Franzen, Grisham and Other Prominent Authors Sue OpenAI

The suit, filed with the Authors Guild, accuses the A.I. company of infringing on authors' copyrights, claiming it used their books to train its ChatGPT chatbot.

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Jodi Picoult, left, and John Grisham are among the best-selling writers who joined the class-action suit.Credit...Kieran Kesner for The New York Times, Donald Johnson for The New York Times

By [Alexandra Alter](#) and [Elizabeth A. Harris](#)

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A group of prominent novelists, including John Grisham, Jonathan Franzen and Elin Hilderbrand, are joining the legal battle against OpenAI over its chatbot technology, as fears about the encroachment of artificial intelligence on creative industries continue to grow.

More than a dozen authors filed a lawsuit against OpenAI on Tuesday, accusing the company, which has been backed with billions of dollars in investment from Microsoft, of infringing on their copyrights by using their books to train its popular ChatGPT chatbot. The complaint, which was filed along with the Authors Guild, said that OpenAI's chatbots can now produce "derivative works" that can mimic and summarize the authors' books, potentially harming the market for authors' work, and that the writers were neither compensated nor notified by the company.

"The success and profitability of OpenAI are predicated on mass copyright infringement without a word of permission from or a nickel of compensation to copyright owners," the complaint said.

The complaint, which was filed in United States District Court for the Southern District of New York, said that while OpenAI does not publicly declare which works it uses to train its models, the company has admitted to using copyrighted material. The complaint also said that OpenAI's ChatGPT is capable of producing summaries of books that include details not available in reviews or elsewhere online, which suggests the underlying program was fed the books in their entirety.

The Authors Guild lawsuit is the latest in a series brought by writers against OpenAI. It is likely to generate attention because of its high-profile plaintiffs, who include best-selling novelists from a range of genres, among them David Baldacci, Jodi Picoult, George R.R. Martin, George Saunders and Michael Connelly.

Douglas Preston, a novelist who joined the lawsuit, said he was shocked when he asked ChatGPT to describe minor characters in his books and it spat back detailed information that wasn't available in reviews or Wikipedia entries for the novels.

"That's when I looked at this and said, 'My God, ChatGPT has read my books, how many of my books has it read?'" he said. "It knew everything, and that's when I got a bad feeling."

A representative for OpenAI did not immediately respond to a request for comment.

Since OpenAI introduced ChatGPT in November, authors, publishers and retailers have been trying to rein in the rampant and increasingly disruptive incursion of A.I. in the industry. Already, there has been a rise in A.I.-generated books on Amazon, including travel guides and books on plant and fungi foraging, which prompted the New York Mycological Society to [issue a warning](#) to avoid A.I.-generated guides.

Amazon has taken steps to monitor and curb the influx of A.I.-generated books. This month, it posted new guidelines for self-published authors, requiring them to disclose whether they had used A.I. to create texts. It also limited the number of titles users can upload to its self-

publishing platform each day, to three. Amazon does not currently disclose which books are created by A.I. to its customers, but it may do so in the future, according to an Amazon representative.

A handful of other lawsuits have been filed in recent months by writers against OpenAI and Meta, the parent of Facebook and Instagram. This month, Michael Chabon, Ayelet Waldman and Matthew Klam were among a group of writers who collectively sued OpenAI and Meta, which has also developed A.I. technology, for copyright infringement.

In a filing last month for another suit brought by authors, lawyers for OpenAI moved to dismiss the bulk of plaintiffs' claims, and argued that using texts "for innovations," including training A.I., constitutes fair use.

Copyright questions surrounding A.I. remain unresolved, and experts are divided over whether authors' claims of infringement will hold up in court. Some argue that if an A.I. program is ingesting copyrighted works for training but creates new works that are substantially different, that constitutes fair use. Others, however, believe the authors' argument is likely to prevail.

"They've scraped all this content and put it into their databases without asking permission — that seems like a huge grab of content," said Edward Klaris, a lawyer who specializes in intellectual property and media law. "I think courts are going to say that copying into the database is an infringement in itself."

Mary Bly, who publishes historical romance novels under the name Eloisa James, said she joined the Authors Guild suit because she worried that if writers failed to draw boundaries around their work, technology companies would continue to plunder and imitate them.

"This lawsuit is important because it establishes a line in the sand," she said. "If you're going to train things in the future on my books, you need to license them. You can't just take things."

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