

Hollywood studios join copyright battles against GenAI by suing Midjourney

11 Jun 2025 | 22:14 GMT | **Insight**

By [Amy Miller](#)

Hollywood is joining the copyright battle against generative artificial intelligence, with Disney and Universal suing image generator Midjourney, calling it "a bottomless pit of plagiarism." Midjourney provides tools that let users create images and videos of famous characters, but it "functions as a virtual vending machine, generating endless unauthorized copies of Disney's and Universal's copyrighted works," according to their complaint filed in California federal court.

Hollywood has joined the ongoing copyright battle against the tech industry over generative artificial intelligence, with Disney and Universal suing image generator Midjourney today, calling the company a "bottomless pit of plagiarism."

San Francisco, California-based Midjourney provides tools that allow users to create images and videos of famous characters, but it "functions as a virtual vending machine, generating endless unauthorized copies of Disney's and Universal's copyrighted works," according to a complaint filed in federal court in Los Angeles by Disney Enterprises, Marvel, Lucasfilm, 20th Century, Universal City Studios Productions and DreamWorks Animation (see [here](#)).

There are dozens of copyright lawsuits against AI companies making their way through US court system, including a putative class action against Midjourney filed by visual artists in 2023 (see [here](#)), and defendants are arguing they're protected by the fair use doctrine.

But this is the first copyright infringement lawsuit filed by Hollywood studios against a tech company over GenAI. The studios' complaint lays out how Midjourney allows users to create high-quality, downloadable images based on the studio's intellectual property, such as Disney's Darth Vader or Universal's Minion characters. It included side-by-side comparisons of the "Star Wars" character Yoda, for example.

"We are bullish on the promise of AI technology and optimistic about how it can be used responsibly as a tool to further human creativity," Disney Chief Legal and Compliance Officer Horacio Gutierrez said in a statement. "But piracy is piracy, and the fact that it's done by an AI company does not make it any less infringing."

Midjourney can provide these images to users because its tools have already scraped copyrighted IP across the web for training purposes, the complaint said. Midjourney's CEO David Holz also admitted that his company "pulls off all the data it can, all the text it can, all the images it can," the studios said.

Before taking legal action, the studios asked Midjourney to take steps to stop the alleged infringement, according to their complaint, and the company has tools to prevent users from generating infringing IP, but it won't use them. Instead, Midjourney released new versions of its image service, which produces even higher quality infringing images, they said.

Of all the pending copyright suits against AI companies, the studios' complaint "is probably the one that tells the best story," IP attorney Darius Gambino with the firm Saul Ewing said, and Hollywood studios are some of the largest holders of IP rights in the world.

Their lawsuit "is a big step forward," Gambino said, and Midjourney could have a difficult time successfully arguing the alleged copying is transformative under the fair use doctrine.

Stanford law professor and IP attorney Mark Lemley, however, said some of the studios' claims are "over the top."

"It's wrong to say AI is all just plagiarism, for instance, or that Midjourney is willfully producing the outputs Disney complains of," said Lemley, who represents Stability AI in another copyright cases over images.

But Lemley said Disney's complaint also includes good examples of images identical to its cartoon characters.

"I have long said that cartoon characters are the toughest problem for AI companies, because generating an image of Darth Vader is likely to be infringing," Lemley said. "But this should be understood as a very specific and isolated

problem, not a general indictment of image AIs, which is what Disney's lawyers seem to want to make it."

Midjourney did not immediately respond to request for comment.

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Related Portfolio(s):

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Areas of Interest: Artificial Intelligence, Intellectual Property

Industries: Computing & Information Technology, Digital Economy, Entertainment & Arts

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