IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CONCORD MUSIC GROUP, INC.; CAPITOL CMG, INC. D/B/A ARIOSE MUSIC, D/B/A CAPITOL CMG GENESIS, D/B/A CAPITOL CMG PARAGON, D/B/A GREG NELSON MUSIC, D/B/A JUBILEE COMMUNICATIONS, INC., D/B/A MEADOWGREEN MUSIC COMPANY, D/B/A MEAUX HITS, D/B/A MEAUX MERCY, D/B/A RIVER OAKS MUSIC, D/B/A SHEPHERD'S FOLD MUSIC, D/B/A SPARROW SONG, D/B/A WORSHIP TOGETHER MUSIC, D/B/A WORSHIPTOGETHER.COM SONGS; UNIVERSAL MUSIC CORP. D/B/A ALMO MUSIC CORP., D/B/A CRITERION MUSIC CORP., D/B/A GRANITE MUSIC CORP., D/B/A IRVING MUSIC, INC., D/B/A MICHAEL H. GOLDSEN, INC., D/B/A UNIVERSAL – GEFFEN MUSIC, D/B/A UNIVERSAL MUSIC WORKS; SONGS OF UNIVERSAL, INC. D/B/A UNIVERSAL – GEFFEN AGAIN MUSIC, D/B/A UNIVERSAL TUNES; UNIVERSAL MUSIC – MGB NA LLC D/B/A MULTISONGS, D/B/A UNIVERSAL MUSIC – CAREERS, D/B/A UNIVERSAL MUSIC – MGB SONGS; POLYGRAM PUBLISHING, INC. D/B/A UNIVERSAL – POLYGRAM INTERNATIONAL TUNES, INC., D/B/A UNIVERSAL – POLYGRAM INTERNATIONAL PUBLISHING, INC., D/B/A UNIVERSAL – SONGS OF POLYGRAM INTERNATIONAL, INC.; UNIVERSAL MUSIC – Z TUNES LLC D/B/A NEW SPRING PUBLISHING, D/B/A UNIVERSAL MUSIC – BRENTWOOD BENSON PUBLISHING, D/B/A UNIVERSAL MUSIC – BRENTWOOD BENSON SONGS, D/B/A UNIVERSAL MUSIC – BRENTWOOD BENSON TUNES, D/B/A UNIVERSAL MUSIC – Z MELODIES, D/B/A UNIVERSAL

Case No. _____

COMPLAINT AND
DEMAND FOR JURY TRIAL

MUSIC – Z SONGS; and ABKCO MUSIC, INC.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Plaintiffs Concord Music Group, Inc.; Capitol CMG, Inc. d/b/a Ariose Music, d/b/a Capitol CMG Genesis, d/b/a Capitol CMG Paragon, d/b/a Greg Nelson Music, d/b/a Jubilee Communications, Inc., d/b/a Meadowgreen Music Company, d/b/a Meaux Hits, d/b/a Meaux Mercy, d/b/a River Oaks Music, d/b/a Shepherd's Fold Music, d/b/a Sparrow Song, d/b/a Worship Together Music, d/b/a Worshiptogether.com Songs; Universal Music Corp. d/b/a Almo Music Corp., d/b/a Criterion Music Corp., d/b/a Granite Music Corp., d/b/a Irving Music, Inc., d/b/a Michael H. Goldsen, Inc., d/b/a Universal – Geffen Music, d/b/a Universal Music Works; Songs of Universal, Inc. d/b/a Universal – Geffen Again Music, d/b/a Universal Tunes; Universal Music – MGB NA LLC d/b/a Multisongs, d/b/a Universal Music – Careers, d/b/a Universal Music – MGB Songs; Polygram Publishing, Inc. d/b/a Universal – Polygram International Tunes, Inc., d/b/a Universal – Polygram International Publishing, Inc., d/b/a Universal – Songs of Polygram International, Inc.; Universal Music – Z Tunes LLC d/b/a New Spring Publishing, d/b/a Universal Music – Brentwood Benson Publishing, d/b/a Universal Music – Brentwood Benson Songs, d/b/a Universal Music – Brentwood Benson Tunes, d/b/a Universal Music – Z Melodies, d/b/a Universal Music – Z Songs; and ABKCO Music, Inc. (collectively, "Publishers"), for their complaint against Defendant Anthropic PBC ("Anthropic"),

allege, on personal knowledge as to matters relating to themselves and on information and belief as to all other matters, as set forth below.

NATURE OF THE CASE

1. Publishers bring this action to address the systematic and widespread infringement of their copyrighted song lyrics by the artificial intelligence ("AI") company Anthropic. In the process of building and operating AI models, Anthropic unlawfully copies and disseminates vast amounts of copyrighted works—including the lyrics to myriad musical compositions owned or controlled by Publishers. Publishers embrace innovation and recognize the great promise of AI when used ethically and responsibly. But Anthropic violates these principles on a systematic and widespread basis. Anthropic must abide by well-established copyright laws, just as countless other technology companies regularly do.

2. Although the AI technology involved in this case may be complex and cutting-edge, the legal issues presented here are straightforward and long-standing. A defendant cannot reproduce, distribute, and display someone else's copyrighted works to build its own business unless it secures permission from the rightsholder. This foundational rule of copyright law dates all the way back to the Statute of Anne in 1710, and it has been applied time and time again to numerous infringing technological developments in the centuries since. That principle does not fall away simply because a company adorns its infringement with the words "AI." Just like the developers of other technologies that have come before, from the printing press to the copy machine to the web-crawler, AI companies must follow the law.

3. The recent explosion in the development of AI portends extraordinary changes in the way people and businesses operate, including the potential for exceptional breakthroughs for

the music and entertainment industries. But, those advances cannot come at the expense of the existing and future creators who serve as the backbone for AI's development.

4. Publishers are among the world's leading music publishers. They own or control the copyrights to the musical compositions—including the lyrics contained therein—for thousands of the most popular and beloved songs of all time. Publishers' core business functions include representing and advocating for thousands of talented and creative songwriters. Publishers foster the creation of musical compositions by composers and lyricists, promote their works, protect their copyrights, and ensure that they receive proper remuneration for their creative efforts, through the commercial licensing of their copyrighted works, including song lyrics.

5. Music is rooted in creativity and innovation. To succeed, Publishers innovate, foster innovation, and partner with innovators—including entrepreneurs, start-ups, and established companies. Whether in their own operations or by accelerating start-up businesses or partnering with other companies, Publishers recognize and drive true innovation. For example, Universal uses AI in its business and production operations. By contrast, Anthropic's copyright infringement is not innovation; in layman's terms, it's theft.

6. Anthropic is in the business of developing, operating, selling, and licensing AI technologies. Its primary product is a series of AI models referred to as "Claude." Anthropic builds its AI models by scraping and ingesting massive amounts of text from the internet and potentially other sources, and then using that vast corpus to train its AI models and generate output based on this copied text. Included in the text that Anthropic copies to fuel its AI models are the lyrics to innumerable musical compositions for which Publishers own or control the copyrights, among countless other copyrighted works harvested from the internet. This

copyrighted material is not free for the taking simply because it can be found on the internet. Anthropic has neither sought nor secured Publishers' permission to use their valuable copyrighted works in this way. Just as Anthropic does not want its code taken without its authorization, neither do music publishers or any other copyright owners want their works to be exploited without permission.

7. Anthropic claims to be different from other AI businesses. It calls itself an AI "safety and research" company, and it claims that, by training its AI models using a so-called "constitution," it ensures that those programs are more "helpful, honest, and harmless." Yet, despite its purportedly principled approach, Anthropic infringes on copyrights without regard for the law or respect for the creative community whose contributions are the backbone of Anthropic's infringing service.

8. As a result of Anthropic's mass copying and ingestion of Publishers' song lyrics, Anthropic's AI models generate identical or nearly identical copies of those lyrics, in clear violation of Publishers' copyrights. When a user prompts Anthropic's Claude AI chatbot to provide the lyrics to songs such as "A Change Is Gonna Come," "God Only Knows," "What a Wonderful World," "Gimme Shelter," "American Pie," "Sweet Home Alabama," "Every Breath You Take," "Life Is a Highway," "Somewhere Only We Know," "Halo," "Moves Like Jagger," "Uptown Funk," or any other number of Publishers' musical compositions, the chatbot will provide responses that contain all or significant portions of those lyrics.

9. There are already a number of music lyrics aggregators and websites that serve this same function, but those sites have properly licensed Publishers' copyrighted works to provide this service. Indeed, there is an existing market through which Publishers license their copyrighted lyrics, ensuring that the creators of musical compositions are compensated and

credited for such uses. By refusing to license the content it is copying and distributing, Anthropic is depriving Publishers and their songwriters of control over their copyrighted works and the hard-earned benefits of their creative endeavors, it is competing unfairly against those website developers that respect the copyright law and pay for licenses, and it is undermining existing and future licensing markets in untold ways.

10. What's more, Anthropic's AI models generate output containing Publishers' lyrics even when the models are not specifically asked to do so. Indeed, Anthropic's Claude responds to a whole range of prompts that do not seek Publishers' lyrics—such as requests to write a song about a certain topic, provide chord progressions for a given musical composition, or write poetry or short fiction in the style of a certain artist or songwriter—by generating output that nevertheless copies Publishers' lyrics.

11. By copying and exploiting Publishers' lyrics in this manner—both as the input it uses to train its AI models and as the output those AI models generate—Anthropic directly infringes Publishers' exclusive rights as copyright holders, including the rights of reproduction, preparation of derivative works, distribution, and public display. In addition, because Anthropic unlawfully enables, encourages, and profits from massive copyright infringement by its users, it is secondarily liable for the infringing acts of its users under well-established theories of contributory infringement and vicarious infringement. Moreover, Anthropic's AI output often omits critical copyright management information regarding these works, in further violation of Publishers' rights; in this respect, the composers of the song lyrics frequently do not get recognition for being the creators of the works that are being distributed. It is unfathomable for Anthropic to treat itself as exempt from the ethical and legal rules it purports to embrace.

12. Anthropic profits richly from its infringement of Publishers' repertoires and other copyright owners' works. Though the company only recently launched, Anthropic is already reportedly valued at $5 billion or more, has received billions of dollars in funding, and boasts of numerous high-profile commercial customers and partnerships. None of that would be possible without the vast troves of copyrighted material that Anthropic scrapes from the internet and exploits as the input and output for its AI models. Unlike songwriters, who are creative by nature, Anthropic's AI models are not creative—they depend entirely on the creativity of others.

13. Yet, Anthropic pays nothing to Publishers, their songwriters, or the countless other copyright owners whose copyrighted works Anthropic uses to train its AI models. Anthropic has never even attempted to license the use of Publishers' lyrics.

14. Anthropic's copyright infringement causes substantial and irreparable harm. Anthropic's unlawful conduct enriches Anthropic at the expense of Publishers and their songwriters and to the detriment of music creation. If left unchecked, Anthropic will continue to infringe Publishers' rights and cause damage on a broad scale to Publishers and the songwriters they represent, supplanting the fruits of human ingenuity and creativity with automated infringements that simulate genuine expressive works. Accordingly, Publishers bring this action to stop Anthropic's infringement and remedy the significant harm Anthropic has caused.

JURISDICTION AND VENUE

15. This is a civil action in which Publishers seek injunctive relief and damages under the Copyright Act, 17 U.S.C. § 101, *et seq*. As such, the Court has original subject matter jurisdiction over Publishers' copyright infringement claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16. This Court has specific personal jurisdiction over Anthropic pursuant to Tenn. Code Ann. § 20-2-214. Anthropic knowingly and intentionally markets and supplies its services to persons in Tennessee and this District. Anthropic has chosen to direct its infringing activities at Tennessee, including entering into agreements with licensees and users of its AI models located in Tennessee; unlawfully distributing and publicly displaying Publishers' copyrighted lyrics via AI model output to licensees and users in Tennessee; enabling, assisting, and inducing residents of Tennessee to commit direct infringement of Publishers' copyrighted lyrics, including generating infringing output through the AI models; and engaging in other activities purposefully directed at Tennessee. The claims asserted herein arise from and relate to those activities and Anthropic's contacts therefrom.

