So Fine and My Sweet Lord, Taurus and Stairway to Heaven, or a future dispute over an AI-generated output, the underlying question is the same: was the material taken original to the earlier work, and did it represent a qualitatively important part of that work's own creative essence. Short passages can infringe. Generic chord progressions and stylistic conventions generally cannot. Subconscious or unintentional similarity is not a defence, as My Sweet Lord demonstrates clearly.

6. Check your current APRA AMCOS communications on AI licensing before assuming you are covered, one way or the other. The Generative AI Input mandate, its opt-out mechanism, and the explicit exclusion of substantial-part reproduction in AI outputs are all details of a specific, evolving commercial arrangement, not settled legal rules that apply automatically to everyone. What was true in early 2025 may already have changed, and it will keep changing as litigation such as the Round Hill and GEMA proceedings develops overseas.

7. If you intend to chart or seek an award, keep your production process substantially human and be ready to prove it. For ARIA chart purposes specifically, the current guidance describes an eligible AI-assisted recording as one made almost entirely by humans, with humans performing the lead vocal and the primary instruments, and generative AI used in a genuinely minor way. ARIA and other awards bodies assess each recording on its own facts rather than by a fixed formula, and each has its own disclosure and declaration requirements. AI-assisted mixing, mastering, pitch correction or minor backing elements will generally not disqualify a track on their own under ARIA's stated criteria, but the closer your use of AI sits to a song's primary hook, melody or lyric, the more carefully you need to document your own creative role, and the more seriously you should treat this as a genuine eligibility risk rather than a formality.

8. Treat voice cloning and soundalike vocals as a distinct legal risk, separate from copyright in the song itself. Australia has no single general right of publicity protecting a person's voice, so a genuinely new AI-generated vocal that merely resembles a known artist may sit outside straightforward copyright analysis entirely. Depending on the facts, Australian Consumer Law, passing off, trade mark law, breach of confidence, privacy law, defamation, contract and platform rules may each be relevant, but none applies automatically, and a claim can fail on its particular facts even where the underlying conduct feels obviously unfair. If you are commissioning or using AI vocal tools in someone else's style, get advice before release rather than after a complaint.

9. Read AI platform terms of service as carefully as any recording or publishing contract, and check the specific version and date you actually agreed to. Before assuming your platform gives you clean rights to whatever you generate, check whether the plan you are actually on grants commercial use rights or merely a marketing claim elsewhere on the site, whether the platform genuinely assigns rights in the output to you or only purports to, whether your output is non-exclusive and might be delivered to other users in similar form, what licence you are granting the platform over your own prompts and uploaded material, whether your voice or stems can be used to further train the

platform's models, and the specific warranty, indemnity, governing law, content removal and dispute resolution clauses that apply. Terms change between versions, so do not rely on a general reputation for having "broad" or "narrow" terms without checking the current document yourself.

10. Put a genuine AI disclosure and warranty clause, not a single blanket sentence, into any co-write or production agreement. Where AI tools are used by any contributor, the agreement should address disclosure of the specific AI tools, voice models, generated stems and any custom training data used; a warranty limited to the contributor's own knowledge and control, rather than an impossible absolute guarantee that no AI output anywhere resembles anything in existence; responsibility for clearing permissions on any input material, samples or voice data supplied by that contributor; approval rights over final credit and metadata; an indemnity that is carefully limited by fault, by the contributor's actual knowledge, and by a sensible financial cap; a right to substitute or remove a problematic stem before release if a concern emerges; and an agreed period for retaining relevant files and disclosure records after release.

11. Revisit your process periodically, not just once. This is not a set-and-forget compliance exercise. APRA AMCOS's own AI position, ARIA's chart code, the Grammy and Latin Grammy eligibility rules, and the overseas litigation landscape have all changed materially within the past eighteen months, and there is no reason to think that pace will slow down. Build a habit of checking your assumptions against current guidance before each new release, rather than relying on advice, including this guide, that felt current a year ago.

