| Claims | Andersen v. Stability AI | Concord Music Group v. Anthropic PBC | Authors Guild v. OpenAI |
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| Direct copyright infringement | The search results for Anderson's name on haveibeentrained.com were grounds for the court to find it plausible that all of Andersen’s works that were registered as collections and were online were scraped into training datasets  The court found the plaintiffs’ allegations against DeviantArt and Midjourney under this claim to be insufficiently detailed and gave them the opportunity to amend their claims | Anthropic allegedly scrapes the copyrighted lyrics from multiple websites and converts them from text to “tokens” to train Claude models and creates outputs with identical or “substantially similar” copies of the lyrics in response to generic prompts without permission to do so | Under 17 U.S.C . section 501, plaintiffs allege that OpenAI willfully infringed on their copyrighted works by reproducing them in copies to train ChatGPT and OpenAI’s other LLMs. It also argued that OpenAI was aware that the works used to train the models were copyright-protected. |
| Indirect/secondary/vicarious copyright infringement | The vicarious infringement claims against DeviantArt and Midjourney were dismissed because they require an underlying act of infringement  The vicarious infringement claims against Stability were dismissed with leave to amend because they didn't offer plausible facts about Stable Diffusion’s “compressed copies” of training images and how they might be present in DreamStudio, but the court said that even if the plaintiffs did offer plausible facts, there would still be potential defects in the vicarious infringement claim because the plaintiffs did not identify how the defendants’ AI platforms were used in an infringing way by third parties | Contributory copyright infringement: Anthropic promotes Claude AI models to end users who in turn directly infringe on copyright by asking Claude prompts that result in output that directly infringes  Vicarious copyright infringement: Anthropic did not supervise and control copyright infringing user actions; for example, they could have fine-tuned their models or limited access to users infringing on copyright  (Unsure if these are contributory and vicarious liabilities under secondary copyright infringement or separate claims of vicarious and contributory infringement, but the site explaining the case phrased it as the former) | Secondary copyright infringement: vicarious and contributory liability; the application of those legal definitions is unclear, but based on the definition of secondary copyright infringement and the contributory and vicarious copyright infringement claims in Concord Music Group v. Anthropic PBC, the contributory liability of this claim is most likely copyright infringement via end-users’ use of ChatGPT and other AI models by OpenAI, which in turn infringes on the copyrighted works; the vicarious liability is most likely OpenAI neglecting to regulate the actions of users who engage in such secondary copyright infringement (backed up by [the text](https://www.4ipcouncil.com/application/files/7517/2189/4919/Copyright_Infringement_and_AI__A_Case_Study_of_Authors_Guild_v._OpenAI_and_Microsoft.pdf) saying that someone liable in this way must be economically interested and choose not to stop the infringement, but only if the means of infringement can be proved and they directly financially benefited from such infringement)  contributory copyright infringement: other OpenAI defendants and Microsoft, which was amended to the case as a defendant, contributed to and assisted in the direct infringement by providing resources like money and technology in addition to controlling/managing the assets used for the infringement and offered business, legal, strategic or “operational” guidance to do so |
| applicable laws or doctrines | DMCA: The court agreed with the defendants that the complaint didn't allege what copyright management information (CMI) had been altered or removed, if any and ordered the plaintiffs to amend their claims  Lanham Act and Copyright Act also involved; unfair competition claim was based on the former | DMCA Section 1202 violations: song credits and title either not listed or altered; similar to alleged DMCA violations in Andersen v. Stability AI b/c this seems like this is altered or removed CMI | Title 17 of the United States Code:  Section 501: allows copyright owners to sue for their exclusive rights (the direct, vicarious and contributory claims are under this section)  Section 106: only copyright owners can create or license the ability to create direct copies of their work, but ChatGPT would have no longer given exact excerpts from copyrighted works by the time the complaint was filed  Section 101: a derivative work is