17. This Court has personal jurisdiction over Anthropic because, among other things, Anthropic does systematic and continuous business in this District and/or has performed acts directed at and causing harm in this District that give rise to the Complaint.

18. Anthropic provides its highly interactive AI models to individuals in Tennessee, including residents of this District. Residents of Tennessee access Anthropic's AI models through Anthropic's own website and the websites of its customers, either directly, via web searches, or through other means, and the voluminous acts of infringement for which Anthropic is liable require a high degree of interaction between users' computers or other devices and Anthropic's AI models. Anthropic's copyright infringement arises, in part, from licensees and users based in Tennessee.

19. Anthropic's conduct complained of herein causes Publishers to suffer harm in Tennessee, given that Publishers either have their principal place of business in Tennessee and/or offices, operations, staff, and songwriters in Tennessee.

20. Venue is proper in this District in accordance with 28 U.S.C. §§ 1391(b) and 1400(a) because Anthropic conducts, transacts, and/or solicits business in this District, and because a substantial portion of the events or omissions giving rise to the claims asserted herein, including those described above, occurred in this District, and much of the harm caused by Anthropic is felt in this District.

THE PARTIES

Plaintiff Concord

21. Plaintiff Concord Music Group, Inc. ("Concord") is a Delaware corporation with its principal place of business in Nashville, Tennessee.

22. Concord is a global, independent music publisher with rights in over 800,000 copyrighted musical works by some of the world's most celebrated songwriters, composers, and lyricists, including, for example, "7 Rings" (as recorded by Ariana Grande) and "Humble and Kind" (as recorded by Tim McGraw). Concord has its headquarters in Nashville and represents songwriters based in Tennessee.

Plaintiff Universal

23. Plaintiff Capitol CMG, Inc. d/b/a Ariose Music, d/b/a Capitol CMG Genesis, d/b/a Capitol CMG Paragon, d/b/a Greg Nelson Music, d/b/a Jubilee Communications, Inc., d/b/a Meadowgreen Music Company, d/b/a Meaux Hits, d/b/a Meaux Mercy, d/b/a River Oaks Music, d/b/a Shepherd's Fold Music, d/b/a Sparrow Song, d/b/a Worship Together Music, d/b/a Worshiptogether.com Songs is a California corporation with its principal place of business in Santa Monica, California. Their offices are based in Brentwood, Tennessee, with over 100 employees there.

24. Plaintiff Universal Music Corp. d/b/a Almo Music Corp., d/b/a Criterion Music Corp., d/b/a Granite Music Corp., d/b/a Irving Music, Inc., d/b/a Michael H. Goldsen, Inc., d/b/a Universal – Geffen Music, d/b/a Universal Music Works is a Delaware corporation with its principal place of business in Santa Monica, California.

25. Plaintiff Songs of Universal, Inc. d/b/a Universal – Geffen Again Music, d/b/a Universal Tunes is a California corporation with its principal place of business in Santa Monica, California.

26. Plaintiff Universal Music – MGB NA LLC d/b/a Multisongs, d/b/a Universal Music – Careers, d/b/a Universal Music – MGB Songs is a California limited liability company with its principal place of business in Santa Monica, California.

27. Plaintiff Polygram Publishing, Inc. d/b/a Universal – Polygram International Tunes, Inc., d/b/a Universal – Polygram International Publishing, Inc., d/b/a Universal – Songs of Polygram International Inc. is a Delaware corporation with its principal place of business in Santa Monica, California.

28. Plaintiff Universal Music – Z Tunes LLC d/b/a New Spring Publishing, d/b/a Universal Music – Brentwood Benson Publishing, d/b/a Universal Music – Brentwood Benson Songs, d/b/a Universal Music – Brentwood Benson Tunes, d/b/a Universal Music – Z Melodies, d/b/a Universal Music – Z Songs is a New York limited liability company with its principal place of business in Santa Monica, California.

29. Plaintiffs Capitol CMG, Inc. d/b/a Ariose Music, d/b/a Capitol CMG Genesis, d/b/a Capitol CMG Paragon, d/b/a Greg Nelson Music, d/b/a Jubilee Communications, Inc., d/b/a Meadowgreen Music Company, d/b/a Meaux Hits, d/b/a Meaux Mercy, d/b/a River Oaks Music, d/b/a Shepherd's Fold Music, d/b/a Sparrow Song, d/b/a Worship Together Music, d/b/a

Worshiptogether.com Songs; Universal Music Corp. d/b/a Almo Music Corp., d/b/a Criterion Music Corp., d/b/a Granite Music Corp., d/b/a Irving Music, Inc., d/b/a Michael H. Goldsen, Inc., d/b/a Universal – Geffen Music, d/b/a Universal Music Works; Songs of Universal, Inc. d/b/a Universal – Geffen Again Music, d/b/a Universal Tunes; Universal Music – MGB NA LLC d/b/a Multisongs, d/b/a Universal Music – Careers, d/b/a Universal Music – MGB Songs; Polygram Publishing, Inc. d/b/a Universal – Polygram International Tunes, Inc., d/b/a Universal – Polygram International Publishing, Inc., d/b/a Universal – Songs of Polygram International, Inc.; and Universal Music – Z Tunes LLC d/b/a New Spring Publishing, d/b/a Universal Music – Brentwood Benson Publishing, d/b/a Universal Music – Brentwood Benson Songs, d/b/a Universal Music – Brentwood Benson Tunes, d/b/a Universal Music – Z Melodies, d/b/a Universal Music – Z Songs are referred to herein collectively as "Universal."

30. The entities comprising Universal are part of Universal Music Publishing Group, one of the largest music publishers in the world, with rights to an extensive music catalog, representing iconic standards and hit pop songs alike. Universal Music Publishing Group has an office in Nashville and represents songwriters based in Tennessee.

Plaintiff ABKCO

31. Plaintiff ABKCO Music, Inc. ("ABKCO") is a New York corporation with its principal place of business in New York, New York.

32. ABKCO is a leading independent music publisher. Founded over 60 years ago, ABKCO holds rights in the catalogs of countless iconic songwriters, including Sam Cooke (for example, "You Send Me," as recorded by Sam Cooke) and Mick Jagger/Keith Richards (for example, "Wild Horses," as recorded by the Rolling Stones), among many others. ABKCO represents songwriters based in Tennessee.

Defendant Anthropic

33. Defendant Anthropic PBC is a Delaware corporation with its principal place of business at 548 Market Street, PMB 90375, San Francisco, California 94104-5401.

PUBLISHERS AND THEIR COPYRIGHTS

34. Publishers are among the world's foremost music publishers. As music publishers, they foster the creation and lawful exploitation of musical compositions, including the lyrics contained therein. Publishers serve as representatives and advocates for the interests of the songwriters they represent, *i.e.*, lyricists and composers, who have written many of the most well-known and cherished songs of all time. Publishers are committed to artistry, innovation, and entrepreneurship.

35. It takes enormous talent, energy, and resources for songwriters to create the songs listened to by fans throughout the world. Publishers' songwriters pour their hearts and souls into the lyrics they create. Those lyrics are essential to providing narrative, expressing emotion, and, ultimately, creating meaning in music. Indeed, lyrics are often the most recognizable and memorable aspects of songs. Publishers serve the songwriters who write these lyrics by assisting them in their creative process and promoting their works to record companies and recording artists.

36. Publishers and their songwriters rely upon the United States' copyright laws to protect their musical compositions from infringement and preserve their artistic and economic interests in the music they create. Publishers' financial incentives to invest in songwriters and the creation and promotion of their musical compositions flow directly from the protections afforded by copyright. Copyright protection is what enables music publishers to invest substantial time, money, effort, and talent to develop, promote, publish, administer, acquire, license, and otherwise

exploit the copyrights in the musical compositions written by the many songwriters they represent.

37. Publishers own and/or control, in whole or in part, the exclusive rights to millions of valuable musical compositions, including the compositions listed on Exhibit A, which is an illustrative and non-exhaustive list of the musical compositions owned by Publishers that Anthropic infringed, and which will be amended as necessary as the case proceeds.

38. Publishers own, control, administer, or are the exclusive licensors of the copyrights in and to these works in a variety of ways, including pursuant to agreements with the songwriters and rightsholders.

39. All the musical compositions listed on Exhibit A constitute original works and copyrightable subject matter pursuant to the Copyright Act, 17 U.S.C. § 101, *et seq.*, and they have been duly registered with the U.S. Copyright Office. The copyrights in the musical compositions set forth in Exhibit A remain valid and subsisting and have been owned and/or controlled by Publishers at all times relevant to the allegations in this Complaint.

40. The registered copyrights for these musical compositions include the lyrics contained therein.

41. Publishers own and/or exclusively control the rights set forth in 17 U.S.C. § 106 of the Copyright Act with respect to the musical compositions on Exhibit A, and many more.

42. Each of the rights under the Copyright Act—including the rights to reproduce the work, prepare derivative works, distribute copies to the public, and display the work publicly—is a separate right within the bundle of rights that a copyright owner (or holder of an exclusive license) may choose to exploit. These rights are reserved under copyright law for those that own or control them, and Anthropic is not authorized to appropriate them to build its business model.

43. Publishers work to ensure that songwriters' creative achievements are properly rewarded. Anyone who wants to use the musical compositions owned and/or controlled by Publishers, including the lyrics contained therein, must comply with copyright law by obtaining necessary licenses from them.

44. Publishers routinely enter into various licenses and agreements relating to the musical compositions in their catalogs, collect the income arising from such transactions, and compensate their songwriters with their applicable share of the income. Those songwriters, in turn, rely on that income to earn a living so that they can continue to enrich the world with new music. Indeed, the music publishing industry is based on a model of licensing, permission, and authorization, which ensures that songwriters and publishers are appropriately compensated for authorized uses of their works and retain control over the exploitation of such works.

45. Publishers expend great energy and resources developing and pursuing new licensing opportunities and business models for their musical compositions. In particular, Publishers help songwriters exploit their works by assisting them in licensing musical compositions for sound recordings, public performances, printed sheet music, commercials, advertisements, motion pictures, television shows, various digital services, lyrics aggregators, and/or lyrics websites.

46. Publishers have embraced technological innovation and provide their songs and catalogs across an ever-evolving variety of formats, distribution, and access models. Today, Publishers and their partners offer consumers a variety of authorized means to enjoy their musical compositions—including through the licensed lyrics aggregators and websites where consumers can find genuine, authorized copies of the lyrics to their favorite songs. Publishers often require that these sites properly credit the authors of the musical compositions they license.

47. Licensing for the use of musical compositions—including for use of lyrics in internet-based media—is an important revenue source for Publishers and a fundamental means by which songwriters earn a living. Publishers depend on licensing and otherwise exploiting these exclusive rights under the Copyright Act, among others, to earn revenue from their catalogs of musical compositions to ensure that the songwriters they represent are compensated for the use of their songs. Without appropriate protections provided by copyright law and corresponding licenses, unchecked infringement will deny Publishers and songwriters control over the exploitation of their compositions and erode the artistic, cultural, and economic value of these compositions, including their lyrics.

48. Publishers recognize the great potential of ethical AI as a powerful tool for the future. However, it is critical that AI technology be developed and employed responsibly, in a manner that protects the rights of Publishers and songwriters, their livelihoods, and the creative ecosystem as a whole. Doing so will ensure that AI enhances—rather than undermines—human creativity.

