

The Intercept, Raw Story and AlterNet sue OpenAI for copyright infringement

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OpenAI and Microsoft are facing a fresh round of lawsuits from news publishers over allegations that their generative artificial intelligence products violated copyright laws and illegally trained by using journalists' work. Three progressive US outlets – the Intercept, Raw Story and AlterNet – filed suits in Manhattan federal court on Wednesday, demanding compensation from the tech companies. The news outlets claim that the companies in effect plagiarized copyright-protected articles to develop and operate ChatGPT, which has become OpenAI's most prominent generative AI tool. They allege that ChatGPT was trained not to respect copyright, ignores proper attribution and fails to notify users when the service's answers are generated using journalists' protected work. "Raw Story feels that news organizations must stand up to OpenAI, which is violating the Digital Millennium Copyright Act and profiting from the hard work of journalists whose jobs are under siege," Raw Story and AlterNet's CEO John Byrne said in a joint statement. "It's important to democracy that a diverse array of news sites continue to thrive. OpenAI's violations, if not checked, will further decimate the news industry, and with it, the critical news reporters who affect positive change." The Intercept's suit lists both OpenAI and its most prominent investor Microsoft as defendants, while the joint suit filed by Raw Story and AlterNet only lists OpenAI. The complaints are otherwise nearly identical, and the law firm Loevy & Loevy is representing all three outlets in the suits. Raw Story and AlterNet's suit did not include Microsoft because of a partnership with MSN that helps fund their investigative reporting, according to Byrne. OpenAI and Microsoft did not return requests for comment. "Defendants had a choice: they could train ChatGPT using works of journalism with the copyright management information protected by the DMCA intact, or they could strip it away. Defendants chose the latter," the two complaints state. The suits filed on Wednesday are the latest in a series of legal actions against OpenAI over alleged copyright infringement, including a suit from the New York Times in December that demanded the company destroy any chatbots or training data that used the outlet's protected material. On Monday, lawyers for OpenAI filed a motion to dismiss parts of that lawsuit and argued that its services were not in meaningful competition with the paper. The wave of lawsuits reflects a media industry-wide concern that generative AI will compete with established publishers as a source of information for internet users, while further sapping advertising revenues and undermining the quality of online news. Generative AI has already flooded the internet with unreliable information and poor-quality sites that mimic news outlets, and publications including Sports Illustrated have used fake, AI-generated authors instead of human journalists. While several news outlets and authors have chosen to pursue legal action against OpenAI, other publishers have opted to partner with the company. International publisher Axel Springer – which owns Germany-based publications Welt and Bild, along with Politico and Business Insider – struck a multiyear deal that would give OpenAI access to its work in

exchange for an undisclosed amount of financial compensation. The three suits filed on Wednesday are seeking damages and profits from OpenAI, while the New York Times' suit states that the defendants should be held accountable for "billions of dollars in statutory and actual damages.