

Getty Image's AI Model Training Lawsuit in UK Against Stability to Proceed

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A UK court has [ruled](#) that Getty Image's lawsuit against Stability AI for copyright infringement over generative AI technology can proceed. Stability had sought to have the case dismissed, alleging in part, that the AI models were trained in the US. However, the court relied on seemingly contradictory public statements by Stability's CEO, including that Stability helped "fast track" UK residency applications of Russian and Ukrainian developers working on Stable Diffusion. This suggests that at least some development occurred in the UK. A similar case involving the parties is pending in the US. One significance of where the case is heard is that in the US, fair use can be a defense to copyright infringement. But not in the UK. This is just one example of where disparate country laws relating to AI may cause AI developers to forum shop to develop AI where the laws are most favorable. For example, Japan has announced that it will not enforce copyrights on data used in AI training. If such activity is found to be infringing in the UK, US or elsewhere, it is conceivable that some companies will move their AI training activities to Japan.

The UK court also declined to dismiss claims relating to infringement by Stability of AI based on the output of Stable Diffusion in the form of synthetic images accessed by users in the United Kingdom, which allegedly reproduces a substantial part of Plaintiff's copyrighted works and/or bears their trade marks.

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