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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

WARNER BROS. ENTERTAINMENT  
INC.; a Delaware corporation, DC COMICS,  
a New York general partnership; TURNER  
ENTERTAINMENT CO., a Delaware  
corporation; HANNA-BARBERA  
PRODUCTIONS, INC., a Delaware  
corporation; THE CARTOON NETWORK,  
INC., a Delaware corporation,

Plaintiffs,

v.

MIDJOURNEY, INC., a Delaware  
corporation,

Defendant.

Case No. 25-8376

**COMPLAINT FOR DIRECT  
COPYRIGHT INFRINGEMENT  
AND SECONDARY COPYRIGHT  
INFRINGEMENT; DEMAND FOR  
JURY TRIAL**

1 Plaintiffs Warner Bros. Entertainment Inc., DC Comics, Turner Entertainment Co.,  
2 Hanna-Barbera Productions, Inc., and The Cartoon Network, Inc. (collectively “Warner  
3 Bros. Discovery”) bring this lawsuit for direct and secondary copyright infringement under  
4 the Copyright Act (17 U.S.C. § 101 et seq.) against Midjourney, Inc. (“Midjourney”). This  
5 Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 17 U.S.C.  
6 § 501(b). Warner Bros. Discovery alleges, on personal knowledge as to itself and  
7 information and belief as to others, as follows:

### 8 INTRODUCTION

9 1. Superman, Batman, Wonder Woman, Bugs Bunny, and Scooby-Doo. These  
10 are some of the most popular and valuable fictional characters ever created, and they (and  
11 many other characters) are owned by Warner Bros. Discovery. That means *only* Warner  
12 Bros. Discovery has the right under U.S. Copyright law to build a business around  
13 reproducing, preparing derivative works, distributing, publicly displaying, and performing  
14 images and videos featuring its copyrighted characters. These exclusive rights and  
15 statutory protections are what incentivize Warner Bros. Discovery (and other movie and  
16 television studios) to massively invest in America’s movie and television industries,  
17 making them the envy of the world. That is the cornerstone of the U.S. Copyright Act.

18 2. Midjourney thinks it is above the law. It sells a commercial subscription  
19 service (the “Service”), powered by artificial intelligence (“AI”) technology, that was  
20 developed using illegal copies of Warner Bros. Discovery’s copyrighted works. The  
21 Service lets subscribers pick iconic Warner Bros. Discovery copyrighted characters and  
22 then reproduces, publicly displays and performs, and makes available for download (i.e.,  
23 distributes) infringing images and videos, and unauthorized derivatives, with every  
24 imaginable scene featuring those characters. Without any consent or authorization by  
25 Warner Bros. Discovery, Midjourney brazenly dispenses Warner Bros. Discovery’s  
26 intellectual property as if it were its own.

27 3. Midjourney could easily stop its theft and exploitation of Warner Bros.  
28 Discovery’s intellectual property. Midjourney controls what copyrighted content it

1 aggregates, selects, copies, and trains on. Midjourney also controls the outputs of its image  
2 and video Service, and it has the means to implement protection measures to prevent the  
3 ongoing reproduction, public display, public performance, and distribution of Warner Bros.  
4 Discovery’s works. Midjourney already possesses the technological means and measures  
5 that could prevent its distribution, public display, and public performance of infringing  
6 images and videos. But Midjourney has made a calculated and profit-driven decision to  
7 offer *zero* protection for copyright owners even though Midjourney knows about the  
8 breathtaking scope of its piracy and copyright infringement.

9 4. Midjourney’s recent conduct shows it has actual knowledge that the Service  
10 infringes Warner Bros. Discovery’s copyrighted characters and the ability to stop the  
11 infringement. Upon launching video generation, the Service temporarily refused to  
12 “animate” (i.e., generate videos from) many of the infringing images of Warner Bros.  
13 Discovery’s characters that Midjourney generated. Midjourney could only do this because  
14 *it recognizes that its Service’s outputs infringe Warner Bros. Discovery’s copyrights.*  
15 Despite this capability and awareness, within the last couple of weeks, Midjourney  
16 deliberately removed these protection measures on video in its Service. And Midjourney  
17 heralded this change by formally announcing a so-called “improvement” in Midjourney’s  
18 “video moderation” and touted that its subscribers would experience “fewer blocked  
19 jobs.”<sup>1</sup> Midjourney also continues to generate countless infringing images. It is hard to  
20 imagine copyright infringement that is any more willful than what Midjourney is doing  
21 here.

22 5. Other AI image- and video-generating services have instituted copyright  
23 protection measures that recognize and protect the rights of content creators like Warner  
24 Bros. Discovery. These readily available measures can be implemented in multiple ways:  
25 first, by excluding Warner Bros. Discovery’s copyrighted works from the process of  
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27 \_\_\_\_\_  
28 <sup>1</sup> Caleb, *New Video Options and a Home for Moodboards*, MIDJOURNEY (Aug. 13, 2025),  
<https://updates.midjourney.com/new-video-options-and-a-home-for-moodboards/>.

1 developing and training the AI software for the Service. Second, by rejecting prompts that  
2 request the display or download of Warner Bros. Discovery’s copyrighted characters. And  
3 third, by using technology to screen for infringing image outputs—both images and videos.

4 6. Midjourney, however, has prioritized and sought to preserve the hundreds of  
5 millions of dollars it earns annually from its Service by doubling down on its theft of  
6 copyrighted works. Midjourney chose to not institute any copyright protection measures  
7 on the countless infringing images and videos it continues to publicly display, publicly  
8 perform, and distribute and to revoke the copyright protection measures it implemented for  
9 a short period to limit its generation of infringing video outputs. Midjourney has also  
10 recently unveiled part of its piracy playbook: using its unlawful and infringing outputs to  
11 substitute and compete with Warner Bros. Discovery’s copyrighted works in yet another  
12 manner. Midjourney recently launched “Midjourney TV,” a 24/7 video streaming channel  
13 that is publicly accessible via midjourney.tv or Midjourney’s official YouTube page.  
14 Midjourney TV is yet another avenue for Midjourney to promote, advertise, and publicly  
15 perform the videos that its Service has generated and distributed to other subscribers.

16 7. Despite its knowledge of its infringing outputs of Warner Bros. Discovery’s  
17 copyrighted works, Midjourney remains defiant and undeterred. If a Midjourney  
18 subscriber submits a simple text prompt requesting an image of Superman in a particular

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1 setting or doing a particular action, Midjourney generates and displays a high quality,  
2 downloadable image featuring Warner Bros. Discovery's copyrighted Superman character:



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15 8. Similarly, if a Midjourney subscriber submits a simple text prompt requesting  
16 Batman in a particular setting or doing a particular action, Midjourney generates and  
17 displays high quality, downloadable images featuring Batman:



1 9. Similarly, if a Midjourney subscriber submits a simple text prompt requesting  
2 Wonder Woman in a particular setting or doing a particular action, Midjourney generates  
3 and displays high quality, downloadable images featuring Wonder Woman:



15 10. If a Midjourney subscriber submits a simple text prompt requesting Tweety  
16 in a particular setting or doing a particular action, Midjourney generates and displays high  
17 quality, downloadable images featuring Tweety:



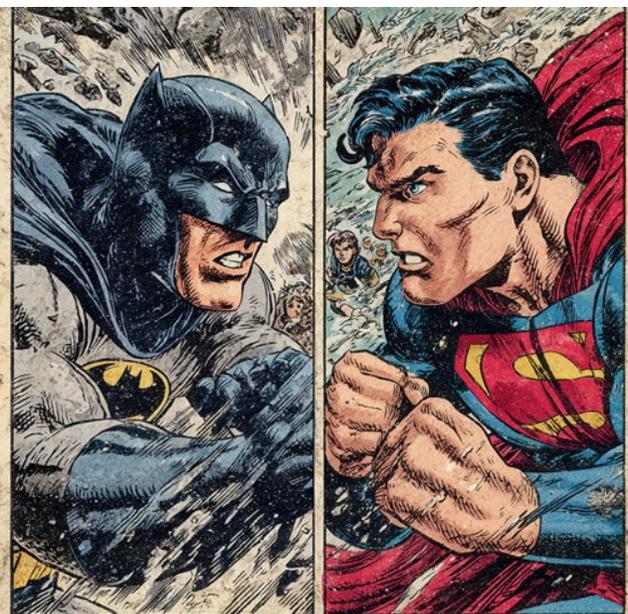
1 11. If a Midjourney subscriber submits a simple text prompt requesting Scooby-  
2 Doo in a particular setting or doing a particular action, Midjourney generates and displays  
3 high quality, downloadable images featuring Scooby-Doo:



15 12. Even in response to generic prompts like “classic comic book superhero  
16 battle” that do not mention a Warner Bros. Discovery copyrighted character, Midjourney  
17 generates and displays high quality, downloadable images featuring Warner Bros.  
18 Discovery’s copyrighted characters such as Superman, Batman, and Flash:

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13. Midjourney will then generate a video featuring any of these copyrighted characters. The below frames from infringing Midjourney-generated videos are just a few examples:





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23 14. Midjourney also copies and uses Warner Bros. Discovery's copyrighted  
24 characters to market and promote its Service, encouraging even more infringement (and  
25 falsely implying Warner Bros. Discovery's endorsement). As a result, subscribers have  
26 been drawn to Midjourney's Service because of its ability to generate images that infringe  
27 Warner Bros. Discovery's copyrighted works.  
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1 15. Evidently, Midjourney will not stop stealing Warner Bros. Discovery’s  
2 intellectual property until a court orders it to stop. Midjourney’s large-scale infringement  
3 is systematic, ongoing, and willful, and Warner Bros. Discovery has been, and continues  
4 to be, substantially and irreparably harmed by it. Warner Bros. Discovery brings this action  
5 to stop Midjourney’s piracy and to uphold U.S. copyright law and the crucial incentives  
6 that reward those who create, not those who take.

