# Getty Images’ lawsuit against Stability AI tests copyright law in the age of generative AI



The ongoing legal battles surrounding generative AI, particularly in relation to image scraping, highlight the complexities of copyright law in the digital age. A prominent example is Getty Images' lawsuit against Stability AI, the company behind the AI model Stable Diffusion, which allegedly used over 12 million Getty photographs for training without permission. This case, currently before the UK High Court, serves as a critical test for existing copyright frameworks, as they contend with the upheaval brought about by large-scale data mining and AI technologies.

Getty Images, a titan in the photography industry with annual revenues exceeding one billion dollars, has committed substantial resources to this legal fight, having already invested millions in the lawsuit against Stability AI. Craig Peters, the CEO of Getty Images, expressed concerns about the financial implications of ongoing litigation, indicating the company's struggle to fund every instance of unauthorized image use. He emphasised that while the legal costs are mounting, the fundamental grievance remains: the significant value transferred from creators to AI developers when proprietary images are used without consent.

The industry has identified several essential steps for addressing these challenges in the realm of AI. Advocates argue for the establishment of a standardized clearinghouse for AI licensing that could provide clear guidelines and facilitate agreements over image use. Additionally, embedding machine-readable provenance tags within images could help ensure proper attribution and transparency in how AI models are trained. Policymakers are also acknowledging the need for reform; the proposed EU AI Act is a notable legislative effort that seeks to mandate the disclosure of any copyrighted material used in training AI models.

In an alternative response to the complexities posed by generative AI, Getty Images recently launched its own AI-powered image generation tool. This service generates content using only images from Getty’s licensed collection, thereby ensuring compliance with copyright laws and simplifying the licensing process for users. Unlike rival tools that have faced scrutiny for alleged copyright infringement, Getty’s offering is designed to allow users to create images safely and legally while providing indemnification for commercial use. This strategic move signals Getty's proactive stance in navigating the intersection of technology and intellectual property.

The disparities in financial stability between companies like Getty and their challengers illustrate the broader implications of these legal disputes. Stability AI, although valued at around $1 billion, has faced financial challenges, including significant monthly operating costs that far exceed its reported revenues. The uncertainty surrounding its future has been compounded by ongoing lawsuits, including those from Getty and individual artists, who have raised concerns about their works being used without consent in training these AI systems.

Furthermore, the legal landscape is evolving rapidly, as seen in recent rulings that could impact AI’s development. Judge William H. Orrick of the Northern District of California allowed a case initiated by illustrators, alleging unauthorized use of their works to train AI models, to proceed to discovery. This stage will grant plaintiffs the ability to obtain critical information regarding how major technology companies have utilised their copyrighted materials, potentially setting significant legal precedents regarding fair use and copyright infringement.

As these cases unfold, they will likely shape the parameters of AI development, establishing a framework for how generative models can interact with copyrighted content. The tension between rapid technological advancements and the necessity of protecting creators’ rights underscores a pivotal moment in the evolution of both AI technology and copyright law. The stakes are high, not just for big players like Getty Images but for local newspapers, freelance photographers, and independent artists who rely on copyright protections to safeguard their livelihoods.

The ongoing discourse around these issues remains crucial for understanding the future landscape of digital creativity and intellectual property rights, prompting continual examination of the delicate balance between innovation and ethical considerations in technology.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.sasktoday.ca/highlights/shelly-palmer-enriching-generative-ai-with-proprietary-data-10731375> - Please view link - unable to able to access data
2. <https://www.sasktoday.ca/highlights/shelly-palmer-enriching-generative-ai-with-proprietary-data-10731375> - In this article, Shelly Palmer discusses Getty Images' lawsuit against Stability AI, alleging that Stable Diffusion was trained on over 12 million Getty photographs without permission. The case, currently before the UK High Court, is seen as a test of whether existing copyright laws can adapt to large-scale data mining. Getty Images, with approximately a billion dollars in annual revenue, faces challenges in enforcing its rights against AI-driven copying. The article also highlights the need for standardized AI licensing, machine-readable provenance tags, and statutory damages for large-scale infringements. Policymakers are considering regulations like the EU AI Act, which would require developers to disclose any copyrighted material used in training models.
3. <https://www.axios.com/2023/09/25/getty-images-ai-creation-tool> - Getty Images has introduced a new AI tool that generates images using only content from its licensed creative collection, ensuring safety for commercial use and reducing the risk of copyright infringement. Unlike competitors that have faced legal challenges for using copyrighted works without permission, Getty's tool is legally protected and offers indemnification for customers. This approach focuses on enabling users to create images beyond their capabilities while not replacing professional artists. The tool is trained solely on Getty's creative images, excluding editorial content featuring celebrities, brands, or specific artistic styles.
4. <https://apnews.com/article/a98eeaaeb2bf13c5e8874ceb6a8ce196> - Getty Images is addressing the challenges and opportunities of AI by launching a new AI image-generator service that allows users to create novel images based on Getty's extensive library of human-made photographs. Developed in collaboration with Nvidia, this service is designed to be commercially viable and respects intellectual property rights, distinguishing itself from earlier AI image generators like OpenAI's DALL-E, Midjourney, and Stability AI, which Getty has criticised for using stolen imagery. Additionally, Getty is suing Stability AI for allegedly infringing on its image collection, highlighting its commitment to protecting intellectual property rights in the AI space.
5. <https://www.ft.com/content/d7bbb769-20f1-4242-bd15-201741c90720> - StabilityAI, a leading AI start-up known for Stable Diffusion, faces an uncertain future following the chaotic departure of founder Emad Mostaque. Despite a $1 billion valuation and $101 million in funding from investors like Coatue and Lightspeed Venture Partners, Mostaque's resignation amid legal battles and challenges in monetising products has raised concerns about profitability. StabilityAI incurs $8 million in monthly costs with $5.4 million in revenue as of February and faces lawsuits from Getty Images and artists over image use, leading to waning investor confidence.
6. <https://elpais.com/tecnologia/2024-08-29/la-decision-judicial-que-puede-poner-patas-arriba-la-ia-generativa.html> - The use of copyrighted works in generative AI has led to multiple class-action lawsuits against major companies like Meta, Microsoft, and OpenAI between 2022 and 2023. Artists claim their works were used without consent to train AI models, resulting in creations that mimic their styles. A recent ruling by Judge William H. Orrick of the Northern District of California allows one such case, filed by illustrators, to proceed to the discovery phase, enabling plaintiffs to request documents and testimonies to determine how companies have utilised their works in developing AI tools. This decision could set legal precedents on fair use and copyright infringement in generative AI.
7. <https://newsroom.gettyimages.com/en/getty-images/getty-images-statement> - Getty Images has initiated legal proceedings in the High Court of Justice in London against Stability AI, alleging that Stability AI infringed intellectual property rights, including copyright, in content owned or represented by Getty Images. Getty Images asserts that Stability AI unlawfully copied and processed millions of images protected by copyright and associated metadata without a license, to benefit Stability AI’s commercial interests and to the detriment of content creators. Getty Images believes artificial intelligence has the potential to stimulate creative endeavors and has provided licenses to leading technology innovators for training AI systems in a manner that respects personal and intellectual property rights. However, Stability AI did not seek such a license from Getty Images and instead chose to ignore viable licensing options and legal protections in pursuit of its own commercial interests.