Bartz and Beyond: Year Three of AI Copyright Litigation with Implications for Authors, Publishers, and Creators

Tuesday, November 4, 2025, 12:30 – 1:30pm ET | Live Webinar

Program Description:

Now in the third year of copyright litigation over generative AI, the stakes for creators, platforms, and the publishing world are coming into focus. This panel will survey the latest developments in the pending copyright cases against large language model providers, with a practical lens for authors and publishers. Our speakers will unpack key issues including the scope of fair use in training data, the role of licenses and opt-outs, alleged reproduction in outputs, and theories of liability and damages. Attendees will leave with a clear understanding of what to watch in the months ahead—and how these cases could impact rights management, enforcement strategies, and commercial agreements in the publishing sector.

The program will also take a focused look at the recently approved class action settlement in Bartz v. Anthropic. Our panelists will examine the settlement's structure, eligibility and claims mechanics, and the practical implications for publishers and authors, including considerations for registration and record-keeping practices, and contract and policy updates. Whether you represent publishers, authors, media companies, or technology clients, this session offers concrete takeaways to navigate risk and opportunity as the legal framework around generative AI continues to evolve.

Speakers:

- **Glenn Pudelka**
  Partner | Troutman Pepper Locke
- **Simon Lipskar**
  President | Writer's House
- **Matt Oppenheim**
  Founding Partner | Oppenheim + Zebrak, LLP
- **Mary Rasenberger**
  Chief Executive Officer | Authors Guild
- **Theresa Weisenberger**
  Partner | BakerHostetler LLP

Outline:

5 mins   **Introductions**

- <u>Glenn Pudelka</u> introduces panelists and provides a broad overview of AI litigation generally, noting that the panel will discuss litigation affecting the publishing industry only, but highlighting that these developments fit into a larger framework that stretches across industries.

10 mins   Module 1: Broad status of litigation landscape

- <u>Theresa Weisenberger</u> provides overview of the various class actions taken against technology companies in response to use of copyright protected material in artificial intelligence (AI) training.
  - *Thomson Reuters v. ROSS* - Thomson Reuters sued AI startup ROSS Intelligence for using Westlaw headnotes to train its AI legal research tool. In February 2025, a federal judge ruled that ROSS's use was not fair use, marking the first U.S. court decision applying copyright's fair use doctrine to AI training data.
    - ♣ Supporting Written Material: <u>Summary Judgment Opinion</u>
  - *Bartz v. Anthropic* - Filed by authors alleging Anthropic used their books without permission to train its Claude AI models. In June 2025, Judge Alsup ruled that training on lawfully purchased books was fair use, but that Anthropic's use of pirated books from LibGen and similar sites was not fair use.
    - ♣ Supporting Written Material: <u>Order on Fair Use</u>
  - *Kadrey v. Meta* - Filed in 2023 by authors alleging Meta used their books from pirated sources to train its LLaMA AI models. In June 2025, Judge Chhabria granted summary judgment to Meta, ruling the use was fair use. However, the court emphasized this was based on the plaintiffs' failure to provide sufficient evidence of "market dilution," a theory that AI-generated works could flood the market and crowd out human authors, though the judge indicated this theory would likely cause plaintiffs to win in future cases with better evidence.
    - ♣ Supporting Written Material: <u>Court Order on Partial Summary Judgment</u>
  - *In re: OpenAI, Inc. Copyright Infringement Litigation* - filed in December 2023 by the Times and other publishers, alleging OpenAI and Microsoft used millions of Times articles without permission to train ChatGPT and other AI models. In March 2025, Judge Sidney Stein denied OpenAI's motion to dismiss, allowing the core copyright infringement claims to proceed to trial.
    - ♣ Supporting Written Material: <u>Opinion & Order on Motion to Dismiss</u>

- Theresa provides the tech company perspective on how these lawsuits are affecting the business models and outlooks for the AI industry
- Simon Lipskar/Mary Rasenberger provide the practical perspective of how these lawsuits are affecting the business interests and outlooks of creators.

20 mins   Module 2: AI Training – Transformative or Dilutive?

- Mary provides a brief overview of the USCO report on Generative AI Training.
  - Supporting Written Material: Part 3: Report on Generative AI Training
- Theresa provides a brief analysis of the broad application of the first fair use factor in AI training, focusing on justifications such as the research-driven purpose of development, the advancement of technological innovation, and public benefit
  - Matt Oppenheim rebuts with the publisher's perspective.
  - Supporting Written Material: Fair Use and the Origin of AI Training
- Matt provides a brief analysis of the broad application of the fourth fair use factor, focusing on the Market Dilution theory.
  - Theresa rebuts with the tech company perspective.
  - Supporting Written Material: Readers Prefer Outputs of AI Trained on Copyrighted Books over Expert Human Writers

20 mins   Module 3: Practical Effects on the Industry

- Simon discusses the discovery in the wake of *Bartz* that many publishers did not timely register copyright for many titles, focusing on potential changes in publishing agreement boilerplate and author/publisher relationships.
- Mary discusses the merits and/or shortcomings of collective licensing in the wake of AI litigation.
  - Theresa responds with the tech company perspective.
  - Supporting written material: AI Licensing: What Authors Should Know
- Simon discusses concerns with portfolio economics in class action recovery as it affects individual authors in comparison to their publishing counterparts and how these arrangements may be addressed moving forward.
  - Matt responds with the publishers' perspective.
- Mary provides an overview of advocacy efforts and what policy proposals may address the concerns raised throughout today's panel.
  - Supporting written material: FAQs on the Authors Guild's Positions and Advocacy Around Generative AI

5 mins   Questions from audience