7 **THE PARTIES**

8 16. Plaintiff Warner Bros. Entertainment Inc. (“Warner Bros. Entertainment”) is  
9 a corporation duly incorporated under the laws of the State of Delaware with its principal  
10 place of business in Burbank, California. Warner Bros. Entertainment owns or controls  
11 copyrights or exclusive rights in content that it or its affiliates produce or distribute,  
12 including those copyrighted works specified in Exhibit A.

13 17. Plaintiff DC Comics (“DC Comics”) is a New York general partnership with  
14 its principal place of business in Burbank, California. DC Comics owns or controls  
15 copyrights or exclusive rights in content that it or its affiliates produce or distribute,  
16 including those copyrighted works specified in Exhibit A. DC Comics as defined herein  
17 includes its predecessor entities.

18 18. Turner Entertainment Co. is a corporation duly organized under the laws of  
19 the State of Delaware with its principal place of business in Burbank, California. Turner  
20 Entertainment Co. owns or controls copyrights or exclusive rights in content that it or its  
21 affiliates produce or distribute, including those copyrighted works specified in Exhibit A.

22 19. Hanna-Barbera Productions, Inc. is a corporation duly organized under the  
23 laws of the State of Delaware with its principal place of business in Burbank, California.  
24 Hanna-Barbera Productions, Inc. owns or controls copyrights or exclusive rights in content  
25 that it or its affiliates produce or distribute, including those copyrighted works specified in  
26 Exhibit A.

27 20. The Cartoon Network, Inc. (“The Cartoon Network”) is a corporation duly  
28 incorporated under the laws of the State of Delaware with its principal place of business in

1 Atlanta, Georgia. The Cartoon Network owns or controls copyrights or exclusive rights in  
2 content that it or its affiliates produce or distribute, including those copyrighted works  
3 specified in Exhibit A.

4 21. As noted above, Warner Bros. Entertainment Inc., DC Comics, Turner  
5 Entertainment Co., Hanna-Barbera Productions, Inc., and The Cartoon Network, are  
6 collectively referred to in this Complaint as “Warner Bros. Discovery.” Exhibit A contains  
7 a non-exhaustive, representative list of Warner Bros. Discovery’s works, along with their  
8 registration numbers, which Midjourney has directly or secondarily infringed and  
9 continues to infringe (“Warner Bros. Discovery’s Copyrighted Works”). All of Warner  
10 Bros. Discovery’s Copyrighted Works in Exhibit A constitute original works and  
11 copyrightable subject matter pursuant to the Copyright Act, 17 U.S.C. § 101, et seq., and  
12 they have been duly registered with the U.S. Copyright Office. The copyrights set forth in  
13 Exhibit A remain valid and subsisting and have been owned and/or controlled by Warner  
14 Bros. Discovery at all times relevant to the allegations in this Complaint. The registered  
15 copyrights for Warner Bros. Discovery’s Copyrighted Works encompass the identified  
16 characters appearing therein. Moreover, the visual depictions of the characters constitute  
17 copyright protected artwork and audiovisual works.

18 22. Defendant Midjourney, Inc. is a corporation duly incorporated in Delaware  
19 with its principal place of business in San Francisco, California.

20 **JURISDICTION AND VENUE**

21 23. This Court has subject matter jurisdiction over this Complaint pursuant to  
22 28 U.S.C. §§ 1331, 1338(a), and 17 U.S.C. § 501(b).

23 24. Midjourney is subject to the jurisdiction of this Court. Midjourney is  
24 headquartered in San Francisco, California and does continuous, systematic, and routine  
25 business in California and in this District.

26 25. Midjourney’s unauthorized exploitation of the Copyrighted Works has caused  
27 harm to Warner Bros. Discovery in California and in this District. Midjourney reasonably  
28 expected or should have reasonably expected its acts to cause harm in California and in

1 this District because Warner Bros. Discovery maintains its headquarters in this District,  
2 and it is the location of a significant portion of Warner Bros. Discovery’s production and  
3 distribution operations.

4 26. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a  
5 substantial part of the events giving rise to the claims have occurred in this district.

6 27. Venue is further proper in this District pursuant to 28 U.S.C. § 1400(a)  
7 because Midjourney is subject to personal jurisdiction in this District as it purposefully  
8 directed its activities toward this District:

9 a. Midjourney knows that Warner Bros. Discovery resides in this District  
10 and has intentionally targeted Warner Bros. Discovery’s Copyrighted Works and  
11 businesses by developing, training, and commercially offering its image and video service  
12 (the “Midjourney Service” or “Service”) that generates, distributes, and publicly displays  
13 infringing copies, reproductions, and derivatives of Warner Bros. Discovery’s Copyrighted  
14 Works. It is also common knowledge that Warner Bros. Discovery’s world-famous movie  
15 studio is located in this District. Moreover, Midjourney uses the infringing copies of  
16 Warner Bros. Discovery’s Copyrighted Works generated by its Service to promote its  
17 Service and attract subscribers, including subscribers in this District.

18 b. Midjourney competes with Warner Bros. Discovery in this District by  
19 distributing infringing copies, reproductions, and derivatives of Warner Bros. Discovery’s  
20 Copyrighted Works to subscribers, including subscribers in this District.

21 c. As recently as September 2025, Midjourney has distributed infringing  
22 copies, reproductions, and derivatives of Warner Bros. Discovery’s Copyrighted Works to  
23 Midjourney’s subscribers in this District. On information and belief, during the entire  
24 relevant period, Midjourney has distributed infringing copies, reproductions, and  
25 derivatives of Warner Bros. Discovery’s Copyrighted Works to subscribers in this District.

26 d. Midjourney offers and maintains an interactive website in this District  
27 and purposefully directs its business activities here. Midjourney charges fees to subscribers  
28 in this District and then makes available through downloads, public displays, and/or public

1 performances infringing copies and derivatives of Warner Bros. Discovery’s Copyrighted  
2 Works in this District. Further, to purchase and use Midjourney’s Service, residents of this  
3 District must create an account and provide Midjourney with their address. Midjourney  
4 accepts payment from residents of this District to use its Service. Once a subscriber’s  
5 account is created in this District, Midjourney necessarily knows that a particular user  
6 resides in this District and therefore chooses to direct its business activities, and distribution  
7 and public display of infringing copies of Warner Bros. Discovery’s Copyrighted Works,  
8 into this District.

9 e. Midjourney has specifically targeted this District by hiring at least one  
10 employee in Los Angeles, California which is in this District.

11 f. Midjourney further targets “artists” and users involved in “commercial  
12 art project[s],” a community that includes many of the human creative professionals that  
13 Warner Bros. Discovery has and continue to heavily invest in. In particular, Midjourney  
14 CEO David Holz stated in a *Forbes* interview that Midjourney has “a famous character  
15 designer using [its] product.” Holz further opined that the entertainment industry will use  
16 systems like Midjourney to “try to cut costs” and that “some people will try to cut artists  
17 out.”<sup>2</sup> Not only does Warner Bros. Discovery employ numerous creative professionals in  
18 this District, but Los Angeles and the surrounding area is a known hub for the global  
19 creative community. Midjourney’s Service is built off of decades of hard work by Los  
20 Angeles’ creative community, including Warner Bros.

21 28. Midjourney has caused harm that was, and has been, foreseeably suffered in  
22 this District during the relevant time period.  
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26 <sup>2</sup> Rob Salkowitz, *Midjourney Founder David Holz on the Impact of AI on Art, Imagination and the Creative Economy*, FORBES (Sept. 16, 2022),  
27 [https://www.forbes.com/sites/robsalkowitz/2022/09/16/midjourney-founder-david-holz-](https://www.forbes.com/sites/robsalkowitz/2022/09/16/midjourney-founder-david-holz-on-the-impact-of-ai-on-art-imagination-and-the-creative-economy/)  
28 [on-the-impact-of-ai-on-art-imagination-and-the-creative-economy/](https://www.forbes.com/sites/robsalkowitz/2022/09/16/midjourney-founder-david-holz-on-the-impact-of-ai-on-art-imagination-and-the-creative-economy/).

**FACTUAL BACKGROUND**

**A. Warner Bros. Discovery Has Created and Owns Some of the Most Popular Movies and Television Shows of All Time.**

29. Warner Bros. Discovery has a long and storied history of entertaining and inspiring audiences worldwide. Since the 1920s, Warner Bros. Discovery has created, developed, and produced some of the most enduring, valuable, and famous copyrighted entertainment properties in film, television, books, consumer products, theme parks, and other experiences.

30. A driving force behind the success of Warner Bros. Discovery entertainment properties are the imaginative and beloved copyrighted characters that appear in those Copyrighted Works. Many of Warner Bros. Discovery’s memorable characters have become pillars of pop culture with a lasting impact on generations of audiences and consumers.

31. Warner Bros. Discovery’s characters span across the numerous entertainment properties that they own and exploit, from Superman to Bugs Bunny to Scooby-Doo to Rick and Morty. These original characters are central to the entertainment properties in which they appear. Warner Bros. Discovery’s copyright registrations for those properties encompass those characters.

**(1) The DC Comics Characters**

32. The DC Comics works and characters are part of one of the largest collections of entertainment properties that exist in the same shared universe. The origins of the DC Comics works and characters are the superheroes from comic books originally published by DC Comics (including predecessors) starting in 1936. The DC Comics characters and storylines have grown considerably over time and are featured in numerous blockbuster feature films, television series, short films, video games, theme park attractions, and, of course, comic books. Warner Bros. Discovery owns the copyrights to these DC Comics entertainment properties.

1 33. Warner Bros. Discovery's DC Comics universes, which include films based  
2 on the DC Comics characters, have achieved enormous commercial success. The DC  
3 Extended Universe, which encompasses films from 2018 through 2023, grossed over \$7.14  
4 billion in total at the global box office, with each film earning an average gross of \$479  
5 million.

6 34. There are numerous superheroes and other characters in the DC Comics  
7 works. These characters have expressive conceptual and physical qualities that make them  
8 distinctive and immediately recognizable.

