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[CAPTION CONTINUED ON NEXT PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case Number: 5:24-cv-03811-EKL

STIPULATION AND ~~[PROPOSED]~~ ORDER REGARDING PRELIMINARY INJUNCTION MOTION

Hon. Eumi K. Lee

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IT IS HEREBY STIPULATED AND AGREED, pursuant to N.D. Cal. Civil Local Rule 7-12, by and among Plaintiffs Concord Music Group, Inc., Capitol CMG, Inc., Universal Music Corp., Songs of Universal, Inc., Universal Music – MGB NA LLC, Polygram Publishing, Inc., Universal Music – Z Tunes LLC, and ABKCO Music, Inc. (collectively, "Publishers") and Defendant Anthropic PBC ("Anthropic"), by and through their respective counsel of record, as follows:

1. On October 18, 2023, Publishers initiated this action by filing a Complaint against Anthropic in the U.S. District Court for the Middle District of Tennessee, asserting claims for direct copyright infringement, contributory infringement, vicarious infringement, and removal or alteration of copyright management information, in violation of the Copyright Act (17 U.S.C. §§ 106(1)-(3), (5), 501, 1202). ECF No. 1.

2. In the Complaint, Publishers allege ownership and/or control, in whole or in part, of the exclusive rights to millions of valuable musical compositions, including the 500 compositions specifically identified in Exhibit A to the Complaint. *See* ECF No. 1-3.

3. Publishers moved for a preliminary injunction on November 16, 2023, ECF No. 40, alleging irreparable harm. Anthropic then moved to dismiss for lack of personal jurisdiction or, in the alternative, to transfer venue. ECF No. 54. On June 24, 2024, the Middle District of Tennessee held that it lacked personal jurisdiction, granted Anthropic's motion in part, and transferred the case to the Northern District of California (Judge Corley), without ruling on the preliminary injunction motion. ECF No. 124. Following transfer, Publishers filed a renewed Motion for Preliminary Injunction on August 1, 2024, ECF No. 179, which Anthropic opposed and which the Parties have now fully briefed, *see* ECF Nos. 207, 225, 256. The case was reassigned from Judge Corley to this Court on August 21, 2024. ECF No. 206. The Court heard oral argument on the Motion on November 25, 2024. *See* ECF No. 272.

4. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) because this dispute involves claims brought by Publishers against Anthropic under the Copyright Act, 17 U.S.C. § 101 *et seq.*

5. Anthropic has implemented measures ("Guardrails") by which Anthropic asserts that it seeks to prevent infringing outputs of copyrighted content, including Publishers' works.

6. The Parties have reached agreement resolving one aspect of the relief Publishers seek pursuant to their Motion for Preliminary Injunction, ECF No. 179. To reflect that agreement, the Parties stipulate as follows:

a. Anthropic will maintain its already implemented Guardrails in its current AI models and product offerings. With respect to new large language models and new product offerings that are introduced in the future, Anthropic will apply Guardrails on text input and output in a manner consistent with its already-implemented Guardrails. Nothing herein prevents Anthropic from expanding, improving, optimizing, or changing the implementation of such Guardrails, provided that such changes do not materially diminish the efficacy of the Guardrails.

b. At any time during the pendency of this proceeding, Publishers may notify Anthropic in writing that its Guardrails are not effectively preventing output that reproduces, distributes, or displays, in whole or in part, the lyrics to compositions owned or controlled by Publishers, or creates derivative works based on those compositions. Anthropic will respond to Publishers expeditiously and undertake an investigation into those allegations, with which Publishers will cooperate in good faith. Anthropic will ultimately provide a detailed written response identifying when and how Anthropic will address the issue identified in Publishers' notice, or Anthropic will clearly state its intent not to address the issue. The foregoing procedure is without prejudice to Publishers' right to seek the Court's intervention on an expedited basis, as appropriate.

c. Anthropic shall submit to the jurisdiction of this Court in any dispute involving this stipulation, and the Court shall have the authority to enforce this stipulation by all lawful and appropriate means.

7. The Parties' stipulation resolves Publishers' pending Motion for Preliminary Injunction in part, as it relates to Publishers' request for a preliminary injunction requiring Anthropic to "maintain its already-implemented guardrails," ECF No. 179 at 9. Accordingly,

subject to the entry of this stipulation by the Court, Publishers' Motion for Preliminary Injunction, ECF No. 179, is denied in part as MOOT with respect to that specific request.

8. This stipulation is without prejudice to the Parties' rights, remedies, and defenses concerning the aspects of the Motion for Preliminary Injunction that are not resolved by this stipulation and any other aspects of the case not directly addressed in this stipulation. In particular, the Parties continue to dispute, and this stipulation does not resolve or affect, Publishers' request in their Motion for Preliminary Injunction that Anthropic refrain from using unauthorized copies of Publishers' lyrics to train future AI models. Further, nothing herein, nor any actions or statements made in connection with this stipulation, shall be construed or interpreted as an admission of liability, fault, or wrongdoing by any party.

9. This stipulation constitutes the entire understanding between the Parties with respect to the subject matter herein. The Parties expressly agree that this stipulation supersedes all prior negotiations, discussions, agreements, and understandings, whether written or oral, between the Parties.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 2, 2025

HON. EUMI K. LEE
UNITED STATES DISTRICT JUDGE

Dated: December 30, 2024

By: /s/ Matthew J. Oppenheim

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Respectfully submitted,

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Attorneys for Defendant

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

DATED: December 30, 2024

/s/ Joseph R. Wetzel
Joseph R. Wetzel