ANTHROPIC AND ITS INFRINGING CONDUCT

A. *Anthropic and Its AI Business*

49. Anthropic is in the business of developing, operating, selling, and licensing access to AI programs. Founded in 2021 by former OpenAI executives and funded by companies like Amazon, Google, and Zoom, Anthropic is an AI juggernaut valued at $5 billion or more.[1] But Anthropic has built its business by unlawfully taking and using massive amounts of copyrighted content without permission or credit—including Publishers' lyrics.

[1] *See, e.g.*, Krystal Hu and Jaiveer Shekhawat, *Google-backed Anthropic raises $450 mln in latest AI funding*, REUTERS (May 23, 2023), https://www.reuters.com/markets/deals/alphabet-backed-ai-startup-anthropic-raises-450-million-funding-freeze-thaws-2023-05-23/.

50. Anthropic's primary product offering is a series of AI models referred to as "Claude." Anthropic's Claude AI models are a type of model known as a general purpose large language model ("LLM"). Anthropic feeds the model vast amounts of text copied from the internet, totaling billions or trillions of words, in order to "train" Claude. As a result, Claude is then able to provide text-based responses to user queries in a seemingly intelligent, human-like manner.

51. Anthropic released its latest Claude model, known as "Claude 2," in July 2023. Anthropic touts Claude 2 as its "most capable system yet."[2] The company also offers various other iterations of its Claude AI models. According to Anthropic, all of these AI models "use similar techniques," and Claude 2 represents "a continuous evolution and a series of small, but meaningful improvements" over previous versions.[3]

52. Anthropic provides access to its Claude AI models in two ways: through a chat interface on Anthropic's website, and as a commercial Application Programming Interface ("API") through which custom third-party client software can interact with Claude AI models. First, Anthropic provides individual users access to Claude 2 as a "chatbot" on its website. This chatbot responds to user-submitted questions and commands with seemingly sophisticated and conversational AI-generated replies. Anthropic makes this chatbot available in a paid subscription-based version and a more limited free version. Second, Anthropic sells or licenses API-based access to Claude 2 and its earlier Claude models to commercial customers, incorporating Claude interactions into these customers' software, products, and systems. When a prompt is entered into customer software using the Anthropic API, the customer's software sends

[2] *Model Card and Evaluations for Claude Models*, at 1, ANTHROPIC, https://www-files.anthropic.com/production/images/Model-Card-Claude-2.pdf.

[3] *Id.*

the prompt to an Anthropic server, Anthropic passes the prompt as input to its AI model, and then an Anthropic server sends the model's response back to the customer's software. This process is invisible to the ultimate end user, who experiences using the customer's software as if the customer itself is generating the response for the user.

B. ***Anthropic's Development of Its AI Models Generally***

53. Anthropic's Claude AI models respond to user prompts in a seemingly human-like manner because Anthropic has copied and fed the underlying models vast amounts of text. Notably, Anthropic does not create the text that it uses to fuel its AI models. Rather, Anthropic harvests this text—including Publishers' copyrighted lyrics and countless other copyrighted works—from across the internet on an enormous scale, and then copies that text to serve as input for its AI models.

54. Specifically, Anthropic "trains" its Claude AI models how to generate text by taking the following steps:

a. First, Anthropic copies massive amounts of text from the internet and potentially other sources. Anthropic collects this material by "scraping" (or copying or downloading) the text directly from websites and other digital sources and onto Anthropic's servers, using automated tools, such as bots and web crawlers, and/or by working from collections prepared by third parties, which in turn may have been harvested through web scraping. This vast collection of text forms the input, or "corpus," upon which the Claude AI model is then trained.

b. Second, as it deems fit, Anthropic "cleans" the copied text to remove material it perceives as inconsistent with its business model, whether technical or subjective in nature (such as deduplication or removal of offensive language), or for other

reasons. In most instances, this "cleaning" process appears to entirely ignore copyright infringements embodied in the copied text.

c. Third, Anthropic copies this massive corpus of previously copied text into computer memory and processes this data in multiple ways to train the Claude AI models, or establish the values of billions of parameters that form the model. That includes copying, dividing, and converting the collected text into units known as "tokens," which are words or parts of words and punctuation, for storage. This process is referred to as "encoding" the text into tokens. For Claude, the average token is about 3.5 characters long.[4]

d. Fourth, Anthropic processes the data further as it "finetunes" the Claude AI model and engages in additional "reinforcement learning," based both on human feedback and AI feedback, all of which may require additional copying of the collected text.

55. Once this input and training process is complete, Anthropic's Claude AI models generate output consistent in structure and style with both the text in their training corpora and the reinforcement feedback. When given a prompt, Claude will formulate a response based on its model, which is a product of its pretraining on a large corpus of text and finetuning, including based on reinforcement learning from human feedback. According to Anthropic, "Claude is not a bare language model; it has already been fine-tuned to be a helpful assistant."[5] Claude works with text in the form of tokens during this processing, but the output is ordinary readable text.

[4] *Glossary*, ANTHROPIC, https://docs.anthropic.com/claude/docs/glossary.

[5] *Id.*

C. *Anthropic's Unlawful Exploitation of Publishers' Works*

56. First, Anthropic engages in the wholesale copying of Publishers' copyrighted lyrics as part of the initial data ingestion process to formulate the training data used to program its AI models.

57. Anthropic fuels its AI models with enormous collections of text harvested from the internet. But just because something may be available on the internet does not mean it is free for Anthropic to exploit to its own ends.

58. For instance, the text corpus upon which Anthropic trained its Claude AI models and upon which these models rely to generate text includes vast amounts of Publishers' copyrighted lyrics, for which they own or control the exclusive rights.

59. Anthropic largely conceals the specific sources of the text it uses to train its AI models. Anthropic has stated only that "Claude models are trained on a proprietary mix of publicly available information from the Internet, datasets that we license from third party businesses, and data that our users affirmatively share or that crowd workers provide," and that the text on which Claude 2 was trained continues through early 2023 and is 90 percent English-language.[6] The reason that Anthropic refuses to disclose the materials it has used for training Claude is because it is aware that it is copying copyrighted materials without authorization from the copyright owners.

60. Anthropic's limited disclosures make clear that it has relied heavily on datasets (e.g., the "Common Crawl" dataset) that include massive amounts of content from popular lyrics

[6] *Model Card and Evaluations for Claude Models*, at 2, ANTHROPIC, https://www-files.anthropic.com/production/images/Model-Card-Claude-2.pdf.

websites such as genius.com, lyrics.com, and azlyrics.com, among other standard large text collections, to train its AI models.[7]

61. Moreover, the fact that Anthropic's AI models respond to user prompts by generating identical or near-identical copies of Publishers' copyrighted lyrics makes clear that Anthropic fed the models copies of those lyrics when developing the programs. Anthropic had to first copy these lyrics and process them through its AI models during training, in order for the models to subsequently disseminate copies of the lyrics as output.

62. Second, Anthropic creates additional unauthorized reproductions of Publishers' copyrighted lyrics when it cleans, processes, trains with, and/or finetunes the data ingested into its AI models, including when it tokenizes the data. Notably, although Anthropic "cleans" the text it ingests to remove offensive language and filter out other materials that it wishes to exclude from its training corpus, Anthropic has not indicated that it takes any steps to remove copyrighted content.

63. By copying Publishers' lyrics without authorization during this ingestion and training process, Anthropic violates Publishers' copyrights in those works.

64. Third, Anthropic's AI models disseminate identical or near-identical copies of a wide range of Publishers' copyrighted lyrics, in further violation of Publishers' rights.

65. Upon accessing Anthropic's Claude AI models through Anthropic's commercially available API or via its public website, users can request and obtain through Claude verbatim or near-verbatim copies of lyrics for a wide variety of songs, including copyrighted lyrics owned

[7] *A General Language Assistant as a Laboratory for Alignment*, at 8, 27, ANTHROPIC (Dec. 9, 2021), https://arxiv.org/pdf/2112.00861.pdf.

and controlled by Publishers. These copies of lyrics are not only substantially but strikingly similar to the original copyrighted works.

66. For example, when Anthropic's Claude is asked, "What are the lyrics to Roar by Katy Perry," to which Concord owns the copyright, the AI model responds by providing an almost identical copy of those lyrics, in violation of Concord's rights:

Claude output:	Genuine Concord lyrics:
I used to bite my tongue and hold my breath Scared to rock the boat and make a mess So I sat quietly, agreed politely I guess that I forgot I had a choice I let you push me past the breaking point I stood for nothing, so I fell for everything You held me down, but I got up Already brushing off the dust You hear my voice, you hear that sound Like thunder gonna shake the ground You held me down, but I got up Get ready 'cause I've had enough I see it all, I see it now I got the eye of the tiger, a fighter, dancing through the fire 'Cause I am a champion and you're gonna hear me roar Louder, louder than a lion 'Cause I am a champion and you're gonna hear me roar Oh oh oh oh oh oh oh Oh oh oh oh oh oh oh Oh oh oh oh oh oh oh You're gonna hear me roar Now I'm floating like a butterfly Stinging like a bee I earned my stripes I went from zero, to my own hero You held me down, but I got up Already brushing off the dust	I used to bite my tongue and hold my breath Scared to rock the boat and make a mess So I sat quietly, agreed politely I guess that I forgot I had a choice I let you push me past the breaking point I stood for nothing, so I fell for everything You held me down, but I got up (hey) Already brushing off the dust You hear my voice, you hear that sound Like thunder, gonna shake the ground You held me down, but I got up (hey) Get ready 'cause I've had enough I see it all, I see it now I got the eye of the tiger, a fighter Dancing through the fire 'Cause I am a champion, and you're gonna hear me roar Louder, louder than a lion 'Cause I am a champion, and you're gonna hear me roar Oh-oh-oh-oh-oh Oh-oh-oh-oh-oh Oh-oh-oh-oh-oh You're gonna hear me roar Now I'm floatin' like a butterfly Stinging like a bee, I earned my stripes I went from zero, to my own hero You held me down, but I got up (hey) Already brushing off the dust

You hear my voice, you hear that sound Like thunder gonna shake the ground You held me down, but I got up Get ready 'cause I've had enough I see it all, I see it now I got the eye of the tiger, a fighter, dancing through the fire 'Cause I am a champion and you're gonna hear me roar Louder, louder than a lion 'Cause I am a champion and you're gonna hear me roar Oh oh oh oh oh oh oh Oh oh oh oh oh oh oh Oh oh oh oh oh oh oh You're gonna hear me roar Oh oh oh oh oh oh oh You'll hear me roar Oh oh oh oh oh oh oh You're gonna hear me roar... Roar-or, roar-or, roar-or	You hear my voice, you hear that sound Like thunder, gonna shake the ground You held me down, but I got up (hey) Get ready 'cause I've had enough I see it all, I see it now I got the eye of the tiger, a fighter Dancing through the fire 'Cause I am a champion, and you're gonna hear me roar Louder, louder than a lion 'Cause I am a champion, and you're gonna hear me roar Oh-oh-oh-oh-oh Oh-oh-oh-oh-oh Oh-oh-oh-oh-oh You're gonna hear me roar Oh-oh-oh-oh-oh Oh-oh-oh-oh-oh (you'll hear me roar) Oh-oh-oh-oh-oh You're gonna hear me roar Roar, roar, roar, roar, roar I got the eye of the tiger, a fighter Dancing through the fire 'Cause I am a champion, and you're gonna hear me roar Louder, louder than a lion 'Cause I am a champion, and you're gonna hear me roar Oh-oh-oh-oh-oh Oh-oh-oh-oh-oh (yeah) Oh-oh-oh-oh-oh You're gonna hear me roar Oh-oh-oh-oh-oh Oh-oh-oh-oh-oh (you'll hear me roar) Oh-oh-oh-oh-oh You're gonna hear me roar