9 35. Superman is the quintessential superhero, and one of the most enduring  
10 superheroes in popular culture. Superman was first introduced in DC Comics in 1938 and  
11 has most recently been featured in the film *Superman*, which was released domestically on  
12 July 11, 2025 and is still in theatres. *Superman* grossed \$125 million domestically in its  
13 opening weekend, making it the third-most-successful opening of the year so far.  
14 Superman's alter ego is Clark Kent, who resides in the city of Metropolis. When Clark  
15 Kent transforms into Superman to fight crime, he typically dons a blue bodysuit that  
16 emphasizes his muscular physique, red trunks, red boots, a yellow belt, and a long red cape.  
17 Most importantly, Superman's suit features his unmistakable logo emblazoned on his  
18 chest, which features a red "S" inside a red and yellow shield. Superman has superhuman  
19 strength, speed, and reflexes. Throughout the DC Comics universes, Superman has been  
20 portrayed both as a live-action and animated superhero, and has appeared across various  
21 films, television series, comic books, and video games.

22 36. The superhero Batman is an iconic fictional character who first appeared in  
23 the DC Comics anthology series *Detective Comics* in 1939 and was more recently featured  
24 in the 2022 film *The Batman*, the seventh highest-grossing film of the year. By day,  
25 Batman's alter ego Bruce Wayne is a playboy billionaire, but by night, he fights crime in  
26 his distinctive Batsuit, which features a bat-inspired mask, yellow utility belt, and Batman  
27 emblem on the chest. Throughout the DC Comics universes, Batman has been portrayed  
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1 both as a live-action and animated superhero, and has appeared across various films,  
2 television series, comic books, and video games.

3 37. The supervillain The Joker is Batman's archenemy. The Joker typically wears  
4 a purple suit and has stark white skin, green hair, and a wide, dramatic smile often with  
5 bright red lips. The Joker was introduced by DC Comics in 1940 and was recently featured  
6 in the 2024 film *Joker: Folie à Deux*. Throughout the DC Comics universes, the Joker has  
7 been portrayed both as a live-action and animated character.

8 38. Flash is a distinctive and popular superhero character known for his  
9 superhuman speed, which he can also use to generate lightning. Flash wears a red suit and  
10 mask with gold lightning bolt-shaped ear and a lightning bolt emblem on the chest. Flash  
11 first appeared in a comic book published by DC Comics in 1940 and more recently in the  
12 2023 film *The Flash*. Throughout the DC Comics universes, Flash has been portrayed both  
13 as a live-action and animated character.

14 39. Wonder Woman is another central superhero in the DC Comics works who  
15 debuted in 1941. She is an Amazonian warrior from the fictional Themyscira who wears  
16 a distinctive blue and red outfit with a tiara, bracelets, and her Lasso of Truth. Wonder  
17 Woman has starred in numerous television and film projects over the decades including the  
18 1970s television show *Wonder Woman* and more recently in the 2020 film, *Wonder Woman*  
19 *1984*. Throughout the DC Comics universes, Wonder Woman has been portrayed both as  
20 a live-action and animated character.

21 40. Warner Bros. Discovery's *Teens Titans Go!* is a comedic animated series that  
22 first broadcast in 2013 that follows teenage versions of superheroes from the DC Comics  
23 universe. The team includes Robin. *Teen Titans Go!* and the characters therein, have a  
24 distinctive animation style, outfits, and visual appearance.

25 41. Warner Bros. Discovery's copyright registrations for the DC Comics works  
26 encompass the central characters therein.

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1                   **(2) Looney Tunes Characters**

2           42. The animated franchise *Looney Tunes* was first released as a series of  
3 animated theatrical short films beginning in 1930. The franchise has spawned numerous  
4 television series that are still broadcast today. The franchise also includes televisions  
5 specials, films, comic books, theme park attractions, and video games.

6           43. Many of the *Looney Tunes* characters are ubiquitous household names, and  
7 these characters have expressive conceptual and physical qualities that make them  
8 distinctive and immediately recognizable. Bugs Bunny, for example, is a playfully  
9 irreverent anthropomorphic gray and white rabbit, who has a star on the Hollywood Walk  
10 of Fame. Bugs Bunny has an overbite that showcases his two long front teeth, oversized  
11 feet with white fur, and is often depicted eating a carrot.

12           44. Other major *Looney Tunes* characters include Daffy Duck, a black duck with  
13 an orange beak and orange feet, and a white ring around his neck; Sylvester the Cat, an  
14 anthropomorphic tuxedo cat with a bulbous red nose and hairy white cheeks; and Tweety,  
15 a yellow canary bird with baby blue eyes, long eyelashes, chubby cheeks, and oversized  
16 orange feet. Sylvester the Cat is often portrayed chasing Tweety.

17           45. Warner Bros. Discovery's copyright registrations for the entertainment  
18 properties in the *Looney Tunes* franchise encompass the central characters therein. Warner  
19 Bros. Discovery owns the copyrights to the *Looney Tunes* properties.

20                   **(3) Tom and Jerry**

21           46. *Tom and Jerry* is a classic animated short film franchise originally created in  
22 1940. Since then, numerous spinoffs have been released in the form of television shows,  
23 feature films, comic books, comic strips, video games, and a staged musical. Seven *Tom*  
24 *and Jerry* short films have won the Academy Award for Best Animated Short Film. In  
25 2021, *Tom and Jerry* was released as a hybrid live-action and animated film in theatres and  
26 via HBO Max.

27           47. The characters in *Tom and Jerry* have expressive conceptual and physical  
28 qualities that make them distinctive and immediately recognizable. Tom is a gray,

1 anthropomorphic tuxedo cat, and Jerry is a small brown anthropomorphic mouse. Tom  
2 and Jerry’s creators characterized the duo as “the best of enemies,” in a nod to their  
3 antagonistic yet caring relationship. Tom is often depicted chasing Jerry and ultimately  
4 failing to capture him.

5 48. Warner Bros. Discovery’s copyright registrations for *Tom and Jerry*  
6 encompass the central characters therein. Warner Bros. Discovery owns the copyrights to  
7 the *Tom and Jerry* properties.

8 **(4) *Scooby-Doo***

9 49. *Scooby-Doo* is a media franchise that features four teenagers and their Great  
10 Dane, Scooby-Doo, who solve mysteries, encounter spooky villains, and get caught up in  
11 antics as they travel around in their distinctive van, the Mystery Machine. *Scooby-Doo*  
12 was first broadcast as an animated television series in 1969, and the franchise has been  
13 refreshed in various television series, including as recently as 2021. A live-action series is  
14 currently in development for release on Netflix. The *Scooby-Doo* characters have also  
15 been featured in films, comic books, theme park attractions, and tabletop games.

16 50. The characters in the *Scooby-Doo* media franchise have expressive conceptual  
17 and physical qualities that make them distinctive and immediately recognizable.

18 51. Scooby-Doo is an animated Great Dane who is brown with black spots on his  
19 back and shoulders. Scooby-Doo wears a teal collar with a gold-trimmed teal tag that bears  
20 his initials, “SD.” He has a large, black, triangular nose, thick eyebrows, rounded upright  
21 ears, and small spots on his cheeks.

22 52. Warner Bros. Discovery’s copyright registrations for *Scooby-Doo* encompass  
23 the central characters therein. Warner Bros. Discovery owns the copyrights to the *Scooby-*  
24 *Doo* properties.

25 **(5) The Cartoon Network Characters**

26 53. The Cartoon Network is a cable television network that broadcasts animated  
27 television series ranging from action to comedy for both children and adults. The Cartoon  
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1 Network owns the copyrights to many popular American cartoons including *The Powerpuff*  
2 *Girls* and *Rick and Morty*.

3 54. *The Powerpuff Girls* is an animated television series that features three  
4 kindergarten-aged girls, Blossom, Bubbles, and Buttercup, who fight crime in the fictional  
5 city of Townsville. The franchise originated in 1992 with the introduction of the three  
6 characters in a cartoon short and became a full television series in 1998. The series  
7 received a reboot in 2016. The franchise also includes television specials, films, anime  
8 adaptations, comic books, video games, and consumer products.

9 55. The Powerpuff Girls have expressive conceptual and physical qualities that  
10 make them distinctive and immediately recognizable. The Powerpuff Girls are small,  
11 animated girls with oversized heads, distinctive large circular eyes that cover the majority  
12 of their faces, and small, rounded features. They have small, simple mouths, and no noses  
13 or necks. The Powerpuff Girls have superpowers including the ability to fly.

14 56. All three characters wear a color blocked dress with a black stripe, white  
15 stockings, and black Mary Jane shoes, and have eyes the same color as their  
16 outfits. Blossom has orange hair and wears pink. Bubbles is blond and wears blue.  
17 Buttercup has black hair and wears green.

18 57. The Cartoon Network's copyright registrations for *The Powerpuff Girls*  
19 encompass the central characters therein. The Cartoon Network owns the copyrights to  
20 *The Powerpuff Girls* properties.

21 58. *Rick and Morty* is an adult animated television series released under Cartoon  
22 Network's "Adult Swim" brand. *Rick and Morty* features two titular characters: mad  
23 scientist Rick Sanchez, and his gullible and anxious grandson Morty Smith. *Rick and*  
24 *Morty* was initially released in 2013 and has consistently received high viewer ratings and  
25 critical acclaim. The series has been nominated for many awards, and has won multiple  
26 Emmy and Annie Awards, among others. *Rick and Morty* characters have been featured  
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1 in short spinoff series and comic books and have made cameo appearances in other films  
2 and television series, including *The Simpsons*.

3 59. The characters in *Rick and Morty* have expressive conceptual and physical  
4 qualities that make them distinctive and immediately recognizable. Rick Sanchez is an  
5 animated eccentric mad scientist with spiky, baby-blue hair, and a unibrow of the same  
6 color. He has grayish skin and large eyes, and typically wears a blue shirt and a long, white  
7 lab coat. He also wears brown trousers over his pencil-thin legs. Morty Smith is an  
8 animated 14-year-old boy with brown hair and bulbous eyes. He typically wears a plain  
9 yellow t-shirt and blue trousers. The duo is often pictured traveling in their Space Cruiser  
10 or traveling through the universe using glowing, bright green portals.

