

*Concord Music Group, Inc. et al. v. Anthropic PBC*  
**Interim Development Narrows Issues in Pending Preliminary  
Injunction Motion**

On the very first business day of 2025, the Northern District of California issued an interesting Order in one of the many copyright cases currently pending against AI developers—*Concord Music Group, Inc. et al. v. Anthropic PBC*, No. 5:24-cv-03811-EKL.

For background, on October 18, 2024, Concord Music Group, Inc., along with several other publishers (the “Publishers”), filed a lawsuit against AI developer Anthropic PBC in the United States District Court for the Middle District of Tennessee. The Publishers assert various copyright claims against Anthropic relating to its Claude chatbot offering. Specifically, the Publishers allege that Claude or other Anthropic AI offerings either was trained on, or outputs responses which infringe, the Publishers’ copyrighted musical compositions and lyrics over which the Publishers allege either partial or complete ownership and/or control.

Approximately one month after filing suit, the Publishers moved for preliminary relief in the Middle District of Tennessee. Specifically, the Publishers sought an order requiring Anthropic to take two actions: first, to cease use of the copyrighted works to train Anthropic’s AI models; and second, to “maintain its already-implemented guardrails” which Anthropic asserts make it “unlikely that any future user could prompt Claude to produce any material portions of the works in suit.”<sup>1</sup> Regarding Anthropic’s “guardrails,” the Publishers “seek simply to maintain these already-implemented guardrails”, which the Publishers assert “appear far from perfect.”<sup>2</sup>

The case was later transferred to the Northern District of California, where the Publishers renewed their Motion for Preliminary Injunction on August 1, 2024. Judge Eumi K. Lee held oral argument on the Motion for Preliminary Injunction on November 25, 2024. Thereafter, on December 30, 2024, the Parties reached a limited agreement regarding that Motion that limits the issues currently before the Court.

As set forth in a Stipulated and Proposed Order Regarding Preliminary Injunction Motion, the Parties’ agreement “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.’”

On January 2, 2025, Judge Eumi K Lee entered the Stipulation and Order (the “Order”). The Order reflects an interim victory for the Publishers.

The Order requires Anthropic to maintain guardrails which Anthropic asserts prevent it and its Claude offering from outputting infringing content. And, as to “new large language models and

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<sup>1</sup> Opp. to Pls.’ Mot. for Prelim. Inj. (ECF No. 67) at 13.

<sup>2</sup> Pls.’ Renewed Mot. for Prelim. Inj. (ECF No. 179) at 29.

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.” If these guardrails do not effectively prevent allegedly infringing outputs including by “reproduce[ing], distribut[ing], or display[ing], in whole or in part, the lyrics to compositions owned or controlled by the Publishers, or create[ing] derivative works based on those compositions[,]” then the Publishers can follow a court-ordered dispute resolution process set forth in the Order to attempt to resolve the specific allegedly infringing AI outputs.

The Stipulated Order does not resolve the remainder of the Publisher’s Motion seeking to enjoin Anthropic’s alleged use of unauthorized copies of the Publishers’ song lyrics to train AI models.

Link to order: <https://cdn.arstechnica.net/wp-content/uploads/2025/01/Concord-Music-Group-v-Anthropic-Order-on-Preliminary-Injunction-Motion-1-2-24.pdf>

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If you have any questions about the issues raised in this memorandum, please do not hesitate to reach out to:

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