

Generative AI Is Facing Decisive Battles in War Over Fair Use

Published by **Bloomberg Law**

December 3, 2024

In an article published by *Bloomberg Law*, Intellectual Property Partner and head of Katten's Artificial Intelligence (AI) Working Group Michael Justus highlights key copyright legal battles that could shape the future of generative AI (GenAI) over the next few months. Mike discusses *Thomson Reuters v. Ross Intelligence*, where a Delaware federal judge will rule on renewed motions for summary judgment to determine whether Ross Intelligence Inc.'s alleged use of data from Thomson's Westlaw legal research database to train its competing AI tool constitutes fair use. Another significant case, *Concord Music Group v. Anthropic*, is being heard in a California federal court and involves the alleged unauthorized use of music lyrics for AI training. These cases could imminently provide substantive answers on key fair use issues.

In addition, Mike notes that forthcoming guidance from the US Copyright Office is expected to provide insights into the application of fair use and the copyrightability of works created using GenAI.

Since there is currently no comprehensive federal AI law, Mike notes that state legislation, such as the Colorado AI Act, remains focused on regulating GenAI on issues "such as algorithmic discrimination and bias, AI use disclosures, and right of publicity issues for AI lookalikes, soundalikes and deepfakes." Furthermore, he describes the proactive measures that developers have made to address potential copyright issues, including licensing agreements with major publishers or content owners and technological safeguards to reduce the risk of "regurgitation," or verbatim copying in AI outputs.

["Generative AI Is Facing Decisive Battles in War Over Fair Use," Bloomberg Law, November 27, 2024](#)

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