11 60. The Cartoon Network's copyright registrations for *Rick and Morty* encompass  
12 the central characters therein. The Cartoon Network owns the copyrights to the *Rick and*  
13 *Morty* properties.

## 14 **B. Midjourney Infringes Warner Bros. Discovery's Intellectual Property.**

### 15 **(1) The Midjourney Service**

16 61. Midjourney was founded in 2021 by David Holz, its Chief Executive Officer.  
17 Midjourney develops, operates, and sells its generative AI Service, which includes image  
18 and video generation capabilities. Midjourney is a successful enterprise that surpassed  
19 \$200 million in revenue in 2023, and reportedly made \$300 million in revenue in 2024,  
20 despite the company's relatively short existence. Midjourney had nearly 21 million users  
21 as of September 2024.<sup>3</sup>

22 62. Unbeknownst to Warner Bros. Discovery, Midjourney first launched its  
23 Service in February 2022 as a "bot" accessible within the Discord communication platform.

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25 <sup>3</sup> See Kyle Wiggers, *Midjourney Says It's 'Getting Into Hardware'*, TECHCRUNCH (Aug.  
26 28, 2024), [https://techcrunch.com/2024/08/28/midjourney-says-its-getting-into-](https://techcrunch.com/2024/08/28/midjourney-says-its-getting-into-hardware/)  
27 [hardware/](https://techcrunch.com/2024/08/28/midjourney-says-its-getting-into-hardware/); Naveen Kumar, *Midjourney Statistics 2025: Users & Revenue Data*,  
28 DEMANDSAGE (Dec. 31, 2024), <https://www.demandsage.com/midjourney-statistics/>;  
Oskar Mortensen, *How Many People Work at Midjourney? Statistics & Facts (2025)*,  
SEO.AI (Dec. 2, 2024), <https://seo.ai/blog/how-many-people-work-at-midjourney>.

1 Since then, Midjourney has released various versions of its Service. Midjourney began to  
2 offer its Service to consumers via its own website, Midjourney.com, in or around October  
3 2023. Originally, the website was open only to Midjourney customers who had used  
4 Midjourney’s Service via the Discord platform. On or around August 23, 2024,  
5 Midjourney began offering its Service to all subscribers. On or around April 3, 2025,  
6 Midjourney launched version 7 (“V7”) of its image Service. Midjourney’s Service is a  
7 commercial service. Currently, subscribers can access the Service by signing up for a  
8 subscription on Midjourney’s website.<sup>4</sup>

9 63. On or around June 18, 2025, Midjourney launched version 1 (“V1”) of its  
10 video Service. Midjourney’s video Service features image-to-video capabilities. Like the  
11 image Service, Midjourney’s video Service is a commercial service available only to  
12 Midjourney subscribers.

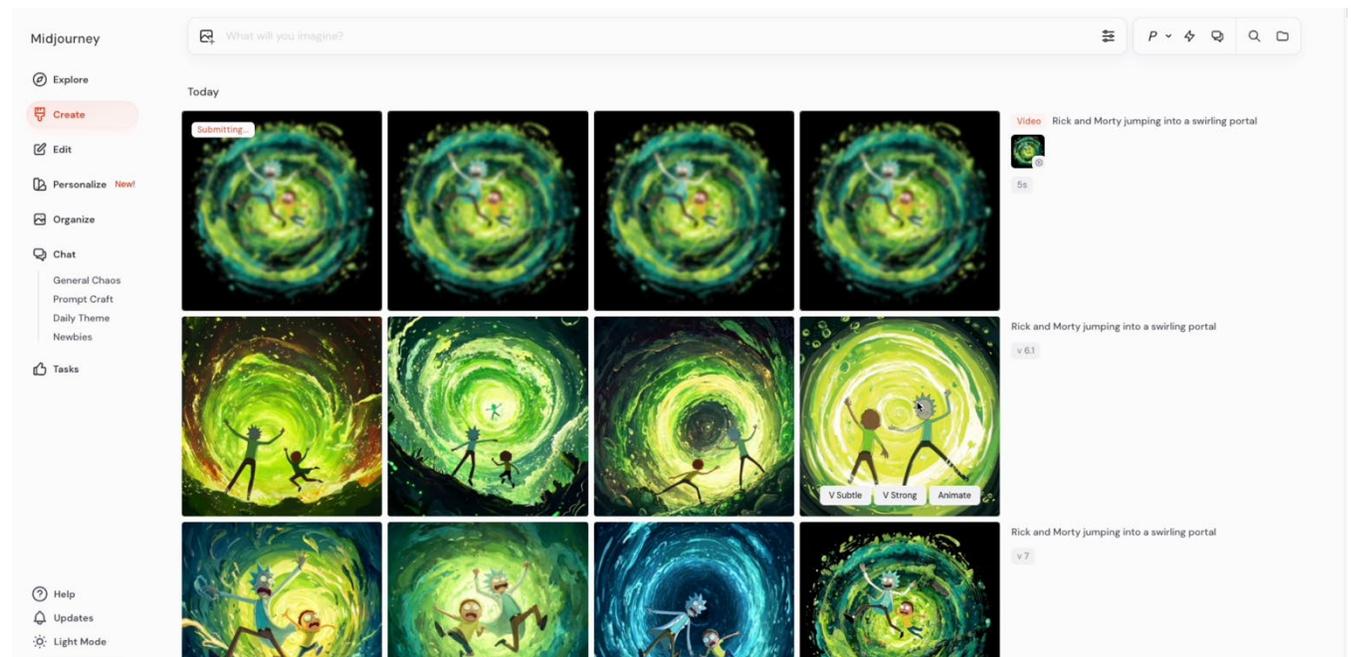
13 64. As discussed in more detail below, Midjourney’s Service can generate high  
14 quality and high-resolution images and can also generate videos from the images it  
15 generates. If a subscriber requests a video based on an image (or, in Midjourney parlance,  
16 asks to “animate” an image), the Service adds realistic motion to the image and generates  
17 a five second video output.

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27 <sup>4</sup> See *Comparing Midjourney Plans*, MIDJOURNEY,  
28 <https://docs.midjourney.com/docs/plans>.

1 65. Midjourney encourages its subscribers to create videos by prominently  
2 offering to “animate” images when a subscriber hovers their mouse over an image. The  
3 Midjourney Service has “high motion” and “low motion” video settings, and it can extend  
4 a video it generated by up to four seconds, up to four times per video, as shown below:  
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66. Midjourney offers four different subscription levels for its Service, as shown below:

	Basic Plan	Standard Plan	Pro Plan	Mega Plan
Monthly Price	\$10	\$30	\$60	\$120
Annual Price	\$96 (\$8 / month)	\$288 (\$24 / month)	\$576 (\$48 / month)	\$1,152 (\$96 / month)
Fast GPU Time ⓘ	3.3 hr/month (200 minutes)	15 hr/month	30 hr/month	60 hr/month
Relax GPU Time ⓘ	⊘	Unlimited Images	Unlimited Images & SD Video	Unlimited Images & SD Video
Video Resolution ⓘ	SD	SD	SD & HD	SD & HD
Purchase Extra GPU Time	\$4/hr	\$4/hr	\$4/hr	\$4/hr
Work Solo in Discord Direct Messages ⓘ	✓	✓	✓	✓
Stealth Mode ⓘ	⊘	⊘	✓	✓
Maximum Concurrent Image Prompts	3 Fast	3 Fast or Relax	12 Fast or 3 Relax	12 Fast or 3 Relax
Maximum Concurrent Video Prompts	1 Fast	3 Fast	6 Fast or 3 Relax	12 Fast or 3 Relax
Maximum Repeat / Permutation Size	4 jobs	10 jobs	40 jobs	40 jobs
Maximum Queued Jobs	10 jobs	10 jobs	10 jobs* (3 Relax videos)	10 jobs* (3 Relax videos)
Rate Images to Earn Free GPU Time ⓘ	✓	✓	✓	✓
Usage Rights	General Commercial Terms**	General Commercial Terms**	General Commercial Terms**	General Commercial Terms**

67. Midjourney’s four levels of paid subscriptions range from \$10 per month to \$120 per month. Subscribers can receive a discount of approximately 20% on monthly pricing by paying for an annual subscription. Image and video generation requires processing time on Graphics Processing Units (“GPUs”), and Midjourney’s different subscription levels come with different amounts of “Fast” GPU time. According to

1 Midjourney, it takes approximately one minute of GPU time to generate images and  
2 approximately eight minutes of GPU time to generate videos.

3 68. What Midjourney calls its “Basic Plan” costs \$10 per month and comes with  
4 3.3 hours of Fast GPU Time per month. This allows Basic Plan subscribers to receive  
5 roughly 200 images per month. The more expensive the plan, the more Fast GPU Time  
6 the subscriber is allocated, and the more images and videos that subscriber can receive. All  
7 subscribers can purchase additional Fast GPU Time for \$4 per hour.

8 69. Additionally, subscribers with a “Standard Plan,” “Pro Plan,” or “Mega Plan”  
9 receive unlimited “Relax” GPU Time. An image or video generated using Relax GPU  
10 Time, which Midjourney refers to as “Relax Mode,” does not cost the subscriber any Fast  
11 GPU Time; however, the generation is placed into a queue based on how much the  
12 subscriber has used the system. Wait times in Relax Mode can range up to ten minutes per  
13 job.

14 70. Copies of the images and videos generated by Midjourney for its subscribers  
15 are also publicly displayed and performed on the “Explore” page on Midjourney’s website.  
16 Midjourney’s Explore page is a prominent feature of its website where Midjourney  
17 promotes and advertises the images and videos that its Service has generated and  
18 distributed to other subscribers. The Explore page is a means for Midjourney to promote  
19 its Service, attract subscribers to the Service, and encourage subscribers to use the Service,  
20 thereby generating more money for Midjourney.