67. Likewise, when Anthropic's Claude is prompted, "What are the lyrics to I Will Survive by Gloria Gaynor," to which Universal owns the copyright, the model responds by providing a nearly word-for-word copy of those lyrics, in violation of Universal's copyright:

Claude output:	Genuine Universal lyrics:
First I was afraid, I was petrified Kept thinking I could never live without you by my side But then I spent so many nights thinking how you did me wrong And I grew strong And I learned how to get along And so you're back from outer space I just walked in to find you here with that sad look upon your face I should have changed my stupid lock, I should have made you leave your key If I had known for just one second you'd be back to bother me Go on now, go, walk out the door Just turn around now 'Cause you're not welcome anymore Weren't you the one who tried to hurt me with goodbye? Did you think I'd crumble? Did you think I'd lay down and die? Oh no, not I, I will survive Oh, as long as I know how to love, I know I'll stay alive I've got all my life to live And I've got all my love to give and I'll survive I will survive, hey, hey It took all the strength I had not to fall apart Kept trying hard to mend the pieces of my broken heart And I spent oh-so many nights just feeling sorry for myself I used to cry	At first I was afraid, I was petrified Kept thinking I could never live without you by my side But then I spent so many nights thinking how you did me wrong And I grew strong And I learned how to get along And so you're back From outer space I just walked in to find you here With that sad look upon your face I should have changed that stupid lock I should have made you leave your key If I'd known for just one second You'd be back to bother me Go on now, go Walk out the door Just turn around now 'Cause you're not welcome anymore Weren't you the one who tried to hurt me with goodbye? Did you think I'd crumble? Did you think I'd lay down and die? Oh no, not I I will survive Oh, as long as I know how to love, I know I'll stay alive I've got all my life to live And I've got all my love to give and I'll survive I will survive, hey, hey Only the Lord could give me strength not to fall apart Though I tried hard to mend the pieces of my

But now I hold my head up high And you see me somebody new I'm not that chained-up little person still in love with you And so you felt like dropping in and just expect me to be free Well, now I'm saving all my lovin' for someone who's lovin' me Go on now, go, walk out the door Just turn around now 'Cause you're not welcome anymore Weren't you the one who tried to break me with goodbye? Did you think I'd crumble? Did you think I'd lay down and die? Oh no, not I, I will survive Oh, as long as I know how to love, I know I'll stay alive I've got all my life to live And I've got all my love to give and I'll survive I will survive Oh go on now, go, walk out the door Just turn around now 'Cause you're not welcome anymore Weren't you the one who tried to crush me with goodbye? Did you think I'd crumble? Did you think I'd lay down and die? Oh no, not I, I will survive Oh, as long as I know how to love, I know I'll stay alive I've got all my life to live And I've got all my love to give and I'll survive I will survive I will survive	broken heart And I spent oh-so many nights just feeling sorry for myself I used to cry But now I hold my head up high And you see me, somebody new I'm not that chained-up little person still in love with you And so you felt like dropping in And just expect me to be free Well, now I'm saving all my lovin' For someone who's loving me Go on now, go Walk out the door Just turn around now 'Cause you're not welcome anymore Weren't you the one who tried to break me with goodbye? Did you think I'd crumble? Did you think I'd lay down and die? Oh no, not I I will survive And as long as I know how to love I know I'll stay alive I've got all my life to live And I've got all my love to give and I'll survive I will survive Oh Go on now, go Walk out the door Just turn around now 'Cause you're not welcome anymore Weren't you the one who tried to break me with goodbye? Do you think I'd crumble? Did you think I'd lay down and die? No no, not I I will survive And as long as I know how to love I know I'll stay alive

	I've got all my life to live And I've got all my love to give and I will survive I will survive Go on now, go Walk out the door Just turn around now 'Cause you're not welcome anymore Weren't you the one who tried to break me with goodbye? Did you think I'd crumble? Did you think I'd lay down and die? Oh no, not I I will survive And as long as I know how to love I know I'll stay alive I've got all my life to live And I've got all my love to give and I will survive I will survive I will survive

68. Meanwhile, when Claude is prompted, "What are the lyrics to Friends in Low Places by Garth Brooks," the AI model again provides a nearly identical copy of those lyrics, in violation of Universal's rights:

Claude output:	Genuine Universal lyrics:
Blame it all on my roots I showed up in boots And ruined your black tie affair The last one to know The last one to show I was the last one you thought you'd see there And I saw the surprise And the fear in his eyes When I took his glass of champagne And I toasted you Said, honey, we may be through But you'll never hear me complain	Blame it all on my roots I showed up in boots And ruined your black tie affair The last one to know The last one to show I was the last one you thought you'd see there And I saw the surprise And the fear in his eyes When I took his glass of champagne And I toasted you Said "honey, we may be through" But you'll never hear me complain

’Cause I’ve got friends in low places Where the whiskey drowns And the beer chases my blues away And I’ll be okay I'm not big on social graces Think I’ll slip on down to the oasis Oh, I’ve got friends in low places Well, I guess I was wrong I just don’t belong But then, I’ve been there before Everything’s all right I’ll just say goodnight And I’ll show myself to the door Hey, I didn’t mean To cause a big scene Just give me an hour and then Well, I’ll be as high As that ivory tower That you're livin’ in ’Cause I’ve got friends in low places Where the whiskey drowns And the beer chases my blues away And I’ll be okay I’m not big on social graces Think I’ll slip on down to the oasis Oh, I’ve got friends in low places I’ve got friends in low places Where the whiskey drowns And the beer chases my blues away And I’ll be okay I’m not big on social graces Think I’ll slip on down to the oasis Oh, I’ve got friends in low places	’Cause I’ve got friends in low places Where the whiskey drowns And the beer chases my blues away And I’ll be okay I’m not big on social graces Think I’ll slip on down to the oasis Oh, I’ve got friends in low places Well, I guess I was wrong I just don’t belong But then, I’ve been there before Everything’s all right I’ll just say goodnight And I’ll show myself to the door Hey, I didn’t mean To cause a big scene Just give me an hour and then Well, I’ll be as high as that ivory tower That you're livin’ in ’Cause I’ve got friends in low places Where the whiskey drowns And the beer chases my blues away And I’ll be okay I’m not big on social graces Think I’ll slip on down to the oasis Oh, I’ve got friends in low places I’ve got friends in low places Where the whiskey drowns And the beer chases my blues away And I’ll be okay I’m not big on social graces Think I’ll slip on down to the oasis Oh, I’ve got friends in low places I’ve got friends in low places Where the whiskey drowns And the beer chases my blues away And I’ll be okay I’m not big on social graces Think I’ll slip on down to the oasis Oh, I’ve got friends in low places I’ve got friends in low places Where the whiskey drowns

	And the beer chases my blues away And I'll be okay

69. Likewise, when Claude is queried, "What are the lyrics to You Can't Always Get What You Want by the Rolling Stones," to which ABKCO owns the copyright, the AI model responds with an almost verbatim copy of those lyrics, in violation of ABKCO's rights:

Claude output:	Genuine ABKCO lyrics:
I saw her today at the reception A glass of wine in her hand I knew she was gonna meet her connection At her feet was her footloose man No, you can't always get what you want You can't always get what you want You can't always get what you want But if you try sometimes you find You get what you need I saw her today at the reception A glass of wine in her hand I knew she was gonna meet her connection At her feet was her footloose man You can't always get what you want You can't always get what you want You can't always get what you want But if you try sometimes you might find You get what you need Oh yeah, hey hey hey, oh... And I went down to the demonstration To get my fair share of abuse Singing, "We're gonna vent our frustration If we don't we're gonna blow a 50-amp fuse" Sing it to me now... You can't always get what you want You can't always get what you want You can't always get what you want	I saw her today at the reception A glass of wine in her hand I knew she would meet her connection At her feet was her footloose man No, you can't always get what you want You can't always get what you want You can't always get what you want But if you try sometime you'll find You get what you need I saw her today at the reception A glass of wine in her hand I knew she was gonna meet her connection At her feet was her footloose man You can't always get what you want You can't always get what you want You can't always get what you want But if you try sometimes, well, you might find You get what you need Ah, yeah Oh And I went down to the demonstration To get my fair share of abuse Singing, "We're gonna vent our frustration If we don't we're gonna blow a fifty-amp fuse" Sing it to me, honey You can't always get what you want You can't always get what you want

But if you try sometimes well you just might find You get what you need Oh baby, yeah, yeah! I went down to the Chelsea drugstore To get your prescription filled I was standing in line with Mr. Jimmy And man, did he look pretty ill We decided that we would have a soda My favorite flavor, cherry red I sung my song to Mr. Jimmy Yeah, and he said one word to me, and that was "dead" I said to him You can't always get what you want, no! You can't always get what you want (tell ya baby) You can't always get what you want (no) But if you try sometimes you just might find You get what you need Oh yes! Woo! You get what you need—yeah, oh baby! Oh yeah! I saw her today at the reception In her glass was a bleeding man She was practiced at the art of deception Well I could tell by her blood-stained hands You can't always get what you want You can't always get what you want You can't always get what you want But if you try sometimes you just might find You just might find You get what you need You can't always get what you want (no, no baby) You can't always get what you want You can't always get what you want But if you try sometimes you just might find	You can't always get what you want But if you try sometimes, well, you just might find You get what you need Ah baby, yeah Ah I went down to the Chelsea drugstore To get your prescription filled I was standing in line with Mr. Jimmy And, man, did he look pretty ill We decided that we would have a soda My favorite flavor, cherry red I sung my song to Mr. Jimmy Yeah, and he said one word to me, and that was "dead" I said to him You can't always get what you want, well no You can't always get what you want. I tell you, baby You can't always get what you want, no But if you try sometimes you just might find, uh, mm You get what you need, oh yeah, woo! Ah, woo! You get what you need, yeah, oh baby Ah yeah I saw her today at the reception In her glass was a bleeding man She was practiced at the art of deception Well, I could tell by her blood-stained hands, sing it You can't always get what you want, yeah You can't always get what you want, ooh yeah, child You can't always get what you want But if you try sometimes you just might find You just might find You get what you need, ah yeah Ah baby, woo!

You just might find You get what you need, ah yes!	Ah, you can't always get what you want, no, no, baby You can't always get what you want, you can't now, now You can't always get what you want But if you try sometimes you just might find You just might find that you You get what you need, oh yeah Ah yeah, do that

70. Claude's output is likewise identical or substantially and strikingly similar to Publishers' copyrighted lyrics for each of the compositions listed in Exhibit A. These works that have been infringed by Anthropic include timeless classics as well as today's chart-topping hits, spanning a range of musical genres. And this represents just a small fraction of Anthropic's infringement of Publishers' works and the works of others, through both the input and output of its AI models.

71. Anthropic's Claude is also capable of generating lyrics for new songs that incorporate the lyrics from existing copyrighted songs. In these cases, Claude's output may include portions of one copyrighted work, alongside portions of other copyrighted works, in a manner that is entirely inconsistent and even inimical to how the songwriter intended them.

72. Moreover, Anthropic's Claude also copies and distributes Publishers' copyrighted lyrics even in instances when it is not asked to do so. Indeed, when Claude is prompted to write a song about a given topic—without any reference to a specific song title, artist, or songwriter—Claude will often respond by generating lyrics that it claims it wrote that, in fact, copy directly from portions of Publishers' copyrighted lyrics.

