

HIGHLIGHTS OF

AI OWNERSHIP

3 CASES TO KNOW



1 — THALER V. PERLMUTTER

- **Jurisdiction:** United States.
- **Petitioner:** Dr Stephen Thaler.
- **Respondent:** U.S. Copyright Office.
- **Dates:** Decision made — 18 March 2025; Cert denied — 2 March 2026.



“A Recent Entrance to Paradise” — the Creativity Machine output at the centre of the case.

The dispute

Thaler sought to register “A Recent Entrance to Paradise,” a work he said was generated autonomously by his AI system, the Creativity Machine, listing the AI itself as sole author and claiming ownership as the machine's owner. The Copyright Office refused registration for lack of a human author. Thaler argued the statute does not expressly require a human author and that, as owner of the machine, he should take the work under a work-for-hire-style theory even without being its author himself. The Register defended the refusal on the basis that human authorship has always been an implicit precondition of copyright.

Outcome

The D.C. Circuit affirmed: human authorship is a bedrock requirement of the Copyright Act, and a work with no human author cannot be registered, regardless of who owns or operates the generating machine. The Supreme Court denied certiorari in March 2026, leaving the D.C. Circuit's ruling as the final word — for now — on fully autonomous AI output.

Court decisions

[Thaler v. Perlmutter, No. 23-5233 \(D.C. Cir. Mar. 18, 2025\)](#)

[Certiorari denied, No. 25-449 \(U.S. Mar. 2, 2026\)](#)

Take: “the AI made it” is not, on its own, a basis for ownership — a human author has to be somewhere in the chain.

2 – ZARYA OF THE DAWN (KASHTANOVA)

- **Jurisdiction:** United States.
- **Applicant:** Kristina Kashtanova.
- **Reviewing authority:** U.S. Copyright Office.
- **Date:** Decision letter of 21 February 2023 (Registration No. VAu001480196).



A panel from Zarya of the Dawn: Kashtanova's text and layout were protected; the individual Midjourney images were not.

The dispute

Kashtanova registered Zarya of the Dawn, a graphic novel combining her own text and her selection and arrangement of pages with images generated using Midjourney, without initially disclosing the AI's role. Once the Office learned of it, it opened a review. Kashtanova argued she exercised substantial creative control over the images through iterative prompting, cropping and editing, and that the finished work — text plus layout — was her own expression. The Office's position:

Prompts instruct the tool rather than directly control its expressive output.

So the individual images lacked the human authorship copyright requires, even where the surrounding work did not.

Outcome

The Office issued a corrected registration protecting Kashtanova's text and her creative selection, coordination and arrangement of images and text into the finished graphic novel — while expressly excluding the individual AI-generated images themselves from protection.

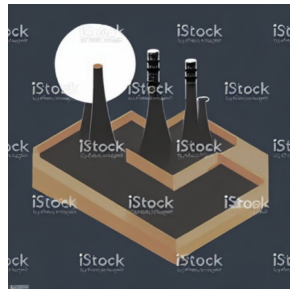
Court decisions

[U.S. Copyright Office, Zarya of the Dawn \(Reg. No. VAu001480196\), letter of 21 Feb 2023](#)

Take: protection depends on documenting specific human creative choices, not on prompting alone.

3 – GETTY IMAGES V. STABILITY AI

- **Jurisdiction:** United Kingdom.
- **Claimants:** Getty Images (US), Inc. and others (incl. iStockphoto LP).
- **Defendant:** Stability AI Limited.
- **Dates:** Judgment made — 4 November 2025.



A synthetic Stable Diffusion output reproducing the Getty watermark — the narrow ground on which Getty succeeded.

The dispute

Getty sued Stability AI in the UK over Stable Diffusion, arguing the trained model itself was an “infringing copy” of Getty's protected images under UK secondary-infringement law, and that some generated images reproduced Getty's watermark, infringing its trademarks. The primary training-based copyright claim fell away because training took place outside the UK. Stability argued the model does not store or reproduce training images, and outputs did not reproduce a substantial part of any specific work.

Outcome

The High Court rejected the “model as infringing copy” theory: Stable Diffusion is exposed to protected works during training but does not retain them, so it was not shown to remain an infringing copy once training ended, nor were outputs shown to derive directly from Getty's specific images. Getty succeeded only narrowly, on trademark grounds, where outputs reproduced its watermark in a way capable of confusing customers.

Court decisions

[Getty Images \(US\), Inc. and others v. Stability AI Ltd \[2025\] EWHC 2863 \(Ch\)](#)

Take: a UK court has now drawn the line — the trained model is not “an infringing copy”, but specific outputs can still infringe.

WHERE THIS LEAVES YOU

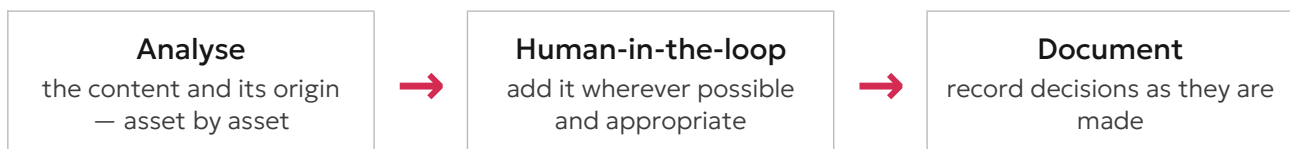
None of these cases hands down a single, blanket rule for AI-generated content. Read together, though, they point the same way:

Your IP strategy has to account for the role AI actually played in creating an asset.

“AI-generated” or “AI-assisted” are neither a shortcut to ownership nor an automatic bar to it.

An IP asset is only as strong as the legal protection behind it. If the way content was created makes it unprotectable, you cannot present it to investors as your IP asset.

Our recommended approach



BYTES & RIGHTS —

Bytes & Rights is a team of highly skilled lawyers with deep expertise in digital business and technology.

Drawing from backgrounds at Oxford, top law firms, and Big-4 consulting, we provide legal solutions to fuel your success.

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