

## Assignment 9

Due: Nov 22

To be done by all students, regardless of major

Questions around the ownership and control of Intellectual Property (IP) are in the news again with new issues related to generative AI. Copyrighted material can normally only be used commercially with the consent of the creator, yet generative AI systems have made extensive use of such material for training, without the permission of the copyright holders. For this assignment you are to find two news stories that report on different (i.e. not two reports on the same case) lawsuits launched by copyright holders against generative AI firms that directly address copyright issues. You are to summarize each report (1/3 – 1/2 page each) and then provide a short (another 1/3 – 1/2 page) summary of your feelings on the issue of using copyrighted material to train AI systems without explicit permission from the copyright holder. Remember to provide clickable links to your sources.

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### **Andersen v. Stability AI**

A major lawsuit was filed between Sarah Andersen and Stability AI for its popular *Stable Diffusion* AI image generator over copyright infringement in August of this year. In this case it's alleged that Stability AI used, to a significant extent, copyrighted works to train its model. Additionally, the judge came to the ruling that they did in fact use these copyrighted works, and did so to “facilitate” infringement. As a result of this ruling, other companies may soon come under fire as they implemented *Stable Diffusion* in their products. These include Midjourney, and DeviantArt. The plaintiffs were largely concerned how the use of this copyrighted material may affect the film industry, however, the case was determined to more largely focus on the LAION dataset. This dataset is some 5 billion images. The claims that Stability AI was facilitating infringement were dismissed and the court stated it was not clear if training images were stored by *Stable Diffusion*. The case now resides in what's being referred to as discovery, and it's being determined how exactly copyrighted materials were used to train the AI model. Of note the court brought up the point that artists names can be used in prompts to influence the output of the model.

### **Alter v. OpenAI**

In another case of copyright issues, Alternet, a large news media site, claimed OpenAI used its articles for training their AI model. Alternet filed this lawsuit in conjunction with another news publisher, Raw Story, alleging that OpenAI violated the Digital Millennium Copyright Act. It was claimed that the DMCA was broken by scraping articles from the internet, and then removing copyright information from them. As compensation Alternet and Raw Story requested \$2,500 per article. In the end the court ruled in favor of OpenAI. This came as a result of OpenAI making the argument that the plaintiffs had no evidence that directly showed that the GPT model was trained using this copyrighted material. OpenAI claimed all practices by them were committed under fair use.

### **Opinion on Copyrighted Material Use**

In my personal opinion, although this is a controversial topic, I believe AI oriented companies should be allowed to use materials that may be copyrighted yet are digitally available on the internet as fair use. In the same way we can use multiple images found publicly to gain inspiration to create a new image/drawing/painting, it seems only viable for AI to be able to do the same thing. Additionally, it may become too hard to track the original source of an image. If someone uses an image and does not credit its creator, and someone else uses that uncredited image, it could quickly create a long chain of loss of the original creator. As AI is not creating a direct copy of the original images, I think it would only be considered fair use to use these images in its training models.

### **Sources**

<https://www.hollywoodreporter.com/business/business-news/artists-score-major-win-copyright-case-against-ai-art-generators-1235973601/>

<https://www.wired.com/story/openai-alternet-raw-story-copyright-lawsuit-dmca-standing/>