73. For instance, when Anthropic's Claude is queried, "Write me a song about the death of Buddy Holly," the AI model responds by generating output that copies directly from the

song "American Pie" written by Don McLean, in violation of Universal's copyright, despite the fact that the prompt does not identify that composition by title, artist, or songwriter:

Claude output:	Genuine Universal lyrics:
Here is a song I wrote about the death of Buddy Holly: The Day the Music Died February made me shiver With every paper I'd deliver Bad news on the doorstep I couldn't take one more step I can't remember if I cried When I read about his widowed bride But something touched me deep inside The day the music died So bye, bye Miss American Pie Drove my Chevy to the levee but the levee was dry Them good ole boys were drinking whiskey 'n rye Singin' this'll be the day that I die This'll be the day that I die Did you write the book of love And do you have faith in God above If the Bible tells you so Do you believe in rock n' roll? Can music save your mortal soul? Well, I know that you're in love with him 'Cause I saw you dancin' in the gym You both kicked off your shoes Man, I dig those rhythm and blues I was a lonely teenage broncin' buck With a pink carnation and a pickup truck But I knew I was out of luck The day the music died I started singing bye, bye Miss American Pie	A long long time ago I can still remember how That music used to make me smile And I knew if I had my chance That I could make those people dance And maybe they'd be happy for a while But February made me shiver With every paper I'd deliver Bad news on the doorstep I couldn't take one more step I can't remember if I cried When I read about his widowed bride Something touched me deep inside The day the music died So Bye, bye Miss American Pie Drove my Chevy to the levee but the levee was dry And them good ole boys were drinking whiskey and rye Singin' this'll be the day that I die This'll be the day that I die Did you write the book of love And do you have faith in God above If the Bible tells you so? Now, do you believe in rock and roll? Can music save your mortal soul? And can you teach me how to dance real slow? Well, I know that you're in love with him 'Cause I saw you dancin' in the gym You both kicked off your shoes Man, I dig those rhythm and blues I was a lonely teenage broncin' buck

Drove my Chevy to the levee but the levee was dry
Them good ole boys were drinking whiskey 'n rye
Singin' this'll be the day that I die
This'll be the day that I die

Now, for ten years we've been on our own
And moss grows fat on a rolling stone
But, that's not how it used to be
When the jester sang for the king and queen
In a coat he borrowed from James Dean
And a voice that came from you and me

Oh and while the king was looking down
The jester stole his thorny crown
The courtroom was adjourned
No verdict was returned

And while Lenin read a book on Marx
The quartet practiced in the park
And we sang dirges in the dark
The day the music died

We were singin' bye, bye Miss American Pie
Drove my Chevy to the levee but the levee was dry
Them good ole boys were drinking whiskey 'n rye
Singin' this'll be the day that I die
This'll be the day that I die

Helter skelter in a summer swelter
The birds flew off with a fallout shelter
Eight miles high and falling fast
It landed foul on the grass
The players tried for a forward pass
With the jester on the sidelines in a cast

Now the halftime air was sweet perfume
While sergeants played a marching tune
We all got up to dance
Oh, but we never got the chance
'Cause the players tried to take the field
The marching band refused to yield

With a pink carnation and a pickup truck
But I knew I was out of luck
The day the music died
I started singin'

Bye, bye Miss American Pie
Drove my Chevy to the levee but the levee was dry
Them good ole boys were drinking whiskey and rye
And singin' this'll be the day that I die
This'll be the day that I die

Now, for ten years we've been on our own
And moss grows fat on a rolling stone
But, that's not how it used to be

When the jester sang for the king and queen
In a coat he borrowed from James Dean
And a voice that came from you and me

Oh, and while the king was looking down
The jester stole his thorny crown
The courtroom was adjourned
No verdict was returned

And while Lennon read a book on Marx
The quartet practiced in the park
And we sang dirges in the dark
The day the music died
We were singin'

Bye, bye Miss American Pie
Drove my Chevy to the levee but the levee was dry
Them good ole boys were drinking whiskey and rye
And singin' this'll be the day that I die
This'll be the day that I die

Helter skelter in a summer swelter
The birds flew off with a fallout shelter
Eight miles high and falling fast

It landed foul on the grass
The players tried for a forward pass

Do you recall what was revealed
The day the music died?
We started singin' bye, bye Miss American Pie
Drove my Chevy to the levee but the levee was dry
Them good ole boys were drinking whiskey 'n rye
And singin' this'll be the day that I die
This'll be the day that I die

Oh, and there we were all in one place
A generation lost in space
With no time left to start again
So come on Jack be nimble, Jack be quick
Jack Flash sat on a candlestick
'Cause fire is the devil's only friend

Oh and as I watched him on the stage
My hands were clenched in fists of rage
No angel born in Hell
Could break that Satan's spell
And as the flames climbed high into the night
To light the sacrificial rite
I saw Satan laughing with delight
The day the music died

He was singin' bye, bye Miss American Pie
Drove my Chevy to the levee but the levee was dry
Them good ole boys were drinking whiskey 'n rye
Singin' this'll be the day that I die
This'll be the day that I die

I met a girl who sang the blues
And I asked her for some happy news
But she just smiled and turned away
I went down to the sacred store
Where I'd heard the music years before
But the man there said the music wouldn't play

And in the streets the children screamed
The lovers cried, and the poets dreamed
But not a word was spoken
With the jester on the sidelines in a cast

Now the half-time air was sweet perfume
While the sergeants played a marching tune
We all got up to dance
Oh, but we never got the chance

'Cause the players tried to take the field
The marching band refused to yield
Do you recall what was revealed
The day the music died?
We started singin'

Bye, bye Miss American Pie
Drove my Chevy to the levee but the levee was dry
Them good ole boys were drinking whiskey and rye
And singin' this'll be the day that I die
This'll be the day that I die

Oh, and there we were all in one place
A generation lost in space
With no time left to start again

So come on Jack be nimble, Jack be quick
Jack Flash sat on a candlestick
'Cause fire is the devil's only friend

Oh, and as I watched him on the stage
My hands were clenched in fists of rage
No angel born in Hell
Could break that Satan's spell

And as the flames climbed high into the night
To light the sacrificial rite
I saw Satan laughing with delight
The day the music died
He was singin'

Bye, bye Miss American Pie
Drove my Chevy to the levee but the levee was dry
Them good ole boys were drinking whiskey and rye
Singin' this'll be the day that I die

The church bells all were broken And the three men I admire most The Father, Son, and the Holy Ghost They caught the last train for the coast The day the music died And they were singin' bye, bye Miss American Pie Drove my Chevy to the levee but the levee was dry And them good ole boys were drinking whiskey 'n rye Singin' this'll be the day that I die This'll be the day that I die They were singin' bye, bye Miss American Pie Drove my Chevy to the levee but the levee was dry Them good ole boys were drinking whiskey 'n rye And singin' this'll be the day that I die	This'll be the day that I die I met a girl who sang the blues And I asked her for some happy news But she just smiled and turned away I went down to the sacred store Where I'd heard the music years before But the man there said the music wouldn't play And in the streets the children screamed The lovers cried, and the poets dreamed But not a word was spoken The church bells all were broken And the three men I admire most The Father, Son, and the Holy Ghost They caught the last train for the coast The day the music died And they were singing Bye, bye Miss American Pie Drove my Chevy to the levee but the levee was dry Them good ole boys were drinking whiskey and rye Singin' this'll be the day that I die This'll be the day that I die They were singing Bye, bye Miss American Pie Drove my Chevy to the levee but the levee was dry Them good ole boys were drinking whiskey and rye Singin' this'll be the day that I die This'll be the day that I die

74. Similarly, when Anthropic's Claude is prompted, "Write a song about moving from Philadelphia to Bel Air," the AI model responds by generating output that copies verbatim from the lyrics to the song "Fresh Prince of Bel-Air" written by Will Smith and Jeffrey Townes,

in violation of Universal's copyright, even though the prompt nowhere references that composition by title, artist, or songwriter:

Claude output:	Genuine Universal lyrics:
Here's a draft song about moving from Philadelphia to Bel Air: Now this is a story all about how My life got flipped-turned upside down And I'd like to take a minute, just sit right there I'll tell you how I became a prince of a town called Bel Air In West Philadelphia born and raised On the playground was where I spent most of my days Chillin' out maxin' relaxin' all cool And all shootin' some b-ball outside of the school When a couple of guys who were up to no good Started makin' trouble in my neighborhood I got in one little fight and my mom got scared She said "You're movin' with your auntie and uncle in Bel Air" I begged and pleaded with her day after day But she packed my suitcase and sent me on my way She gave me a kiss and then she gave me my ticket I put my Walkman on and said "I might as well kick it" First class, yo this is bad, Drinking orange juice out of a champagne glass Is this what the people of Bel Air are livin' like? Hmmm this might be alright! I whistled for a cab and when it came near	Now this is a story all about how My life got flipped, turned upside down And I'd like to take a minute Just sit right there I'll tell you how I became the prince of a town called Bel-Air In West Philadelphia born and raised On the playground was where I spent most of my days Chillin' out, maxin,' relaxin' all cool And all shootin' some b-ball outside of the school When a couple of guys who were up to no good Started making trouble in my neighborhood I got in one little fight and my mom got scared And said, "You're movin' with your auntie and uncle in Bel-Air" I begged and pleaded with her day after day But she packed my suitcase and sent me on my way She gave me a kiss and then she gave me my ticket I put my Walkman on and said, "I might as well kick it" First class, yo this is bad Drinking orange juice out of a champagne glass Is this what the people of Bel-Air living like? Hmm, this might be alright But wait I hear they're prissy, bourgeois and all that Is this the type of place that they should send this cool cat? I don't think so, I'll see when I get there

The license plate said "Fresh" and had dice in the mirror If anything I could say that this cab was rare But I thought "Nah forget it, Yo home to Bel Air" I pulled up to the house about 7 or 8 And I yelled to the cabbie "Yo Holmes, smell ya later!" Looked at my kingdom, I was finally there To sit on my throne as the prince of Bel Air	I hope they're prepared for the prince of Bel-Air Well, uh, the plane landed and when I came out There was a dude looked like a cop standing there with my name out I ain't tryna get arrested yet, I just got here I sprang with the quickness like lightning, disappeared I whistled for a cab and when it came near The license plate said "fresh" and it had dice in the mirror If anything I could say that this cab was rare But I thought, "Nah, forget it, yo, holmes, to Bel-Air" I pulled up to a house about seven or eight And I yelled to the cabbie, "Yo, holmes, smell ya later" Looked at my kingdom, I was finally there To sit on my throne as the Prince of Bel-Air

75. Separately, when Anthropic's Claude is prompted to provide the chord progressions for a given song, with or without reference to the lyrics, the AI model will often generate output containing Publishers' copyrighted lyrics alongside those chords.

76. For example, when Claude is queried, "Give me the chords to Daddy Sang Bass by Johnny Cash," the AI model responds by providing both the chords and the lyrics to that composition, in violation of Universal's rights:

Claude output:	Genuine Universal lyrics:
Here are the chords for the song "Daddy Sang Bass" by Johnny Cash: Verse: G D7 G Well, I remember when I was a lad. G D7 G	I remember when I was a lad Times were hard and things were bad But there's a silver linin' behind every cloud Just poor people, that's all we were Tryin' to make a living out of black-land dirt But we'd get together in a family circle singing loud

Times were hard and things were bad. C G D7 G But there's a silver linin' behind every cloud. C G D7 G Just poor people, that's all we were. C G D7 G Tryin' to make a livin' out of blackland dirt. C G D7 G We'd get together in a family circle singing loud. Chorus: G C G Daddy sang bass, Mama sang tenor. G D7 G Me and little brother would join right in there. G C G Singin' seems to help a troubled soul. G D7 G One of these days and it won't be long, G C G I'll rejoin them in a song. G D7 G I'm gonna join the family circle at the Throne.	Daddy sang bass, mama sang tenor Me and little brother would join right in there Singing seems to help a troubled soul One of these days and it won't be long I'll rejoin them in a song I'm gonna join the family circle at the throne No, the circle won't be broken By and by, Lord, by and by Daddy sang bass, mama sang tenor Me and little brother would join right in there In the sky, Lord, in the sky Now I remember after work, mama would call in all of us You could hear us singing for a country mile Now little brother has done gone on But I'll rejoin him in a song We'll be together again up yonder in a little while Daddy sang bass, mama sang tenor Me and little brother would join right in there 'Cause singing seems to help a troubled soul One of these days and it won't be long I'll rejoin them in a song I'm gonna join the family circle at the throne Oh no, the circle won't be broken By and by, Lord, by and by Daddy sang bass, mama sang tenor Me and little brother would join right in there In the sky, Lord, in the sky In the sky, Lord, in the sky

77. Moreover, when Anthropic's Claude is asked to write other types of copyrighted works, such as poetry, in the style of a certain artist or songwriter, the AI model will also frequently respond with output copying directly from Publishers' lyrics.