21 71. Copies of the videos generated by Midjourney for its subscribers are also  
22 publicly displayed and performed on “Midjourney TV,” a 24/7 video stream that was  
23 launched in late July 2025, and that is publicly accessible via [midjourney.tv](https://midjourney.tv) or  
24 Midjourney’s official YouTube page. Midjourney TV is yet another avenue for  
25 Midjourney to promote and advertise the videos that its Service has generated and  
26 distributed to other subscribers. Midjourney has announced that it is considering adding  
27 search and personalization features to Midjourney TV, and that it may expand Midjourney  
28 TV to have more “channels,” indicating its intent to expand into the traditional television

1 or streaming markets. Midjourney TV is a means for Midjourney to promote its Service,  
2 attract subscribers to the Service, and encourage subscribers to use the Service, thereby  
3 generating more money for Midjourney.

4 **(2) Midjourney Reproduces, Generates, Publicly Displays, Publicly**  
5 **Performs, and Distributes Reproductions and Derivative Works of**  
6 **Warner Bros. Discovery’s Copyrighted Works.**

7 72. Through its own affirmative conduct, including the selection of which  
8 copyrighted works will be stored by and made available through the Service, Midjourney  
9 directly reproduces, publicly displays, and distributes infringing reproductions and  
10 unauthorized derivative works of Warner Bros. Discovery’s content.

11 73. The examples below confirm that Midjourney directly produces outputs that  
12 infringe on Warner Bros. Discovery’s copyrighted characters.

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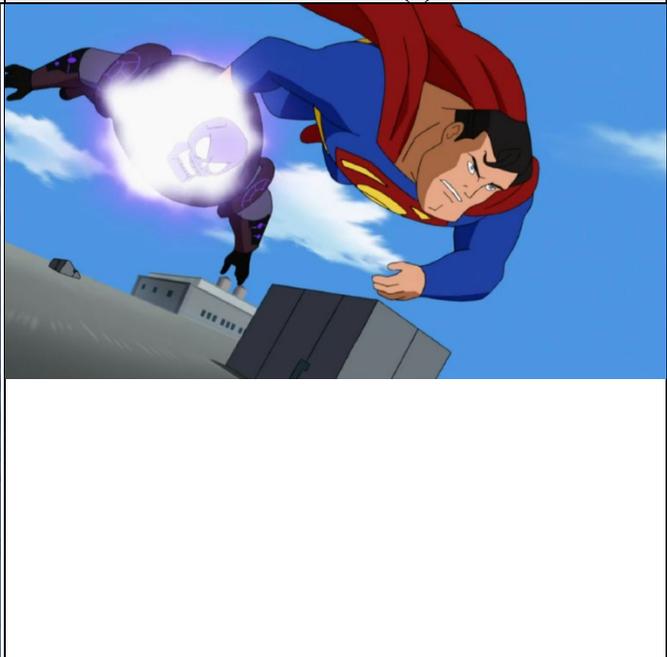
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74. Midjourney consistently and accurately reproduces, publicly displays, and distributes infringing copies and unauthorized derivatives of characters from Warner Bros. Discovery’s DC Comics to its subscribers. In response to the simple request (often referred to as a “prompt”) asking to see “Superman, classic cartoon character, DC comics,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted Works that is stored by the Service and then reproduced, publicly displayed, and made available for download an image output that copies Warner Bros. Discovery’s Superman, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

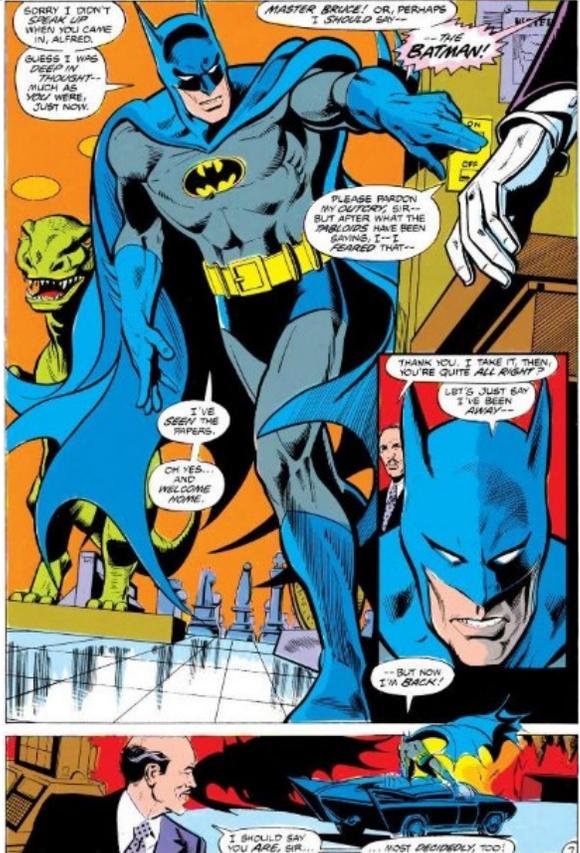
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1 75. In response to a prompt asking to see “Superman flying over Metropolis with  
2 his arms outstretched, animated 2d cartoon,” Midjourney accessed the data about Warner  
3 Bros. Discovery’s Copyrighted Works that is stored by the Service and then reproduced,  
4 publicly displayed, and made available for download an image output that copies Warner  
5 Bros. Discovery’s Superman, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
 An AI-generated image of Superman in his classic blue suit with a red cape and yellow 'S' shield. He is shown from a low angle, flying through a city with tall buildings. The lighting is dramatic, with a bright yellow sun or light source behind him, creating a silhouette effect and lens flare.	 A copyrighted image of Superman from a classic animated series. He is shown in a dynamic pose, flying through the air. He is wearing his blue suit and red cape. A bright purple and white energy sphere is visible near him. The background shows a cityscape with buildings under a blue sky.

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1 76. In response to a prompt asking to see “Batman, 1960s DC comic strip  
 2 character,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
 3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
 4 available for download an image output that copies Warner Bros. Discovery’s Batman, as  
 5 shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

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1 77. In response to a prompt asking to see “Batman, 1960s DC comic strip  
2 character,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
4 available for download an image output that copies Warner Bros. Discovery’s Batman, as  
5 shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

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1 78. In response to a prompt asking to see “Batman, comic book character from  
2 DC Comics,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
4 available for download an image output that copies Warner Bros. Discovery’s Batman, as  
5 shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

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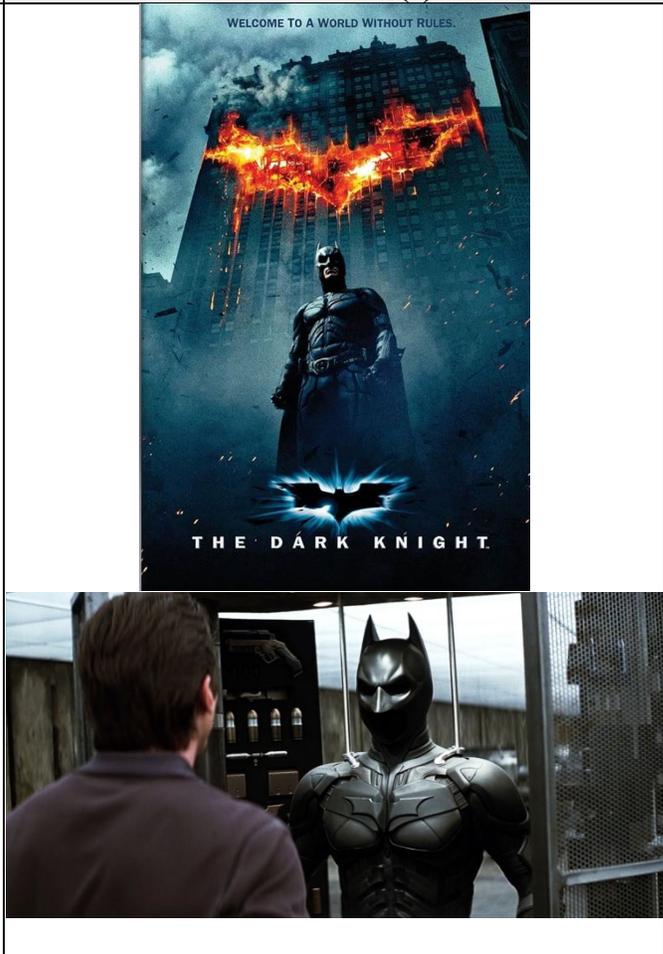
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1 79. In response to a prompt asking to see “Batman, screencap from The Dark  
2 Knight,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
4 available for download an image output that copies Warner Bros. Discovery’s Batman, as  
5 shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

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1 80. In response to a prompt asking to see “The Joker, DC comic book character,”  
2 Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted Works that is  
3 stored by the Service and then reproduced, publicly displayed, and made available for  
4 download an image output that copies Warner Bros. Discovery’s The Joker, as shown  
5 below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	 <p>I MEAN, IF I OUTRIGHT <i>KILL YOU</i>, WELL, THEN, THERE'S NO MORE OPPORTUNITY TO <i>HURT YOU</i>. AND IN TURN, <i>HIM</i>. BECAUSE <i>HE'S</i> ALL THAT MATTERS. NOT YOU. NEVER YOU.</p>

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1 81. In response to a prompt asking to see “The Joker, 1970s animated cartoon  
2 character,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
4 available for download an image output that copies Warner Bros. Discovery’s The Joker,  
5 as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
 An AI-generated image of The Joker from the 1970s animated cartoon. He is depicted with a wide, toothy grin, wearing a purple top hat, a brown suit jacket, and a green bow tie. The background is a dark, textured green.	 A copyrighted image of The Joker from the 1970s animated cartoon. He is shown with a similar wide, toothy grin, wearing a purple top hat, a purple suit jacket, and a blue bow tie. The background is dark and indistinct.

