

# Elon Musk sues OpenAI accusing it of putting profit before humanity

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Elon Musk has filed a lawsuit accusing OpenAI and its chief executive, Sam Altman, of betraying its foundational mission by putting the pursuit of profit ahead of the benefit of humanity. The world's richest man, a founding board member of the artificial intelligence company behind ChatGPT, claimed Altman had "set aflame" OpenAI's founding agreement by signing an investment deal with Microsoft. The lawsuit, filed in San Francisco on Thursday, claims OpenAI is now developing artificial general intelligence (AGI) – a theoretical form of AI that can perform a range of tasks at or above a human level of intelligence – for profit rather than for the benefit of humankind. "OpenAI Inc has been transformed into a closed-source, de facto subsidiary of the largest technology company in the world: Microsoft. Under its new board, it is not just developing but is actually refining an AGI to maximise profits for Microsoft, rather than for the benefit of humanity," the lawsuit alleges. The suit opens with Musk's often-stated warning that AGI poses "a grave threat to humanity". "Where some like Mr Musk see an existential threat in AGI, others see AGI as a source of profit and power," said the lawsuit, adding that in the hands of for-profit companies such as Google, AGI poses a "particularly acute and noxious danger to humanity". Musk and other tech experts are concerned that an AGI could evade human control and take actions that endanger the planet. The suit claims Altman purported to share Musk's concerns over AGI and in 2015 proposed forming a non-profit AI lab that would be "the opposite of Google", now known as OpenAI. Together with Greg Brockman, OpenAI's president, who is also being sued by Musk, the three men agreed to create a lab whose principles would be enshrined in a founding agreement. The lab would be "for the benefit of humanity", would be a not-for-profit company and would be open-source, the term for making the technology freely available. The lawsuit claims that Musk, who stepped away from OpenAI in 2018, was a "moving force" behind the creation of OpenAI and supplied a majority of its funding in its early years. Microsoft is now the biggest investor in OpenAI's profit-making arm, which Altman runs, after a deal struck in 2020. The lawsuit claims that OpenAI, Altman and Brockman "set the founding agreement aflame" in 2023 after releasing GPT-4, the powerful model that underpins OpenAI's ChatGPT chatbot. GPT-4's design was kept secret and such behaviour showed a radical departure from OpenAI's original mission, the lawsuit said. "This secrecy is primarily driven by commercial considerations, not safety," says the lawsuit, which is claiming breach of contract, breach of fiduciary duty and unfair business practices. It added that GPT-4 was an AGI technology effectively owned by Microsoft, an arrangement that is allegedly outside the scope of the company's licensing agreement with OpenAI. The lawsuit also claims OpenAI is developing a model known as Q\* [Q star] that has an even stronger claim to be AGI. The lawsuit goes on to claim that the tumultuous period of events in November 2023, when Altman was sacked as OpenAI's

CEO and then reinstated, showed Microsoft had “significant leverage” over the company. The new board introduced after Altman’s reinstatement does not have the expertise to ascertain whether the company has achieved AGI and thus whether it has produced a product outside the scope of Microsoft’s licence, the lawsuit adds. “This case is filed to compel OpenAI to adhere to the founding agreement and return to its mission to develop AGI for the benefit of humanity, not to personally benefit the individual defendants and the largest technology company in the world,” the lawsuit claims. OpenAI’s deal with Microsoft is being scrutinised by competition authorities in the US, the EU and the UK. Brian Quinn, a professor at Boston College law school in the US, said there were multiple issues with the lawsuit. He said Musk did not have the standing to sue for breach of the OpenAI board’s certificate of incorporation because he was not a board member. The suit addresses this by claiming that a 2015 email between Musk and Altman setting out the founding agreement, together with the certificate, constitutes a contract. Quinn said this fell “far short” of being a viable legal argument. A demand for return of money that Musk invested in OpenAI was also likely to fail because the suit claimed OpenAI veered from its mission in 2023 – long after Musk stopped supporting the non-profit. “It’s hard to see that he has any standing to attempt to enforce his ‘founding agreement’ or the certificate,” said Quinn. OpenAI, Microsoft and Google have been approached for comment.