

AI and IP law with a focus on copyright



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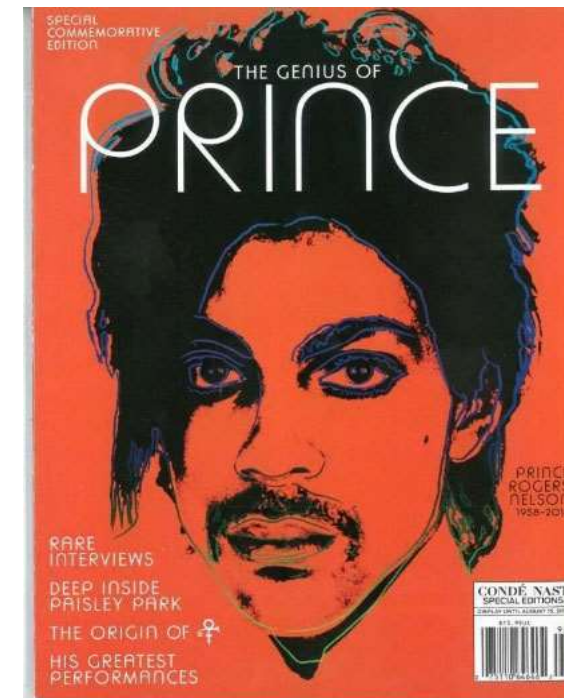
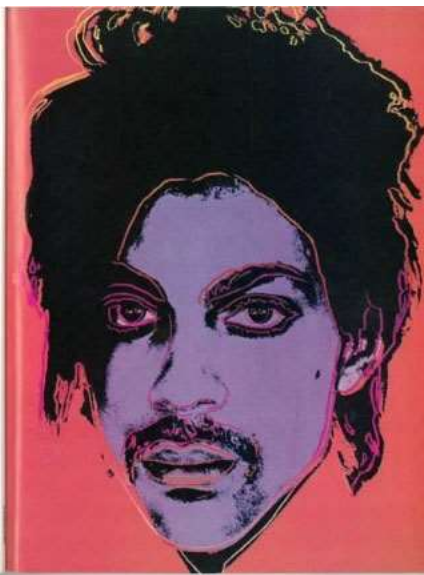


ChatGPT

Infringement or Fair Use

- Many generative AI tools are trained on enormous quantities (sometimes billions) of items protected by IP. There are several ongoing legal disputes alleging that the scraping and use of these works to train AI, the trained AI models, and their outputs are IP infringements.
- In response, Generative AI companies say the lawsuits are without merit because their business strategies leverage "fair use" to train their AI models.

ANDY WARHOL FOUNDATION FOR THE VISUAL ARTS, INC. v. GOLDSMITH ET AL.



Portrait photograph of Prince by Lynn Goldsmith

Vanity Fair and Condé Nast portrait of Prince by Andy Warhol

- Copyright quiz time!

Let's put your
knowledge to the
test!

- Does Warhol's use of
Goldsmith's work
weigh in favor of
fair use?



AI Lawsuits:

- New York Times Company v. Microsoft Corporation et al, No. 1:23-cv-11195, (S.D. New York) (Use of NYT copyrighted works to train OpenAI's ChatGPT)
- Alter et al v. OpenAI Inc. et al, No. 1:23-cv-10211, (S.D. New York) (Three consolidated actions by Plaintiffs alleging OpenAI and Microsoft trained their AI models using Plaintiffs' copyright protected works)-Consolidated with Authors Guild v. OpenAI Inc., No. 1:23-cv-08292 and Basbanes v. Microsoft Corporation, No. 1:24-cv-00084
- The Intercept Media, Inc. v. OpenAI, Inc., No. 1:24-cv-01515, (S.D. New York) (News organization claim works of journalism were used in the datasets used to train ChatGPT.)
- Raw Story Media, Inc. v. OpenAI, Inc., No. 1:24-cv-01514, (S.D. New York) (News organization claim works of journalism were used in the datasets used to train ChatGPT.)

AI Lawsuits

OpenAI gets partial win in authors' US copyright lawsuit

Reuters. Microsoft, OpenAI hit with new lawsuit by authors over AI training
Reuters.

U.S. court dismisses most claims against OpenAI in copyright class action

Seeking IP Protection Copyright

- IP rights and ownership of AI outputs
- It is unclear whether new content generated by AI tools such as text, images, or other creative works, can be protected by IP rights, and if so, who owns those rights.
- The US Copyright Office has issued guidance on registering works containing material generated by AI, indicating that a creative contribution from a human is required



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YOU



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