

AI Under Attack Again for Copyright Infringement

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On the heels of a class action lawsuit filed by visual artists against Stability AI and others, alleging copyright infringement by image-generating web sites, Getty Images (US) Inc. has filed its own lawsuit against Stability AI. Getty filed its lawsuit in the U.S. District Court for the District of Delaware. Getty alleges that Stability AI copied over 12 million of its copyrighted images from its websites, along with associated text and metadata, in order to train its Stable Diffusion model. According to Getty, Stability AI is now competing with Getty for those seeking creative visual imagery. Getty also alleges that Stability AI has been valued as high as one billion dollars, though it is barely a few years old.

In some respects, the lawsuit brought by Getty is similar to the class action lawsuit previously brought by certain artists, with allegations of blatant and extensive copyright infringement. To that extent, the issues in the two cases are likely to be the same, with Stability AI expected to mount a defense to the copyright infringement claims based on fair use.

The Getty case, however, presents additional issues. Getty alleges that Stability AI is also generating distorted versions of its watermark. Thus, Getty also claims that Stability AI is infringing its trademark, engaging in unfair competition, and diluting its trademark, all in violation of the Lanham Act.

Getty seeks extensive relief, including a permanent injunction and damages. The injunctive relief sought by Getty, if granted and if obtained by other plaintiffs, would potentially cripple the ability of Stability AI to function. As a result, expect Stability AI to mount a vigorous defense.