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82. In response to a prompt asking to see “The Flash, animated DC superhero,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted Works that is stored by the Service and then reproduced, publicly displayed, and made available for download an image output that copies Warner Bros. Discovery’s Flash, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	
	
	

83. In response to a prompt asking to see “Wonder Woman casts the Lasso of Truth toward a villain, cartoon,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted Works that is stored by the Service and then reproduced, publicly displayed, and made available for download an image output that copies Warner Bros. Discovery’s Wonder Woman, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

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84. In response to a prompt asking to see “Robin from Teen Titans Go! running toward the camera, action style, animated TV series, 2010s style,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted Works that is stored by the Service and then reproduced, publicly displayed, and made available for download an image output that copies Warner Bros. Discovery’s *Teen Titans Go!* character Robin, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

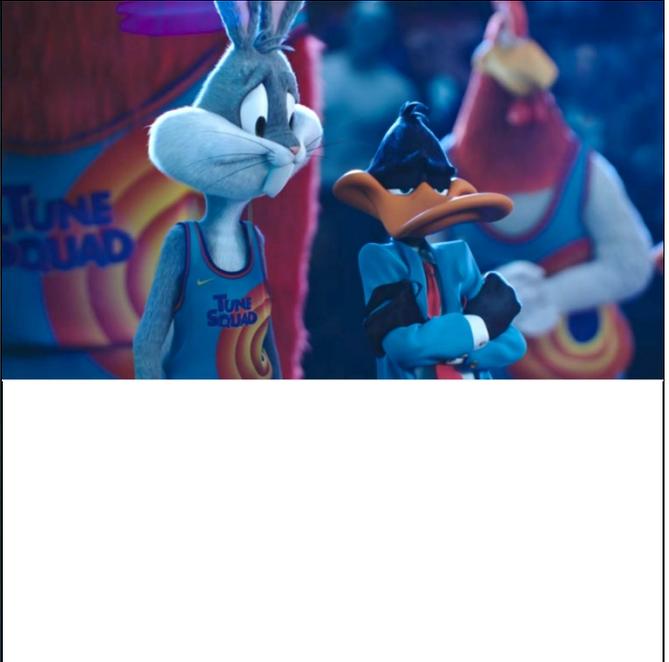
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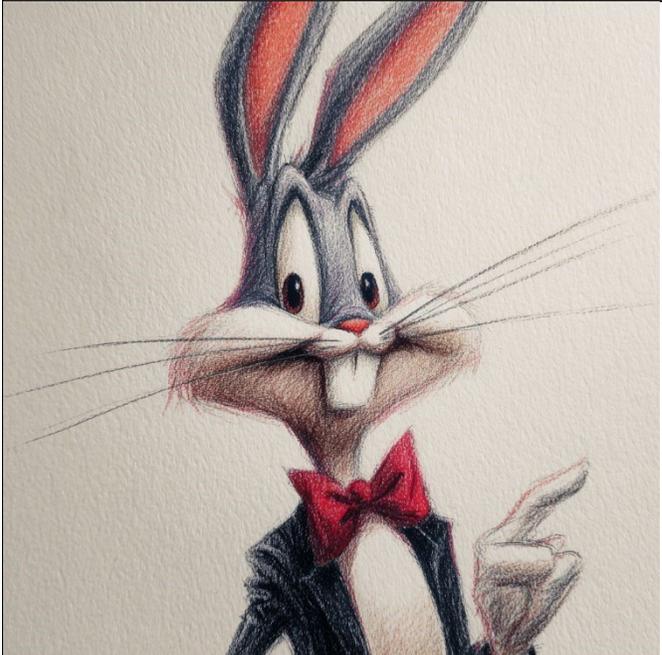
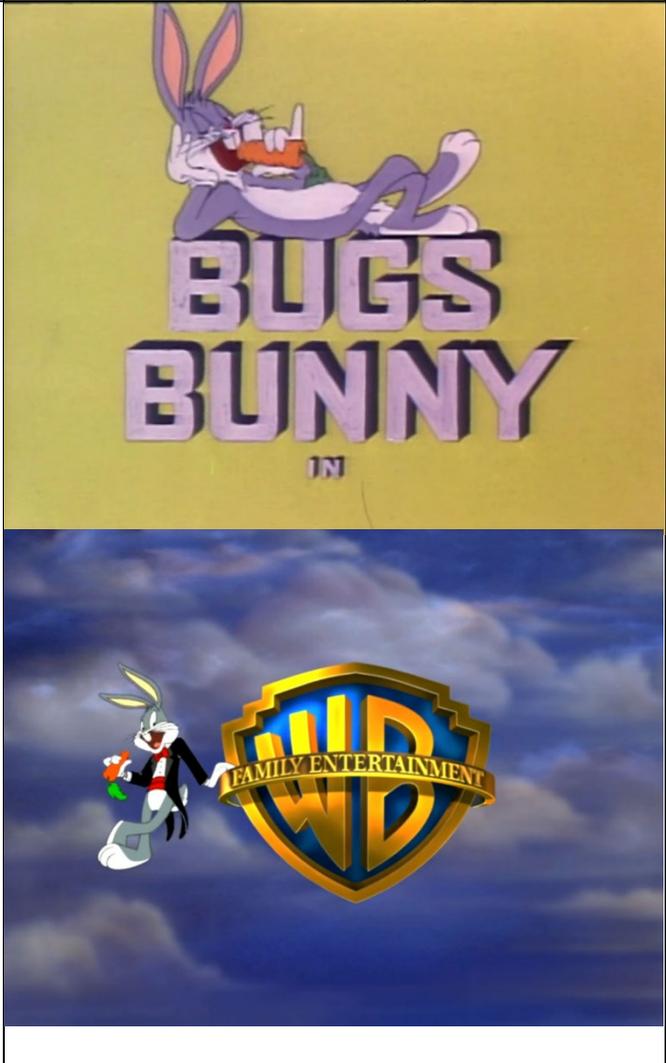
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1 85. Midjourney consistently and accurately reproduces, publicly displays, and  
2 distributes copies and derivatives of characters from Warner Bros. Discovery’s *Looney*  
3 *Tunes* properties to its subscribers. In response to a prompt asking to see “Bugs Bunny,  
4 Looney Tunes cartoon character,” Midjourney accessed the data about Warner Bros.  
5 Discovery’s Copyrighted Works that is stored by the Service and then reproduced, publicly  
6 displayed, and made available for download an image output that copies Warner Bros.  
7 Discovery’s Bugs Bunny, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
 A close-up, AI-generated image of Bugs Bunny. He is shown from the chest up, looking directly at the camera with a neutral expression. He has his characteristic grey fur, large white eyes, and prominent white teeth. The background is a soft, out-of-focus blue.	 An official image from Warner Bros. Discovery showing Bugs Bunny and Daffy Duck. Bugs is on the left, wearing a blue tank top with "Tune Squad" written on it. Daffy is on the right, wearing a blue suit and a black hat. They are standing in front of a colorful background with "TUNE SQUAD" visible. Below the image is a white rectangular area.

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1 86. In response to a prompt asking to see “Bugs Bunny, hand drawn animated  
 2 character,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
 3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
 4 available for download an image output that copies Warner Bros. Discovery’s Bugs Bunny,  
 5 as shown below:

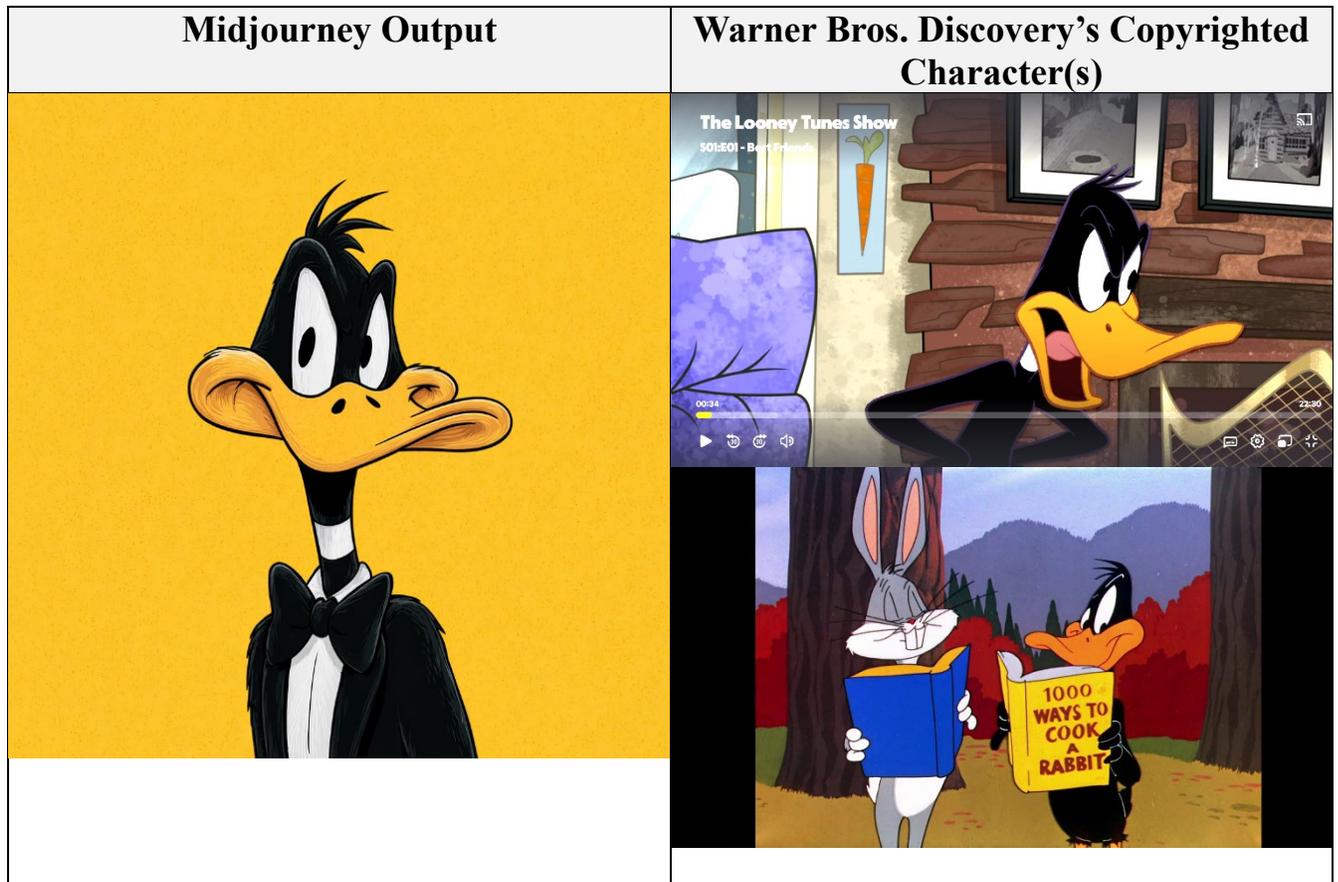
Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

