

Lawsuit Seeks to Hold OpenAI and Microsoft Liable for “Rampant Theft” of Authors’ Works

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Today, Susman Godfrey LLP filed a proposed class action on behalf of *New York Times* best-selling author Julian Sancton and other writers against OpenAI and Microsoft, alleging that the companies used copyrighted materials from nonfiction authors without permission to “train” several versions of the AI chatbot ChatGPT.

The lawsuit seeks damages for copyright infringement and an injunction preventing the ongoing unauthorized use of copyrighted material. In addition to focusing on nonfiction authors and academic journals, this is the first copyright class action against OpenAI that also names Microsoft as a defendant.

“OpenAI and Microsoft have built a business valued into the tens of billions of dollars by taking the combined works of humanity without permission,” the lawsuit states. “Rather than pay for intellectual property, they pretend as if the laws protecting copyright do not exist. Yet the United States Constitution itself protects the fundamental principle that creators deserve compensation for their works. Nonfiction authors often spend years conceiving, researching, and writing their creations. While OpenAI and Microsoft refuse to pay nonfiction authors, their AI platform is worth a fortune. The basis of OpenAI is nothing less than the rampant theft of copyrighted works.”

Mr. Sancton is the author of the *New York Times*-bestseller *Madhouse at the End of the Earth: The Belgica’s Journey Into the Dark Antarctic*. According to the complaint, ChatGPT confirmed in response to an inquiry that *Madhouse* was included in its training dataset. OpenAI has since re-calibrated ChatGPT to avoid divulging what is included in its training data set, the lawsuit states.

“The commercial success of the ChatGPT products for OpenAI and Microsoft comes at the expense of nonfiction authors who haven’t seen a penny from either defendant, much less a request for permission to use their works,” said Justin A. Nelson, partner with Susman Godfrey who is lead counsel for Mr. Sancton and the proposed class. “This lawsuit seeks to hold OpenAI and Microsoft accountable for their refusal to pay nonfiction authors, and to prevent the companies from infringing on works in the future.”

In addition to Mr. Nelson, the Susman Godfrey team representing Mr. Sancton and the proposed class includes partners Rohit Nath and Alejandra C. Salinas.