

BELL & SENIOR LAWYERS

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.*