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1 87. In response to a prompt asking to see “Daffy Duck, classic 2d animated  
2 character,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
4 available for download an image output that copies Warner Bros. Discovery’s Daffy Duck,  
5 as shown below:



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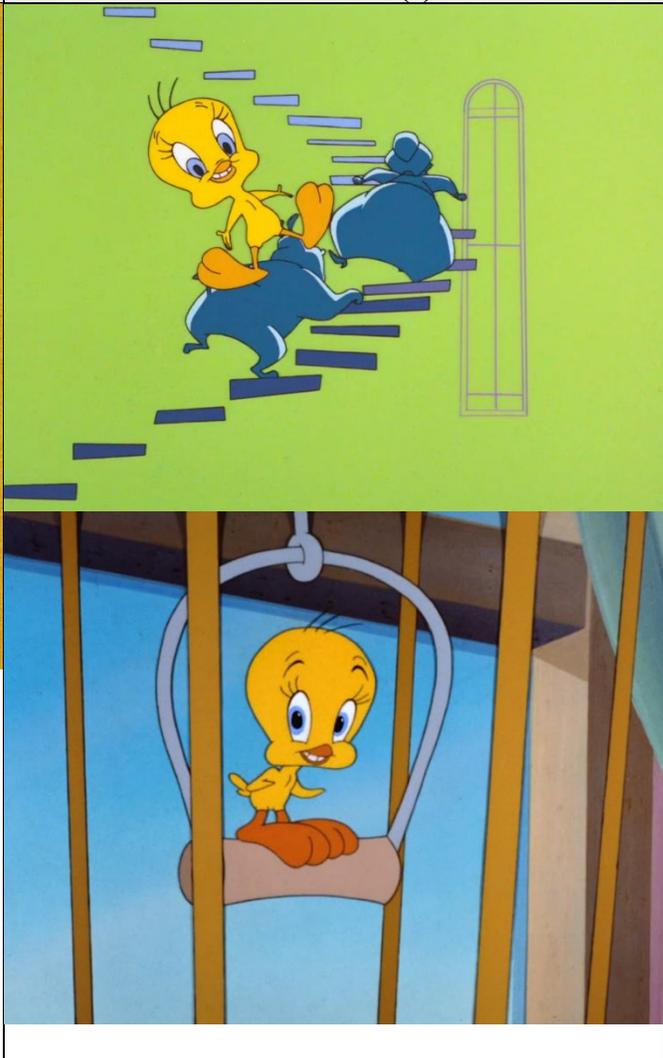
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1 88. In response to a prompt asking to see “Tweety, famous cartoon character, cel  
2 art,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted Works  
3 that is stored by the Service and then reproduced, publicly displayed, and made available  
4 for download an image output that copies Warner Bros. Discovery’s Tweety character, as  
5 shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

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89. Midjourney consistently and accurately reproduces, publicly displays, and distributes copies and derivatives of characters from Warner Bros. Discovery’s other animated properties to its subscribers. In response to a prompt asking to see “Tom Cat chasing Jerry Mouse, classic cartoon characters,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted Works that is stored by the Service and then reproduced, publicly displayed, and made available for download an image output that copies Warner Bros. Discovery’s Tom and Jerry characters, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

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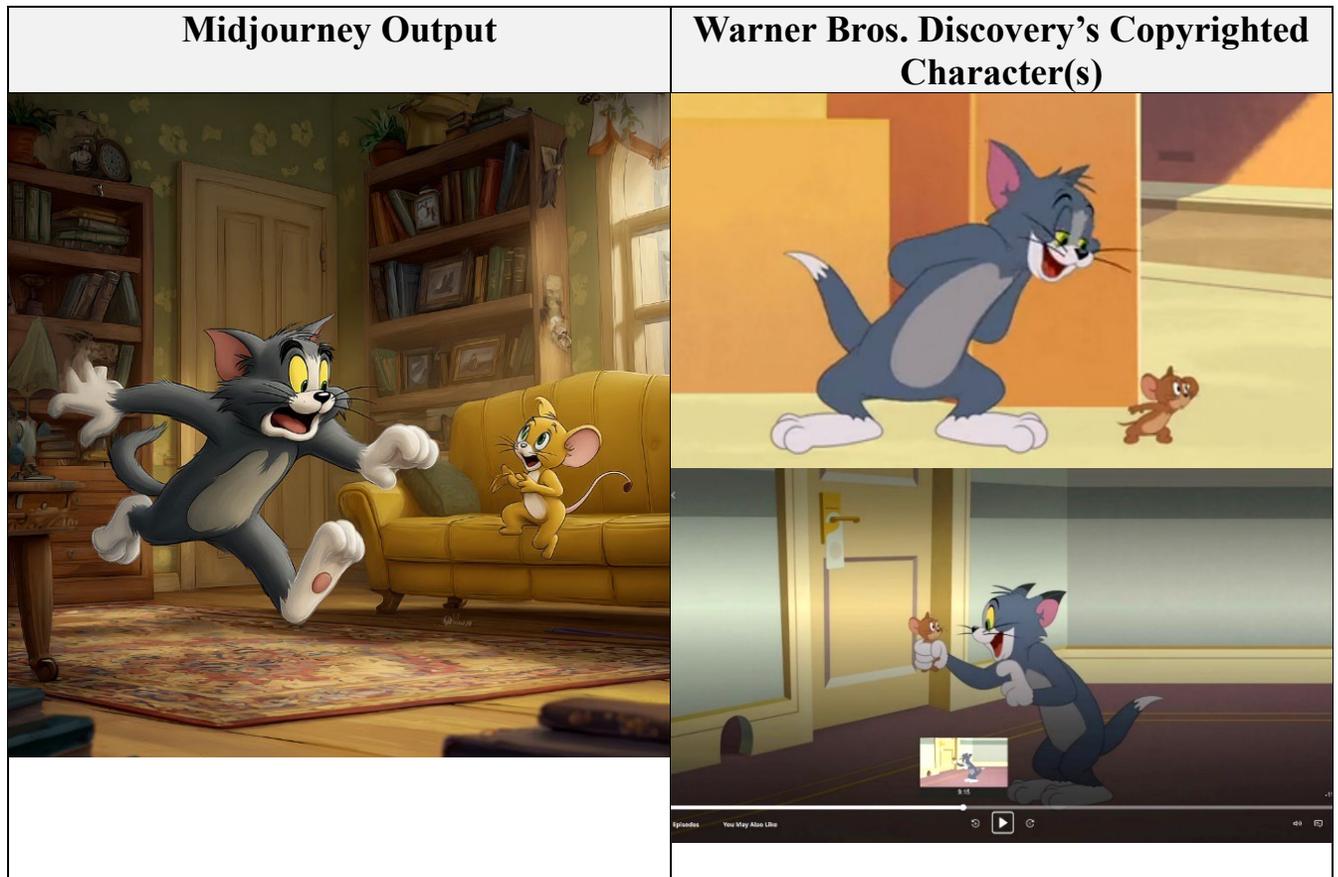
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1 90. In response to a prompt asking to see “Tom Cat chasing Jerry Mouse around  
2 a living room,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
4 available for download an image output that copies Warner Bros. Discovery’s Tom and  
5 Jerry characters, as shown below:



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1 91. In response to a prompt asking to see “Scooby-Doo animated character  
2 standing in a spooky room in an old house,” Midjourney accessed the data about Warner  
3 Bros. Discovery’s Copyrighted Works that is stored by the Service and then reproduced,  
4 publicly displayed, and made available for download an image output that copies Warner  
5 Bros. Discovery’s Scooby-Doo character, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
 An AI-generated image of Scooby-Doo sitting in a dark, spooky room with a window and a door. The character is rendered with realistic shading and texture, appearing to be in a 3D environment.	 The original cartoon image of Scooby-Doo sitting on a green carpet in a room with purple walls and a window.
 A blank white rectangular area.	 The original cartoon image of Scooby-Doo sitting on a green carpet in a room with purple walls and a window.