WARNING: *If a co-write, an AI-assisted production, a possible voice clone, or a possible similarity to an existing song is heading toward a release or a royalty dispute, get advice before you release the track, not after. Contact our intellectual property team at Bell and Senior Lawyers on (07) 5532 8777 or visit bellsenior.com.au/contact.*

Where This Is Heading

Nothing about this area is settled, and anyone who tells you otherwise is guessing. The *Copyright Act 1968* (Cth) has not been amended to deal with AI-generated works directly, moral rights legislation still assumes every author is a person who can feel pride or embarrassment about their credit, APRA AMCOS is actively managing a mandate process it introduced only in 2025, ARIA's new chart rule is barely a week old at the time of writing, and courts in Germany and the United States are only just starting to hand down substantive, appealable, first-instance rulings on what AI music platforms actually owe the songwriters whose catalogues trained them. Recent Australian academic commentary on copyright and generative AI has described the current legal position as containing a genuine "authorless" gap, a category of creative output that exists in the world and generates real commercial value, but that the statute book was never designed to recognise, own or protect cleanly. [60]

Expect further movement through 2026 and 2027 as the Round Hill litigation against Suno and Anthropic proceeds through the American courts, as Suno's appeal against the Munich judgment is heard, as other rights holders test similar claims following that decision, as APRA AMCOS refines how any AI licensing revenue actually reaches individual writers rather than disappearing into an undistributed pool, and as Australian regulators eventually turn their attention to the voice cloning and deepfake gap that consumer law and passing off can only partially fill today. The rough convergence between ARIA's chart rules and the Grammy and Latin Grammy eligibility standards suggests the industry itself may end up setting practical rules of the road faster than any parliament, simply because artists, labels and audiences all want the same basic reassurance: that when they are told a human wrote a song, a human actually did.

Until the law catches up properly, and it will likely take longer than anyone currently expects, the safest position for any Australian songwriter is the same one courts have applied to human creativity for well over a century: make sure a person is making, and can genuinely point to, the identifiable creative decisions in a song, document that involvement honestly as you go, protect your moral rights and your voice through clear written agreements, and register properly with APRA AMCOS so you are actually in a position to be paid once royalties start moving. The technology will keep changing, quickly, and often in ways that make last year's confident predictions look premature. The underlying legal test, real, provable, human creative effort, has proven remarkably durable so far, and there is good reason to think it will remain the touchstone for a long time yet.

This guide provides general legal information only; it is not personal legal advice. Everyone's situation is different, so please seek independent legal advice for your own circumstances. Contact Bell and Senior Lawyers on (07) 5532 8777 or visit bellsenior.com.au.

Footnotes

All sources were accessed on or before 27 August 2026. Mutable web pages (FAQs, member updates) should be re-checked for currency before relying on this guide.

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4. ARIA, "ARIA Chart Changes FAQs" (n 1).
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6. Brittain (n 2).
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18. Ibid, s 89 (copyright in sound recordings) and related provisions on ownership of sound recording copyright.
19. Ibid, s 32.
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[limited-v-nine-network-australia-pty-limited](#); case summary at AustLII <https://www.austlii.edu.au/cgi-bin/viewdoc/au/other/HCASum/2009/14.html>.

21. Telstra Corporation Ltd v Phone Directories Co Pty Ltd [2010] FCAFC 149.

22. Arts Law Centre of Australia, "Artificial Intelligence (AI) and Copyright" <https://www.artslaw.com.au/information-sheet/artificial-intelligence-ai-and-copyright/> (27 June 2024, accessed 27 August 2026).

23. Ibid.

24. See discussion of United States Copyright Office registration guidance in Rocco Panetta, "Originality and Authorship in AI-Generated Works" <https://www.medialaws.eu/wp-content/uploads/2021/07/WPS-2021-6-Rocco.pdf>, MediaLaws Working Paper Series (2021); readers should check the Copyright Office's current published guidance directly for the up-to-date position.

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26. Arts Law Centre of Australia (n 22).

27. Ibid.

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41. Williams v Gaye, 895 F.3d 1106 (9th Cir. 2018).

42. Skidmore v Led Zeppelin, 952 F.3d 1051 (9th Cir. 2020) (en banc).

43. ARIA, "ARIA Chart Changes FAQs" (n 1).

44. Ibid.

45. Associated Press, "Grammys: Only 'Human Creators' Eligible to Win, Recording Academy Says" <https://apnews.com/article/grammys-artificial-intelligence-86fd1cf2291abf1d665b91749cd8d494> (16 June 2023); readers should check the Recording Academy's current published Rules and Guidelines for the applicable year's precise eligibility criteria.