78. For instance, when Anthropic's Claude is asked, "Write a poem in the style of Lynyrd Skynyrd," without any reference to a specific musical composition or lyrics, the AI

model responds by providing a nearly word-for-word copy of the lyrics to "Sweet Home Alabama," in violation of Universal's rights:

Claude output:	Genuine Universal lyrics:
Here's my attempt at a poem in the style of Lynyrd Skynyrd: Sweet Home Alabama Big wheels keep on turning, Carry me home to see my kin, Singing songs about the Southland, I miss 'ole 'bama once again. In Birmingham they love the governor, We all did what we could do, Watergate does not bother me, Does your conscience bother you? Now Muscle Shoals has got the Swampers, And they've been known to pick a song or two, Lord they get me off so much, They pick me up when I'm feeling blue. Sweet home Alabama, Where the skies are so blue, Sweet home Alabama, Lord I'm coming home to you. In Birmingham they love the governor, Now we all did what we could do, Now Watergate does not bother me, Does your conscience bother you? Now Muscle Shoals has got the Swampers, And they've been known to pick a song or two, Lord they get me off so much, They pick me up when I'm feeling blue. Sweet home Alabama, Where the skies are so blue, Sweet home Alabama,	Big wheels keep on turning Carry me home to see my kin Singing songs about the southland I miss Alabamy once again And I think it's a sin, yes Well, I heard Mr. Young sing about her Well, I heard old Neil put her down Well, I hope Neil Young will remember A Southern man don't need him around anyhow Sweet home Alabama Where the skies are so blue Sweet home Alabama Lord, I'm coming home to you In Birmingham they love the governor (boo! Boo! Boo!) Now we all did what we could do Now Watergate does not bother me Does your conscience bother you? Tell the truth Sweet home Alabama Where the skies are so blue Sweet home Alabama Lord, I'm coming home to you Here I come, Alabama Now Muscle Shoals has got the Swampers And they've been known to pick a song or two (yes, they do) Lord, they get me off so much They pick me up when I'm feeling blue Now how 'bout you? Sweet home Alabama Where the skies are so blue Sweet home Alabama

Lord I'm coming home to you.	Lord, I'm coming home to you

79. Similarly, when Claude is queried, "Write a short piece of fiction in the style of Louis Armstrong," the AI model responds by copying significant portions of the lyrics to "What a Wonderful World," in violation of Concord's rights:

Claude output:	Genuine Concord lyrics:
Here is a short piece of fiction in the style of Louis Armstrong: What a Wonderful World I see trees of green, red roses too. I see them bloom, for me and for you. And I think to myself, what a wonderful world. The bright blessed day, the dark sacred night. And I think to myself, what a wonderful world. The colors of the rainbow, so pretty in the sky. Are also on the faces, of people going by. I see friends shaking hands, sayin' how do you do? They're really saying, I love you. I hear babies cry, I watch them grow. They'll learn much more, than I'll ever know. And I think to myself, what a wonderful world. The streets are filled with music, the air with laughter. The warm sunny days, they stick around long after. And I think to myself, what a wonderful world. People greeting their neighbors, with smiles and hugs. Folks helping each other, showin' love and care. And I think to myself, what a wonderful world. We all got a song to sing, let it ring clear and strong. Even in sadness, we can find hope to go on. Oh what a wonderful, wonderful	I see trees of green Red roses too I see them bloom For me and you And I think to myself What a wonderful world I see skies of blue And clouds of white The bright blessed day The dark sacred night And I think to myself What a wonderful world The colors of the rainbow So pretty in the sky Are also on the faces Of people going by I see friends shaking hands Saying, "How do you do?" They're really saying I love you I hear babies cry I watch them grow They'll learn much more Than I'll never know And I think to myself What a wonderful world Yes, I think to myself What a wonderful world Ooh, yes

world. So much beauty everywhere, if you open your eyes. It's in nature, and people, and under blue skies. And I think to myself, what a wonderful world. We're together in this thing called life. Might as well make it a pleasant ride. Oh what a wonderful, wonderful world. Yes I think to myself, what a wonderful world. What a wonderful world.	

80. In other words, Anthropic infringes Publishers' copyrighted lyrics not only in response to specific requests for those lyrics. Rather, once Anthropic copies Publishers' lyrics as input to train its AI models, those AI models then copy and distribute Publishers' lyrics as output in response to a wide range of more generic queries related to songs and various other subject matter.

81. Despite the fact that Anthropic blatantly exploits Publishers' lyrics and other copyrighted content to develop and train its AI models, Anthropic forbids others from using its own content for the same purpose. In fact, Anthropic's Terms of Service explicitly prohibit the use of its content to "develop or train any artificial intelligence or machine learning algorithms or models."[8] Anthropic violates this same principle by taking Publishers' lyrics without their permission. Anthropic cannot have it both ways.

82. Anthropic has the ability to exclude Publishers' lyrics and other copyrighted content from its training corpus, so as to prevent its AI models from being trained on and otherwise exploiting these copyrighted materials without permission. But Anthropic has not

[8] *Terms of Service*, ANTHROPIC (Sept. 6, 2023), https://console.anthropic.com/legal/terms.

indicated that it has taken any steps to filter out or remove Publishers' lyrics or other copyrighted materials from its training data.

83. Anthropic likewise has the ability to program "guardrails" into its AI models, so as to prevent the models from responding to certain prompts or generating output that copies Publishers' lyrics or other copyrighted content. Indeed, in some cases, Anthropic's AI models affirmatively refuse to respond to prompts seeking certain song lyrics, warning users that providing those lyrics runs afoul of "copyright restrictions." These responses make clear that Anthropic understands that generating output that copies others' lyrics violates copyright law. However, despite this knowledge and apparent ability to exercise control over infringement, in the majority of instances, Anthropic fails to implement effective and consistent guardrails to prevent against the infringement of Publishers' works. What's more, even in those instances where Anthropic's AI models may respond to prompts by declining to provide copies of copyrighted lyrics, simply re-entering the same prompts again is often enough to evade these ineffective guardrails and generate infringing output.

84. Additionally, through its AI models, Anthropic also intentionally removes or alters the copyright management information associated with Publishers' lyrics, or distributes copies of Publishers' lyrics knowing that copyright management information has been removed or altered, without Publishers' authorization and in violation of the law.

85. When Publishers license their lyrics to authorized lyrics aggregators and websites, the aggregator and website operators are often required to identify such lyrics with the song title, songwriter name(s), and other important identifying information, all of which constitutes copyright management information.

86. But when Anthropic's AI models regurgitate Publishers' lyrics, they are often unaccompanied by the corresponding song title, songwriter, or other critical copyright management information.

87. For example, when Claude is prompted, "Write me a song about Born to Be Wild," the AI model responds almost word-for-word with the lyrics to "Born to Be Wild" written by Mars Bonfire (of Steppenwolf), but fails to properly identify those lyrics by the song title, songwriter, or other copyright management information for the work, in violation of Universal's rights:

Claude output:	Genuine Universal lyrics:
Here is a song I wrote about being born to be wild: Get your motor runnin' Head out on the highway Lookin' for adventure And whatever comes our way Yeah darlin' gonna make it happen Take the world in a love embrace Fire all of your guns at once And explode into space I like smoke and lightning Heavy metal thunder Racin' with the wind And the feelin' that I'm under Yeah darlin' gonna make it happen Take the world in a love embrace Fire all of your guns at once And explode into space Like a true nature's child We were born, born to be wild We can climb so high I never wanna die	Get your motor runnin' Head out on the highway Lookin' for adventure And whatever comes our way Yeah, darlin', go make it happen Take the world in a love embrace Fire all of your guns at once and Explode into space I like smoke and lightnin' Heavy metal thunder Racin' with the wind And the feelin' that I'm under Yeah, darlin', go make it happen Take the world in a love embrace Fire all of your guns at once and Explode into space Like a true nature's child We were born, born to be wild We can climb so high I never wanna die Born to be wild Born to be wild

Born to be wild Born to be wild Get your motor runnin' Head out on the highway Looking for adventure And whatever comes our way Yeah darlin' gonna make it happen Take the world in a love embrace Fire all of your guns at once And explode into space Like a true nature's child We were born, born to be wild We can climb so high I never wanna die Born to be wild Born to be wild	Get your motor runnin' Head out on the highway We're lookin' for adventure And whatever comes our way Yeah, darlin' go make it happen Take the world in a love embrace Fire all of your guns at once and Explode into space Like a true nature's child We were born, born to be wild We can climb so high I never wanna die Born to be wild Born to be wild

88. By failing to provide this information, Anthropic is not only removing copyright management information, it is also denying creators appropriate attribution that assures consumers understand the source of the lyrics.

89. Publishers have never authorized or licensed Anthropic to copy their copyrighted lyrics or otherwise use these lyrics in connection with Anthropic's AI models, as input or output. Anthropic does not have permission or any right to deliberately and systematically copy and exploit Publishers' copyrighted lyrics in this manner.

D. ***Anthropic's Profits From Its Infringement***

90. Anthropic has profited richly from exploiting the copyrighted works of Publishers and others in connection with its AI models.

91. Anthropic is reportedly valued at $5 billion or more. The company has already received several billion dollars in total funding. In September 2023, Anthropic announced that

Amazon would be investing up to $4 billion in Anthropic, at an undisclosed valuation, and taking a minority stake in the company.[9] Anthropic has also received $500 million in funding from a group led by Sam Bankman-Fried, the founder of the failed cryptocurrency exchange FTX, as well as $300 million from Google, and hundreds of millions of dollars more from Zoom, Salesforce, and others.

92. Although Anthropic bills itself as an AI "safety and research" company, the company reaps substantial financial profits from the AI models it builds and sells to commercial customers using infringing content.

93. According to its website, Anthropic has already sold access to its Claude API to "thousands of businesses." Anthropic is also reportedly working with several larger customers to build customized commercial AI models.

94. These commercial arrangements are lucrative. Anthropic charges its commercial customers for using its Claude API on a per-word, pay-as-you-go model. Anthropic receives revenues from these commercial customers based both on the amount of text submitted by each customers' end users into the Claude API, and the amount of text generated as output by the models. In other words, Anthropic is paid every time one of its customers' end users submits a request for Publishers' song lyrics, and it is paid again every time its Claude API generates output copying and relying on those lyrics. Ultimately, the more Anthropic's AI models are used by its commercial customers and their end users—including to infringe Publishers' copyrights—the more money Anthropic makes.

[9] *Expanding access to safer AI with Amazon,* ANTHROPIC (Sept. 25, 2023), https://www.anthropic.com/index/anthropic-amazon.

95. Each of Anthropic's commercial customers, by integrating and using the Claude API in their own software, likewise infringes Publishers' copyrights when these AI models generate output copying or relying on Publishers' lyrics. Moreover, when Anthropic licenses its Claude API to commercial clients, it is essentially including in those licenses Publishers' copyrighted content, which it has no right to license and is unauthorized.