a work based on at least one pre-existing work (e.g. a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgement, condensation or any other medium to which a work can be recast, transformed or adapted)  Fair use: a legal doctrine that allows people to use copyrighted works without a license to do so in circumstances like parody, commentary or criticism (i.e. transforming the work)  OpenAI argues that the ingestion of copyrighted works to create LLMs or other AI training databases is generally fair use; the Library Copyright Alliance (LCA) also supports this by focusing on the precedent set by Authors Guild v. HathiTrust and upheld in Authors Guild v. Google, arguing that those cases also involved machine learning even though it wasn’t AI and therefore such a precedent could be applied here |
| breach of contract | This claim was only against DeviantArt and was dismissed because the plaintiffs didn't specify any provisions of DeviantArt’ ToS or Privacy Statement and didn't identify how the actions of 3rd parties like Stability would result in a breach of contract by DeviantArt | N/A (from the summary it did not seem like such a claim was made ) | N/A |
| Right of publicity | The plaintiffs said that their right of publicity claims were based on the defendants’ use of their names to advertise and promote their AI platforms; the court found that the complaint did not give any evidence as to how the defendants had used their names to advertise, sell or solicit purchase of their AI platforms or how the plaintiffs’ names as text prompts produce images similar enough to their art styles such that one would believe that the plaintiffs were responsible for the image; the court dismissed these claims with leave to amend | N/A | N/A |
| unfair competition | The court favored to dismiss because:   1. The Copyright Act takes precedence over any unfair competition claim based on copyright violations 2. The claim required dismissal because the complaint didn’t allege any “plausible facts in support of how a user could be deceived that one of the named plaintiffs was the origin of an Output Image, sponsored the Output Image, or approved the Output Images such that their goodwill was injured or they suffered other specific injury;” (i.e. there was no evidence to support that a user could be misled into thinking that one of the plaintiffs created, approved or sponsored a generated image) 3. The claim was deficient because plaintiffs failed to allege how each defendant’s AI product used the plaintiffs’ names or associated work with them 4. The common law portion of the claim was dismissed because a lack of clarity from the plaintiffs on what the defendants are allegedly misusing | N/A (from the summary it did not seem like such a claim was made) | N/A |
| Relief sought by plaintiffs | Based on the summary, it doesn’t seem like any additional relief was sought beyond the claims | Plaintiffs filed for a motion of preliminary injunction that would require Anthropic to implement guardrails in its Claude models that would prevent outputs that infringe on copyrighted lyrics and prevent Anthropic from creating or using unauthorized copies of those lyrics in future models | 1. Transformation of the suit into class action status 2. An injunction to stop the defendants’ from infringing on the plaintiffs’ copyrights, including stopping them from training their models on their copyrighted works without permission 3. Up to $150,000 in legal damages per copyrighted work in lieu of the actual damages and profits   Note: The plaintiffs don’t object to the development of GenAI, but according to the complaint, the defendants had no right to develop their AI programs through unauthorized use of the authors’ copyrighted works and could have trained their LLMs on work in the public domain or paid a reasonable licensing fee to use the copyrighted works |

Andersen v. Stability AI: based on the court’s rulings so far, it seems as if the case is going to go in favor of the defendants; almost all of the plaintiffs’ claims are lacking the necessary facts to back up their claims.

Concord Music Group v. Anthropic PBC: This case seems to provide facts to back up most of its claims, so the plaintiffs here have a better chance of winning the case than those in Andersen v. Stability AI. However, the stance on using copyrighted material in machine learning even for AI being fair use based on the LCA’s reasoning in Authors Guild v. OpenAI may sway the case in favor of the defendants.

Authors Guild v. OpenAI: Based on the LCA supporting OpenAI’s defense of fair use, that claim against the defendants will most likely be dismissed, and if the fair use defense holds up, the other claims may be dismissed as well since they are based on copyright principles. This would mean that the plaintiffs would not be awarded the relief that they are seeking.