46. Veronica Villafañe, "Latin Grammys 2026: Academy Tackles AI, Sets Category and Eligibility Changes" <https://www.forbes.com/sites/veronicavillafane/2026/03/28/latin-grammys-2026-academy-tackles-ai-sets-category-and-eligibility-changes/>, Forbes (28 March 2026); this is background media reporting rather than the Latin Recording Academy's own published rules, which readers should check directly for precise criteria.

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52. Ibid.

53. Ibid.

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Legal Matters Practical Guide — TL;DR Summary

AI-Written Music, Copyright and APRA AMCOS

A one-page summary of the full practical guide for Australian songwriters | 27 August 2026

What's changed this week

- **ARIA (25 Aug 2026)**: wholly/primarily AI-generated recordings are ineligible for ARIA charts and awards from the chart dated 31 Aug 2026. AI-assisted music (human lead vocal + primary instruments) stays eligible.
- **Round Hill Music (17 Aug 2026)**: sued Anthropic and Suno in the US (N.D. Cal., case nos. 5:26-cv-08505 / -08507) alleging unlicensed training use of 500+ songs; damages claim could exceed US\$1bn.
- **GEMA v Suno, Munich (31 Jul 2026)**: first-instance German court found Suno's model "memorised" and reproduced 6 specific songs; not binding in Australia and under appeal.
- **Grammys / Latin Grammys**: both require "meaningful" human authorship; no-human-authorship works are ineligible in any category.

Can you copyright an AI-written song?

- **No Australian court has decided this yet.** The better view (*IceTV v Nine Network* [2009] HCA 14; *Telstra v Phone Directories* [2010] FCAFC 149) is that copyright needs a human exercising real skill and judgment.
- **Bare-prompt songs = real risk of no copyright at all.** Substantial human writing, rewriting, performing or arranging is your strongest position; selection/prompting alone is untested.
- **Moral rights** (attribution, false attribution, integrity – *Copyright Act 1968* (Cth) pt IX) belong only to human authors, never an AI tool.

APRA AMCOS and getting paid

- **APRA** can licence the performing right even where AI platforms are involved.
- **AMCOS's 2025 Generative AI mandate** is non-exclusive with an opt-out, covers training "inputs" only, and does NOT cover a substantial part of your song appearing in AI "outputs."
- **Registering with APRA AMCOS** doesn't create your copyright – it just helps match uses and pay royalties. Register every song, promptly and accurately.

The history of "substantial part"

- **Kookaburra v Down Under (*Larrikin v EMI* [2010] FCA 29; [2011] FCAFC 47)**: just 2 bars of a 1934 children's round was a "substantial part" of Men at Work's hit – quality beats quantity. 5% royalties awarded, backdated to 2002.
- **My Sweet Lord (*Bright Tunes v Harrisons*, 1976)**: George Harrison infringed "He's So Fine" via subconscious copying – intent isn't required. AI models trained on huge catalogues face an analogous risk.
- **Blurred Lines (*Williams v Gaye*, 2018)**: controversial finding based on overall "feel"; copyright protects specific expression, not genre or style.
- **Stairway to Heaven (*Skidmore v Led Zeppelin*, 2020)**: common chord progressions are NOT protectable – too fundamental to belong to one songwriter.

Voice cloning – Australia's gap

- **No US-style "right of publicity"** over your voice exists in Australia. Remedies are fragmented: Australian Consumer Law, passing off, trade mark, confidence, defamation, contract – none automatic.

Top 6 actions to take now

1. Make your human creative decisions specific and provable – don't rely on a prompt log alone.
2. Register every song with APRA AMCOS promptly and accurately – it enables payment, it doesn't create ownership.
3. Sign a split sheet on co-writes the day the song is finished; it's a commercial agreement, not a statutory ownership finding.
4. Check your current APRA AMCOS mandate status before assuming any AI platform is licensed to use your catalogue.
5. Keep production substantially human if you want ARIA chart or awards eligibility, and be ready to prove it.
6. Get advice before release if AI, a co-write, or a possible song similarity could turn into a dispute.

Full guide: "AI-Written Music, Copyright and APRA AMCOS: A Practical Guide for Australian Songwriters" (27 August 2026). *This is general legal information only, not personal legal advice. Contact Bell and Senior Lawyers on (07) 5532 8777 or visit bellsenior.com.au.*