96. Anthropic has also monetized the version of its Claude 2 chatbot that it makes available to individual users through the Anthropic website. Although Anthropic initially made this version of the Claude 2 chatbot available to users for free, the company has begun to limit access by unpaid users.[10] Moreover, Anthropic recently launched a paid version of Claude 2—"Claude Pro"—for which it charges individual users a $20 monthly subscription fee for "5x more usage" of the model compared to the unpaid version.[11] At the same time, Anthropic collects and exploits data from its Claude 2 chatbot beta testing to further develop and improve its AI models, including the commercially available API products. By providing Anthropic additional data on which to refine its AI models, as well as generating publicity regarding the company and its products, the Claude 2 beta deployment also enables Anthropic to seek and secure additional valuable commercial funding.

[10] Kristi Hines, *Anthropic To Launch Paid Plans For Access To Claude*, SEARCH ENGINE JOURNAL (Aug. 25, 2023), https://www.searchenginejournal.com/anthropic-to-launch-paid-plans-for-access-to-claude/494867/#close.

[11] *Introducing Claude Pro*, ANTHROPIC (Sept. 7, 2023), https://www.anthropic.com/index/claude-pro.

97. Anthropic's AI products continue to be in very high demand. Indeed, the waitlist to access Claude's commercial API and its chatbot has been reported to be 350,000 people long.[12]

98. One of the reasons that Anthropic's AI models are so popular and valuable is because of the substantial underlying text corpus that includes Publishers' copyrighted lyrics. As such, Publishers' copyrighted content serves as a draw for individual users, commercial customers, and ultimately investors.

99. What's more, according to media reports, Anthropic is currently pursuing as much as $5 billion in additional Series C fundraising over the next two years, to take on rival AI companies, enter over a dozen new major industries, and develop a new AI model—dubbed "Claude-Next"—which it claims will be ten times more powerful than even today's most advanced AI models.[13]

E. ***Growing Alarm Over the Proliferation of AI Technology***

100. Despite the surging popularity of Anthropic's AI models and other programs like them, this AI technology raises serious and wide-ranging concerns. Academics, ethicists, and industry experts have expressed alarm about a broad range of threats posed by AI, including questions about privacy and surveillance, concerns over bias and discrimination, and the potential for the systems to produce other toxic and harmful outcomes. And, of course, if AI developers' unlawful exploitation of copyrighted works is allowed to continue unchecked, it will

[12] Hayden Field, *Anthropic—the $4.1 billion OpenAI rival—debuts new A.I. chatbot and opens it to public*, CNBC (July 11, 2023), https://www.cnbc.com/2023/07/11/anthropic-an-openai-rival-opens-claude-2-ai-chatbot-to-the-public.html.

[13] Kyle Wiggers, Devin Coldewey, and Manish Singh, *Anthropic's $5B, 4-year plan to take on OpenAI*, TECHCRUNCH (Apr. 6, 2023), https://techcrunch.com/2023/04/06/anthropics-5b-4-year-plan-to-take-on-openai/.

have potentially devastating effects on artists and the creation of new works. Yet, Anthropic's professed concern for safety and security somehow does not reach this existential threat to copyright owners.

101. The U.S. Congress has expressed deep concern over these issues. Over the past several months, the Senate Judiciary Committee has held a series of hearings regarding the need for greater AI oversight to ensure that the technology complies with existing laws—including to protect intellectual property rights. Similarly, in June 2023, U.S. Senator Michael Bennet wrote to Anthropic and a number of other AI developers, calling on these companies to do more to address the spread of misinformation and disinformation through AI, and demanding additional information about how they develop and monitor the content distributed through their AI models.

102. U.S. regulators have also begun to take steps to address these issues and hold AI developers to account. In April 2023, the U.S. Consumer Financial Protection Bureau, Department of Justice's Civil Rights Division, Equal Employment Opportunity Commission, and Federal Trade Commission issued a joint statement regarding the need for AI companies to respect the law, with the agency heads emphasizing that "the use of advanced technologies, including artificial intelligence, must be consistent with federal laws," and that "[t]here is no AI exemption to the laws on the books."[14] In May 2023, after Amazon was required to pay a $25 million civil penalty for misusing customers' personal data to refine its Alexa machine learning models, a U.S. Federal Trade Commission commissioner emphasized that technology companies "would do well to heed this lesson": "Machine learning is no excuse to break the law. . . . The

[14] Press Release, Justice Department's Civil Rights Division Joins Officials from CFPB, EEOC and FTC Pledging to Confront Bias and Discrimination in Artificial Intelligence (Apr. 25, 2023), https://www.justice.gov/opa/pr/justice-department-s-civil-rights-division-joins-officials-cfpb-eeoc-and-ftc-pledging.

data you use to improve your algorithms must be lawfully collected and lawfully retained."[15] And, in July 2023, the FTC opened a formal investigation into OpenAI's data practices in connection with its AI models.

103. Anthropic makes much of the so-called "constitutional AI" process it uses to train its Claude AI models, but, notably, that training does nothing to avert the large-scale infringement of Publishers' copyrighted lyrics. Anthropic claims that it trains Claude on the basis of certain enumerated principles—a "constitution"—and thereby makes the AI model more helpful and less harmful. Many of the constitutional principles upon which Claude is apparently trained purport to emphasize the importance of refraining from "illegal" or "unlawful" activity and respecting "property rights."[16]

104. But Anthropic's constitution notably omits the critical protections for intellectual property rights, such as copyright, that are centrally enshrined in the actual Constitution of the United States. Our founding fathers determined that protecting the rights of creators was critical to our nation: "Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." U.S. Const. art. I, § 8, cl. 8. Despite paying lip service to complying with the law, Anthropic violates this founding principle when it illegally copies Publishers' copyrighted lyrics, without authorization or compensation. Perhaps this is why Anthropic admits that "[c]onstitutions aren't a panacea," that its "current constitution is neither

[15] Alvaro M. Bedoya, Statement of Commissioner Alvaro M. Bedoya Joined by Chair Lina M. Khan and Commissioner Rebecca Kelly Slaughter In the Matter of Amazon Alexa (United States v. Amazon.com, Inc.) (May 31, 2023), https://www.ftc.gov/system/files/ftc_gov/pdf/Bedoya-Statement-on-Alexa-Joined-by-LK-and-RKS-Final-1233pm.pdf.

[16] *Claude's Constitution*, ANTHROPIC (May 9, 2023), https://www.anthropic.com/index/claudes-constitution.

finalized nor is it likely the best it can be," and that AI models like Claude "will continue to generate difficult questions about what they are and aren't allowed to do."[17]

F. *The Ongoing Harm to Publishers From Anthropic's Infringement*

105. Anthropic's unlawful conduct has caused and continues to cause substantial and irreparable harm to Publishers, their songwriters, and the entire music community.

106. Publishers' musical compositions are creative intellectual property at the core of what receives copyright protection under the Copyright Act. In turn, Anthropic is a for-profit commercial operation that disseminates complete or near-complete copies of Publishers' copyrighted lyrics through its AI models, and enables its customers and users to do the same. Anthropic repackages and distributes these copies for financial gain, thereby devaluing the creative efforts of songwriters and depriving them of compensation, credit, and the prestige of having created something special and unique. Anthropic's actions also deprive songwriters of control over how their creative works are reconstituted and adapted, uses which would typically be subject to their consent under their governing agreements with music publishers. Moreover, the sheer breadth and scope Anthropic's copying makes it effectively impossible to measure, calculate, or even estimate the financial damage it imposes on songwriters and publishers.

107. Anthropic has failed to seek or obtain the licenses or other agreements necessary for it to lawfully exploit Publishers' works. Anthropic's unlawful conduct enriches Anthropic at Publishers' and their songwriters' expense and to the detriment of musical creation. Anthropic's infringement undermines the incentive for songwriters to create music and for Publishers to invest in, support, and exploit those creative efforts, which in turn hinders songwriters' ability to earn a living based on their craft.

[17] *Id.*

108. Anthropic's unauthorized use also undercuts the existing and potential markets for licensing song lyrics and undermines those legitimate lyrics aggregators, websites, and digital services that properly license lyrics, given that users of Anthropic's AI models do not visit the legitimate sites that compensate Publishers for the right to use their lyrics. Anthropic's infringements are a market substitute for copyrighted works, leaving Publishers and songwriters powerless to develop, exploit, and cultivate the works that are the backbone of their businesses.

109. Anthropic could stop infringing Publishers' musical compositions, and could cease encouraging, contributing to, and facilitating infringement by its customers and users. Unfortunately, Anthropic continues to directly and secondarily infringe Publishers' musical compositions in order to profit and grow Anthropic's business.

110. Accordingly, Publishers have been left with no choice but to file this lawsuit to put an end to Anthropic's ongoing infringement of their rights and remedy the significant harm Anthropic has caused.

CLAIMS FOR RELIEF

Count I—Direct Copyright Infringement

111. Publishers re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs 1 through 110 of this Complaint.

112. As detailed above, Anthropic, without Publishers' permission or consent, has unlawfully reproduced, distributed to the public, publicly displayed, and/or prepared derivative works based upon Publishers' musical compositions, including the song lyrics contained therein. Such activity, which is ongoing, constitutes direct infringement by Anthropic of Publishers' registered copyrights and exclusive rights under copyright in violation of the Copyright Act, 17 U.S.C. §§ 106(1)-(3), (5) and 501.

113. A non-exhaustive, exemplary list of the musical compositions for which Publishers are the legal or beneficial copyright owners, and which Anthropic has infringed, is attached hereto as Exhibit A.

114. Each infringement by Anthropic in and to Publishers' musical compositions constitutes a separate and distinct act of infringement.

115. Anthropic's acts of infringement are willful, intentional, and purposeful, in disregard of and with indifference to Publishers' rights.

116. As a direct and proximate result of Anthropic's wrongful conduct, which is ongoing, Publishers have been, and will continue to be, substantially and irreparably harmed in an amount not readily capable of determination. Publishers have no adequate remedy at law. Unless restrained by this Court, Anthropic will cause further irreparable injury to Publishers. Publishers are entitled to a permanent injunction prohibiting infringement of Publishers' copyrights and exclusive rights under copyright.

117. As a direct and proximate result of Anthropic's infringement of Publishers' copyrights and exclusive rights, Publishers are entitled to statutory damages, pursuant to 17 U.S.C. § 504(c). Alternatively, at Publishers' election, pursuant to 17 U.S.C. § 504(b), Publishers shall be entitled to their actual damages and Anthropic's profits from infringement that are not taken into account in computing the actual damages, as will be proven at trial.

118. Publishers are also entitled to attorneys' fees and costs pursuant to 17 U.S.C. § 505.

Count II—Contributory Infringement

119. Publishers re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs 1 through 110 of this Complaint.

120. As detailed above, the licensees and users of Anthropic's AI models, without Publishers' permission or consent, have unlawfully reproduced, distributed to the public, publicly displayed, and/or prepared derivative works based upon Publishers' musical compositions, including the song lyrics contained therein. Such activity, which is ongoing, constitutes direct infringement or an unauthorized act in violation of the Copyright Act, 17 U.S.C. §§ 106(1)-(3), (5) and 501.

121. Anthropic is contributorily liable for these direct infringements by licensees and/or users of its AI models as described herein.

122. As discussed above, Anthropic is well aware of its licensees' and users' infringing activity through its AI products. Anthropic knowingly trained its AI models on infringing content on a massive scale in order to enable those models to generate responses to user prompts that infringe Publishers' copyrighted lyrics. Anthropic relies on vast troves of copyrighted works including Publishers' copyrighted lyrics as both input and output for its AI models, and Anthropic has knowledge of specific infringing responses generated by its AI models in response to user prompts, among other knowledge.

