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News & Insights

IP Attorney Randy McCarthy Bloomberg Law - Disney's Output Focus Puts Fresh Spin on AI Copyright Litigation

September 29, 2025

Bloomberg Law

https://news.bloomberglaw.com/ip-law/disneys-output-focus-puts-fresh-spin-on-ai-copyright-litigation

But outputs vary from the original works, so analysis of similarity and context-dependent fair use factors will differ, likely forcing plaintiffs to litigate each alleged infringement separately. Even seemingly infringing outputs may not represent the finished product, IP attorney Randy McCarthy of Hall Estill said, as users can modify an AI generation to produce their desired result.

"It's never been the law that you're guilty of infringement before you're done painting," said McCarthy. "Just because there's output from a machine, that doesn't mean that's what the user is going to use the work for."

Attorneys

- Randall K. McCarthy

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