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GETTY IMAGES V STABILITY AI: COPYRIGHT LAW MEETS GENERATIVE AI

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The fast growth of artificial intelligence has ignited one of the most significant legal issues in this age of technology: whether or not it is copyright infringement to use copyrighted recordings for the purpose of training artificial intelligence. Courts around the world are now being called on to determine if machine learning technologies are covered under the historically traditional laws of Copyright.

One of the earliest to reach a legal determination regarding this issue is the case of Getty Images (US) Inc v Stability AI Ltd before the High Court of England and Wales.

The dispute began when Getty Images accused Stability AI of illegally using millions of its copyrighted photographs from its large database to train its generative AI model, Stable Diffusion. The case pitted the creative industries, who rely upon copyright protection, against the creators of artificial intelligence machines, who used large collections of data sets to train their machines.

While the proceedings generated significant concern regarding AI training practices, there was not much in the way of an overall decision in respect of AI training infringements. The Court dealt principally with questions of secondary copyright violations or trademark infringement; however, did leave the core question of whether AI training in and of itself constitutes Copyright infringement; this was not really answered at all. The case is significant as it represents an early attempt by the Courts to assess the legal status of AI models with relation to the Copyright, Design and Patents Act 1988.

FACTS OF THE CASE

Getty Images has one the world's largest collections of commercial photography with millions of licensed photos available to media organizations, advertisers, and publishers. The images are protected by copyright and are available through legal contracts (licensing agreements) with their customers.

In 2022, Getty filed a lawsuit against Stability AI alleging improper use of its images used to train an artificial intelligence model, Stable Diffusion. Stable Diffusion is a neural network capable of producing photorealistic images from given written prompts of text. The model was trained using many large databases that were sourced from the internet, some of which had millions of Getty photos.[1937]

Getty alleges that Stability AI's use of Getty's copyright protected photographs occurred without permission (authorization) or license, which violated and infringed upon Getty's right to its intellectual property. Getty also asserts that it can demonstrate that many images produced by Stable Diffusion also included modified versions of the Getty watermark, indicating that Stable Diffusion incorporated copyright-protected works into its model.

[1937] Mishcon de Reya LLP, *Getty Images v Stability AI: Unpacking the High Court's Judgment*, Mishcon de Reya (Nov. 4, 2025), https://www.mishcon.com/news/getty-images-v-stability-ai-unpacking-the-high-courts-judgment.

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Therefore, Getty initiated a lawsuit in the High Court of England and Wales against Stability AI for a variety of claims including copyright infringement, database right infringement, trademark infringement, and passing off. As litigation progressed, Getty withdrew a number of claims (particularly regarding primary copyright infringement from the training process) when it could not demonstrate to the court that Stable Diffusion's training occurred within the United Kingdom.

Ultimately, the case boiled down to a few basic legal issues regarding the nature of AI models and the possibility of secondary copyright infringement

ISSUES

The High Court was required to address the following key issues:

1. Whether the Stable Diffusion model constituted an "article" capable of infringing copyright under the Copyright, Designs and Patents Act 1988?
2. Whether the AI model could be regarded as an "infringing copy" of copyrighted works used during its training?
3. Whether images generated by the model containing distorted Getty watermarks amounted to trademark infringement?

CLAIMANT'S ARGUMENTS

The claimant claimed that the mass scraping from the Getty image database for AI training purposes amounts to a violation of copyright protection. Getty argues that the AI uses these scraped images to train its model, so as to re-create and include these images into its own model without authorization.

Getty also argued that even if the AI model does not store these images directly in the system, the internal parameters in the AI model were a derivative transformation of these works, making the internal parameters also a form of copyright infringement. Essentially, the claimant claimed that the AI system could not learn how to reproduce the unique characteristics of Getty images through the training of the AI without first reproducing those works through the training of the AI itself.

Additionally, the presence of modified Getty watermarks on certain generated images was cited as evidence that the AI model had captured copyright-protected works from the claimant.

DEFENDANT'S ARGUMENTS

Stability AI has argued that the generative AI models it built do not actually infringe on Getty's works. The basis of Stability AI's defence is that the output of a generative AI system does not store pictures in the way that a human does, but rather uses statistics about the features of a group of pictures to develop its understanding of what a new image would look like.

In its view, a generative AI system's training involves measuring patterns in existing images and turning these patterns into numbers (referred to as model weights). Once trained, the generative AI system can create new images (not reproducing the original versions but rather generating new versions of photographs with some statistical relationship) using the previously calculated model weights.[1938]

Thus, according to Stability AI, the generative AI model cannot infringe upon Getty's copyright because it is not an actual copy of Getty's original photographs. Stability AI also cited as evidence that copyright protection applies only to the expression of an idea, not the extraction of statistics from the work.

With respect to Getty's trademark claim, Stability AI argued the presence of the Getty logo in the output of its generative AI system is purely coincidental because of errors in the training data and not deliberate.