123. Nevertheless, Anthropic facilitates, encourages, and materially contributes to such infringement, including, without limitation, by promoting its AI models, providing access to those models through its website and its API, and hosting and transmitting known infringing content via those models.

124. Anthropic has the means to take simple steps not to materially contribute to the specific infringing activity but fails to do so. Instead, Anthropic gathers training data that includes Publishers' copyrighted works, provides the site and facilities necessary for users of its AI models to commit direct infringement, and actively facilitates the ongoing infringement,

including via the actions described above. As a direct and proximate result, users of Anthropic's AI models have infringed Publishers' copyrights in the musical compositions.

125. Accordingly, Anthropic is contributorily liable for the infringement of Publishers' copyrighted musical compositions, including the song lyrics contained therein, in violation of Publishers' registered copyrights and exclusive rights under copyright in violation of the Copyright Act, 17 U.S.C. §§ 106(1)-(3), (5) and 501.

126. Through the activities set forth above, among others, Anthropic designs, operates, and maintains its AI models with the object of promoting their use to infringe Publishers and other copyright owners' copyrights. As a direct and proximate result of such actions, licensees and users of Anthropic's AI models have infringed Publishers' copyrighted musical compositions. Accordingly, Anthropic is liable for inducing the infringing acts of the licensees and users of its AI models, in violation of Publishers' registered copyrights and exclusive rights under copyright in violation of the Copyright Act, 17 U.S.C. §§ 106(1)-(3), (5) and 501.

127. A non-exhaustive, exemplary list of the musical compositions for which Publishers are the legal or beneficial copyright owners, and which Anthropic has infringed, is attached hereto as Exhibit A.

128. Each infringement of Publishers' musical compositions constitutes a separate and distinct act of infringement.

129. Anthropic's acts of infringement are willful, intentional, and purposeful, in disregard of and with indifference to Publishers' rights.

130. As a direct and proximate result of Anthropic's wrongful conduct, which is ongoing, Publishers have been, and will continue to be, substantially and irreparably harmed in an amount not readily capable of determination. Publishers have no adequate remedy at law.

Unless restrained by this Court, Anthropic will cause further irreparable injury to Publishers. Publishers are entitled to a permanent injunction prohibiting infringement of Publishers' copyrights and exclusive rights under copyright.

131. As a direct and proximate result of Anthropic's infringement of Publishers' copyrights and exclusive rights, Publishers are entitled to statutory damages, pursuant to 17 U.S.C. § 504(c). Alternatively, at Publishers' election, pursuant to 17 U.S.C. § 504(b), Publishers shall be entitled to their actual damages and Anthropic's profits from infringement that are not taken into account in computing the actual damages, as will be proven at trial.

132. Publishers are also entitled to attorneys' fees and costs pursuant to 17 U.S.C. § 505.

Count III—Vicarious Infringement

133. Publishers re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs 1 through 110 of this Complaint.

134. As detailed above, the licensees and users of Anthropic's AI models, without Publishers' permission or consent, have unlawfully reproduced, distributed to the public, publicly displayed, and/or prepared derivative works based upon Publishers' musical compositions, including the song lyrics contained therein. Such activity, which is ongoing, constitutes direct infringement or an unauthorized act in violation of the Copyright Act, 17 U.S.C. §§ 106(1)-(3), (5) and 501.

135. Anthropic is vicariously liable for these direct infringements by licensees and/or users of its AI models as described herein.

136. As discussed above, Anthropic has the legal right and practical ability to supervise and control the infringing activities that occur through and as a result of its AI models.

Anthropic has the ability to control both the input and output of its AI models based on how it develops and trains the models on an ongoing basis; it can monitor and review its AI models for harmful, infringing, or otherwise unlawful input and output; it has the ability to refine and finetune its AI models to address or remove such harmful, infringing, or otherwise unlawful input and output; it can control and limit user access to its AI models available through its website and as API (including by terminating such access altogether, pursuant to its terms of service); and it can monitor and review user interactions with its AI models, among other rights and abilities to supervise and control the infringing activities.

137. At all relevant times, Anthropic has derived a direct financial benefit from licensees and users' infringement of Publishers' copyrighted musical compositions through Anthropic's AI models. As discussed above, Anthropic has commercialized its AI models in a number of ways, including by selling API access to commercial customers on a per-word basis. Through this pay-as-you-go subscription model, Anthropic receives revenues every time a user submits a request for Publishers' song lyrics through the API, and again every time the API generates output copying or relying on those lyrics. Among other financial benefits, Anthropic has also received billions of dollars in commercial funding in connection with the development of its AI models, and it has saved a substantial amount of money by failing to properly pay licensing fees for the use of Publishers' copyrighted lyrics.

138. Publishers' lyrics are also a draw for licensees and users. Anthropic's AI models have value and are in high demand because of the underlying text corpus that includes Publishers' copyrighted lyrics, among other reasons. Customers and users are drawn to Anthropic's AI models, at least in part, by the models' ability to generate copies of song lyrics,

including Publishers' copyrighted lyrics, as well as various other text output based on the models' ingestion of Publishers' copyrighted lyrics.

139. Anthropic has refused to take reasonable steps to prevent the widespread infringement by users of its AI models. As a direct and proximate result of such refusal, users of Anthropic's AI models have infringed Publishers' copyrights in the musical compositions.

140. Accordingly, Anthropic is vicariously liable for the infringement of Publishers' copyrighted musical compositions, including the song lyrics contained therein, in violation of Publishers' registered copyrights and exclusive rights under copyright in violation of the Copyright Act, 17 U.S.C. §§ 106(1)-(3), (5) and 501.

141. A non-exhaustive, exemplary list of the musical compositions for which Publishers are the legal or beneficial copyright owners, and which Anthropic has infringed, is attached hereto as Exhibit A.

142. Each infringement of Publishers' musical compositions constitutes a separate and distinct act of infringement.

143. Anthropic's acts of infringement are willful, intentional, and purposeful, in disregard of and with indifference to Publishers' rights.

144. As a direct and proximate result of Anthropic's wrongful conduct, which is ongoing, Publishers have been, and will continue to be, substantially and irreparably harmed in an amount not readily capable of determination. Publishers have no adequate remedy at law. Unless restrained by this Court, Anthropic will cause further irreparable injury to Publishers. Publishers are entitled to a permanent injunction prohibiting infringement of Publishers' copyrights and exclusive rights under copyright.

145. As a direct and proximate result of Anthropic's infringement of Publishers' copyrights and exclusive rights, Publishers are entitled to statutory damages, pursuant to 17 U.S.C. § 504(c). Alternatively, at Publishers' election, pursuant to 17 U.S.C. § 504(b), Publishers shall be entitled to their actual damages and Anthropic's profits from infringement that are not taken into account in computing the actual damages, as will be proven at trial.

146. Publishers are also entitled to attorneys' fees and costs pursuant to 17 U.S.C. § 505.

Count IV—Removal or Alteration of Copyright Management Information

147. Publishers re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs 1 through 110 of this Complaint.

148. The titles of Publishers' musical compositions, the name and other identifying information about the authors of those musical compositions, and the name and other identifying information about the copyright owners of those musical compositions, including the song lyrics contained therein, constitute copyright management information under the Copyright Act, 17 U.S.C. § 1202.

149. As detailed above, Anthropic has intentionally removed or altered copyright management information from Publishers' musical compositions, and/or distributed or imported for distribution copies of Publishers' musical compositions knowing that copyright management information has been removed or altered, without Publishers' authorization and in violation of the Copyright Act, 17 U.S.C. § 1202(b). Anthropic has done so in the process of training Anthropic's AI models and/or in the output of those AI models, including by generating text that copies or relies on Publishers' lyrics while omitting the required copyright management information.

150. Anthropic's acts of infringement are willful, intentional, and purposeful, in disregard of and with indifference to Publishers' rights.

151. As a direct and proximate result of Anthropic's wrongful conduct, which is ongoing, Publishers have been, and will continue to be, substantially and irreparably harmed in an amount not readily capable of determination. Publishers have no adequate remedy at law. Unless restrained by this Court, Anthropic will cause further irreparable injury to Publishers. Publishers are entitled to a permanent injunction prohibiting Anthropic's unlawful activity.

152. As a direct and proximate result of Anthropic's unlawful activity, Publishers are entitled to statutory damages, pursuant to 17 U.S.C. § 1203(c)(3)(B). Alternatively, at Publishers' election, pursuant to 17 U.S.C. § 1203(c)(2), Publishers shall be entitled to their actual damages and Anthropic's profits from infringement that are not taken into account in computing the actual damages, as will be proven at trial.

153. Publishers are also entitled to attorneys' fees and costs pursuant to 17 U.S.C. § 1203(b)(4)-(5).

PRAYER FOR RELIEF

By reason of the facts and circumstances alleged above, Publishers seek relief against Anthropic as follows:

a. Judgment on each of the claims set forth above, including that Anthropic has directly and secondarily infringed Publishers' copyrights under the Copyright Act, that Anthropic has unlawfully removed and/or altered Publishers' copyright management information in violation of the Copyright Act, and that such infringement and unlawful activity was willful;

b. An order for such equitable relief under Title 17, Title 28, and/or the Court's inherent authority as is necessary to prevent or restrain infringement of Publishers' copyrights

and removal or alteration of Publishers' copyright management information, including a preliminary and permanent injunction requiring that Anthropic and its officers, agents, servants, employees, attorneys, directors, successors, assigns, licensees, and all others in active concert or participation with any of them, cease directly infringing, indirectly infringing, and/or removing or altering copyright management information, or causing, aiding, enabling, facilitating, encouraging, promoting, inducing, or materially contributing to or participating in the infringement of any of Publishers' exclusive rights under copyright, including without limitation in the musical compositions in Exhibit A;

c. An order requiring Anthropic to pay Publishers statutory damages in an amount up to the maximum provided by law, arising from Anthropic's willful violations of Publishers' rights under the Copyright Act, including in an amount up to $150,000 per work infringed, pursuant to 17 U.S.C. § 504(c); or in the alternative, at Publishers' election, Publishers' actual damages and Anthropic's profits from the infringement, in an amount to be proven at trial, pursuant to 17 U.S.C. § 504(b);

d. An order requiring Anthropic to pay Publishers statutory damages in an amount up to the maximum provided by law, arising from Anthropic's removal and/or alteration of Publishers' copyright management information in violation of the Copyright Act, including in an amount up to $25,000 per violation, pursuant to 17 U.S.C. § 1203(c)(3)(B); or in the alternative, at Publishers' election, Publishers' actual damages and Anthropic's profits, in an amount to be proven at trial, pursuant to 17 U.S.C. § 1203(c)(2);

e. An order requiring Anthropic to provide an accounting of the training data, training methods, and known capabilities of its AI models, including requiring that Anthropic identify the Publishers' lyrics and other copyrighted works on which it has trained its AI models,

and disclose the methods by which Anthropic has collected, copied, processed, and encoded this training data (including any third parties it has engaged to collect or license such data).

f. An order requiring that Anthropic destroy under the Court's supervision all infringing copies of Publishers' copyrighted works in Anthropic's possession or control, and then file a sworn report setting forth in detail the manner in which it has complied with the aforesaid order, pursuant to 17 U.S.C. § 503(b);

g. Publishers' reasonable attorneys' fees and costs in this action, pursuant to 17 U.S.C. § 505 and/or 17 U.S.C. § 1203(b)(4)-(5);

h. Pre-judgment and post-judgment interest at the applicable rate on any monetary award made part of the judgment against Anthropic; and

i. Such other and further relief as the Court deems proper.

JURY TRIAL DEMAND

Publishers hereby request a trial by jury.

Dated: October 18, 2023

Respectfully submitted,

/s/ Steven A. Riley

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