

David Kim Analyzes AI's Impact on Copyright and Fair Use in ACC St. Louis Newsletter

In the News

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Stinson LLP Partner [David S. Kim](#) authored an article for the Association of Corporate Counsel – St. Louis May 2024 newsletter, "Generative AI and Fair Use: Lessons from Pop Artists."

Kim explores the legal gray area surrounding the use of generative AI in creating art and its impact on fair use, a concept familiar to federal courts from past cases involving pop artists like Andy Warhol.

Though artists have long borrowed, copied and incorporated pre-existing works to shape their artistic expression, occasionally blurring the lines between inspiration and infringement, Kim says the use of AI systems for similar purposes challenges established precedents and raises complex questions regarding art, copyright and fair use. He examines past legal battles, like *Blanch v. Koons*, *Cariou v. Prince* and *Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith*, to provide insight into the complexities of these issues.

Kim demonstrates the need for increased clarity in the area and highlights the recent case against OpenAI for training its models with copyrighted works as a preview of the potential challenges associated with the use of generative AI in creating art. He advises caution when navigating copyright and fair use, recommending close collaboration with legal counsel until clearer guidelines emerge, as generative AI systems will continue to test legal boundaries.

"The rapid evolution of AI will create even more legal questions about art, copyright and fair use in the coming years. Attorneys should work closely with their clients using generative AI to understand the risks and avoid infringement," he writes.

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Kim leverages his deep experience in intellectual property and technology law to advise clients across various industries on litigation and business matters. With an entrepreneurial flair and a background in systems engineering and e-commerce, he thrives on guiding clients through complex legal issues, identifying business opportunities and protecting their intellectual property.

[Read](#) the full article.

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