[1938] Latham & Watkins LLP, *Getty Images v Stability AI: English High Court Rejects Secondary Copyright Claim*, Latham & Watkins (Nov. 2025), https://www.lw.com/en/insights/getty-images-v-stability-ai-english-high-court-rejects-secondary-copyright-claim

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JUDGEMENT

In a judgment that sided largely with the defendant, the High Court determined that an "article" under copyright law can be defined as an intangible, digital object (i.e., model). In this case, it was held that while an intangible model could qualify for copyright protection, the Stable Diffusion model does not represent an infringing copy of Getty images because it did not store or reproduce original works, but instead encoded statistical information based on them.[1939]

The court recognised limited trademark infringement, however, with generated images containing corrupt versions of the Getty watermark; hence there may be confusion to the source of these generated images.[1940]

Finally, the court did not address if a training AI model would represent an infringement of copyright when using material that is copyrighted.

ANALYSIS

The Getty Images v Stability AI ruling demonstrates the potential and limits of utilizing traditional copyright laws with developing AI technology. While this decision helps discern the legal status of AI systems (copyright wise), it sheds light into other copyright issues that exist due to recent advancements in machine learning technology.

In particular, one of the most critical parts of the court's opinion was its inability to find that an AI model created with trained controls represented a copyright infringement of the training materials. In short, this demonstrates that the court has come to some understanding about how generative AI models operate. Conventional data bases store copies of copyrighted work, while machine learning models do not store original images - they learn ("generate") from statistical relationships among various data points within the training data.

This means that if courts do accept the conclusion that AI models generate data (through pattern learning) versus merely storing data (as static copies), then this creates a much more challenging way for plaintiffs or copyright owners to establish their claim for a copyright infringement against an AI company, and will be an important logical basis for future litigation against AIs that use vast amounts of data to train and develop their applications.

Ultimately, the court's decision to not answer that question highlights how far behind current laws are attempting to settle disputes related to A.I. In fact, one reason why they refused to engage with the question of whether or not copying images from datasets can be considered copyright infringement was, in large part, based on the fact that there are many different opinions about this point among other areas of intellectual property law still being worked on today. This indicates the limits of our ability to figure out how to enforce copyright protection on A.I.-generated works by evaluating whether A.I. training methods produce legal work product. The essence of many of the problems we face in regulating artificial intelligence is that we have not yet fully integrated all relevant aspects of our legal systems to create a complete picture about how to assess whether an artificial intelligence's training should be treated the same way as a human being's training.

The second significant part about the case relates to the fact that copyright laws in various countries and jurisdictions have only been structured within certain boundaries; if you cannot show that something occurred within the U.K., then there may be no way to obtain a legal remedy when it comes to any type of infringements on content generated from another nation's rights to their own intellectual property. Copyright law constitutes a clear example where the lack of harmonization among copyright laws could lead to a situation where companies who are developing artificial intelligence can create business activities that fall outside the legal boundaries of copyright

[1939] The Verge, *Getty Images' Lawsuit Against AI Image Generator Stable Diffusion Explained*, The Verge, https://www.theverge.com

[1940] Reuters, *Getty Images Largely Loses Landmark UK Lawsuit Over AI Image Generator*, Reuters (Nov. 4, 2025), https://www.reuters.com

protections because it is unclear where to assess whether an action has taken place or where an action has occurred.

The limitations of current legal regimes in resolving disputes related to artificial intelligence (AI) are also shown in the decision issued by the court. The court declined to decide the primary question of whether copying images constitutes copyright infringement when these images are being used during the training procedure (the original images are only copied before being removed during processing). This is an ongoing contentious issue in modern intellectual property legislation; however, by only addressing secondary infringement claims, the AI training process will most likely remain unregulated.[1941]

Another major concern arising from this case was that's related to territoriality within copyright legislation. Getty was unable to show that their training procedure occurred in the United Kingdom. Therefore, they were unable to bring several major allegations against Google. This signifies that there are structural difficulties regarding the regulation of artificial intelligence. Typically, the development of artificial intelligence occurs via distribution computing methods and is spread over many different jurisdictions. With this being the case, it is sometimes quite challenging to establish where copying has occurred as a result of the territoriality limitations associated with copyright legislation. So, by understanding copyright laws' limitations via the creation of artificial intelligence, organisations will often structure themselves and their operations in such a manner as to limit their potential liability.

By ruling on limited trademark infringement, the Court has created another issue to define the issues in play. Copyright claims are hard to prove, but AI-generated output reproduced will likely expose developers to liability under trademark law if they can be shown to include distinct brand features. This means that future intellectual property disputes related to AI use may not only rely on copyright law; they could also involve trademark or unfair business competition claims which are currently being feared. On a broader scale, while the outcome of the may be important, the more important issue is the implications of this decision regarding how traditional intellectual property law will meet the evolving technological challenges of generative AI.

Conclusion

Getty Images (US) Inc v Stability AI Ltd represents a significant development in the ongoing intersection of artificial intelligence (AI) and copyright law. Although the court held that a generative AI's model does not infringe on the copyright owner's training data, there remains a fundamental question as to the legality of training generative AI systems using copyrighted material.

Disputes like these are likely to occur frequently as AI continues to transform how creative industries are developed and produced. Therefore, there is an urgent need for more transparent and legally defensible frameworks that can fine-tune the balance between supporting growth through technical innovation and supporting creators through protecting their work.

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