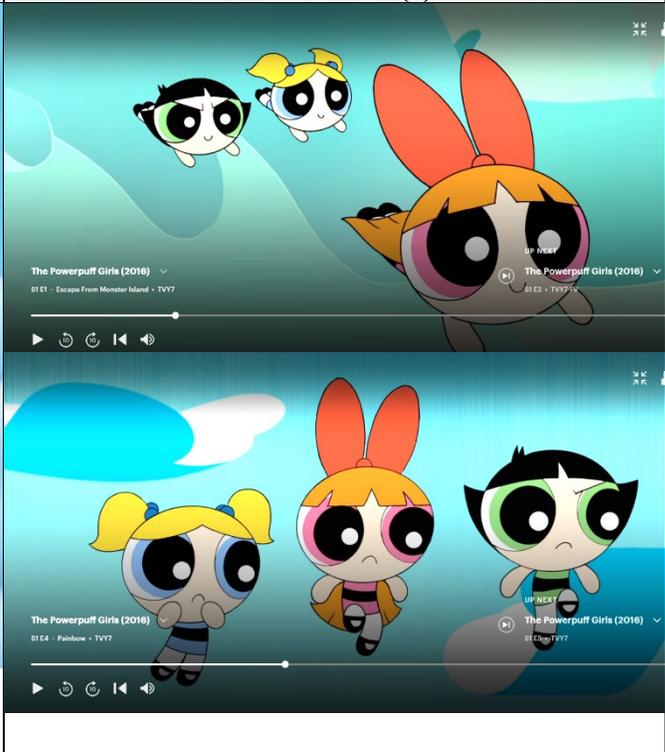
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1 92. Midjourney consistently and accurately reproduces, publicly displays, and  
 2 distributes copies and derivatives of characters from Warner Bros. Discovery’s Cartoon  
 3 Network properties to its subscribers. In response to a prompt asking to see “Bubbles,  
 4 Blossom, and Buttercup cartoon characters from Powerpuff Girls flying through the sky,  
 5 2000s style, 2d screencap,” Midjourney accessed the data about Warner Bros. Discovery’s  
 6 Copyrighted Works that is stored by the Service and then reproduced, publicly displayed,  
 7 and made available for download an image output that copies Warner Bros. Discovery’s  
 8 characters from *The Powerpuff Girls*, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

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1 93. In response to a prompt asking to see “Rick and Morty, animated TV show,  
2 screencap,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
4 available for download an image output that copies Warner Bros. Discovery’s Rick  
5 Sanchez and Morty Smith characters, as shown below:  
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7 Midjourney Output	8 Warner Bros. Discovery’s Copyrighted 9 Character(s)
 An AI-generated image of Rick Sanchez from the animated series Rick and Morty. He is depicted with his characteristic spiky blue hair, a white lab coat over a green shirt, and a wide-eyed, screaming expression. He stands in a dark, cavernous space filled with intense orange and yellow flames and falling fire.	 A screencap from the original animated series showing Rick Sanchez in a dark forest. He has the same spiky blue hair and white lab coat, and is shown with a wide-eyed, screaming expression, identical to the AI-generated image. The background consists of dark trees and foliage.

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1 94. In response to a prompt asking to see “Rick and Morty, animated TV show,  
 2 screencap,” Midjourney accessed the data about Warner Bros. Discovery’s Copyrighted  
 3 Works that is stored by the Service and then reproduced, publicly displayed, and made  
 4 available for download an image output that copies Warner Bros. Discovery’s Rick  
 5 Sanchez and Morty Smith characters, as shown below:

Midjourney Output	Warner Bros. Discovery’s Copyrighted Character(s)
	

22 95. As detailed in the introduction section above, Midjourney generates and  
 23 displays high quality, downloadable images featuring Warner Bros. Discovery’s  
 24 copyrighted characters, even when the prompt does not include a Warner Bros. Discovery  
 25 character by name.

26 96. Additionally, Midjourney consistently and accurately reproduces, publicly  
 27 displays, publicly performs, and distributes copies and derivatives of characters from  
 28 Warner Bros. Discovery’s Copyrighted Works by generating videos featuring Warner

1 Bros. Discovery characters, as illustrated by the screenshots below, which were generated  
2 by the Midjourney Service:



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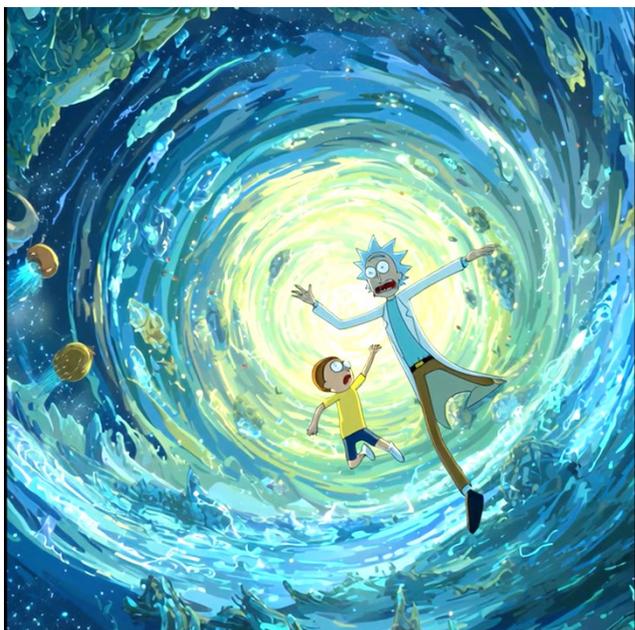
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13 97. As shown above, the outputs created by Midjourney are reproductions and  
14 derivative works of Warner Bros. Discovery’s valuable copyrighted characters. The  
15 outputs often contain extensive nuance and detail, background elements, costumes, and  
16 accessories beyond what was specified in the prompt. As explained below, Midjourney is  
17 able to reproduce, publicly display, publicly perform, and distribute these copies because  
18 Midjourney selected and copied Warner Bros. Discovery’s Copyrighted Works as part of  
19 the training process for its Service.

20 **(3) Midjourney Was Trained to Output Infringing Content.**

21 98. Midjourney’s ability to consistently generate infringing copies and  
22 unauthorized derivatives of Warner Bros. Discovery’s Copyrighted Works demonstrates  
23 that Midjourney, without Warner Bros. Discovery’s knowledge or permission, aggregated  
24 and copied Warner Bros. Discovery’s Copyrighted Works to train and develop its Service.  
25 It also shows that Midjourney’s Service, through software programming and computer  
26 storage devices, embodies “copies” of those works, as that term is defined in Section 101  
27 of the Copyright Act, in the AI software that powers the Service. On information and  
28 belief, and unbeknownst to Warner Bros. Discovery, Midjourney developed and trained its

1 Service on copyrighted works, including Warner Bros. Discovery’s Copyrighted Works to  
2 help ensure that it is able to reproduce, publicly display, and distribute faithful, high-quality  
3 copies and derivative works of the works it trained on, including Warner Bros. Discovery’s  
4 Copyrighted Works. On information and belief, Midjourney trains on video of Warner  
5 Bros. Discovery’s Copyrighted Works to replicate, among other things, the expressive  
6 motion of its copyrighted characters.

7 99. Based on the facts and circumstantial evidence alleged in this Complaint and  
8 common knowledge about the process for creating a generative AI service like Midjourney,  
9 Warner Bros. Discovery is informed and believes that Midjourney engaged in the following  
10 conduct to train its Service:

11 a. *First*, Midjourney gathered the underlying works to be used to train the  
12 Service. To do so, Midjourney downloaded from the internet, and other sources, content  
13 using tools variously described as bots, scrapers, streamrippers, video downloaders, and  
14 web crawlers. David Holz admitted that to collect the training data, Midjourney “pulls off  
15 all the data it can, all the text it can, all the images it can.”<sup>5</sup> Mr. Holz elaborated saying  
16 that Midjourney, “grabs everything they can, they dump it in a huge file, and they kind of  
17 set it on fire to train some huge thing.” Admitting even more, in a September 2022  
18 interview, Mr. Holz confirmed that Midjourney never sought any copyright content  
19 holders’ consent to copy and exploit their works.<sup>6</sup> The data gathered and copied by  
20 Midjourney to use in training its Service includes Warner Bros. Discovery’s Copyrighted  
21 Works.

22  
23 <sup>5</sup> James Vincent, ‘*An Engine for the Imagination*’: *The Rise of AI Image Generators, An*  
24 *Interview with Midjourney Founder David Holz*, THE VERGE (Aug. 2, 2022),  
25 [https://www.theverge.com/2022/8/2/23287173/ai-image-generation-art-midjourney-](https://www.theverge.com/2022/8/2/23287173/ai-image-generation-art-midjourney-multiverse-interview-david-holz)  
[multiverse-interview-david-holz](https://www.theverge.com/2022/8/2/23287173/ai-image-generation-art-midjourney-multiverse-interview-david-holz).

26 <sup>6</sup> Rob Salkowitz, *Midjourney Founder David Holz on the Impact of AI on Art,*  
27 *Imagination and the Creative Economy*, FORBES (Sept. 16, 2022),  
28 [https://www.forbes.com/sites/robsalkowitz/2022/09/16/midjourney-founder-david-holz-](https://www.forbes.com/sites/robsalkowitz/2022/09/16/midjourney-founder-david-holz-on-the-impact-of-ai-on-art-imagination-and-the-creative-economy/)  
[on-the-impact-of-ai-on-art-imagination-and-the-creative-economy/](https://www.forbes.com/sites/robsalkowitz/2022/09/16/midjourney-founder-david-holz-on-the-impact-of-ai-on-art-imagination-and-the-creative-economy/).

1           b.     *Second*, to prepare the data for ingestion, Midjourney “cleaned” the  
2 copies of the underlying works that were collected in the previous step through a filtering  
3 process and reformatted (e.g., converted them to a common technical format) the copies  
4 that were not filtered out in the cleaning process to train its Service. This step necessarily  
5 included creating more copies of the materials obtained in the gathering phase, such as a  
6 new copy of each reformatted item (including Warner Bros. Discovery’s Copyrighted  
7 Works).

8           c.     *Third*, Midjourney then used the collected and cleaned data and  
9 Copyrighted Works to “train” its Service. Although the specifics of this training phase  
10 have not been disclosed by Midjourney, and will be the subject of discovery in this action,  
11 Midjourney’s ability to repeatedly use the data stored in its software system to reproduce,  
12 publicly display, publicly perform, and distribute further copies of Warner Bros.  
13 Discovery’s Copyrighted Works for its subscribers demonstrates that Midjourney’s  
14 training of its generative AI model involved the fixation of copies of Warner Bros.  
15 Discovery’s Copyrighted Works in a tangible medium from which the work can be  
16 perceived, reproduced, or otherwise communicated with the aid of a machine or device.  
17 On information and belief, and based on Midjourney’s terms of use, Midjourney also trains  
18 on the outputs it has generated for its subscribers. Midjourney’s process of training and  
19 making multiple copies of Warner Bros. Discovery’s Copyrighted Works was done without  
20 Warner Bros. Discovery’s approval or authorization.

21           100. In other words, Midjourney used software, servers, and other technology to  
22 store and fix data associated with Warner Bros. Discovery’s Copyrighted Works in such a  
23 manner that those works are thereby embodied in the model, from which Midjourney is  
24 then able to generate, reproduce, publicly display, and distribute unlimited “copies” and  
25 “derivative works” of Warner Bros. Discovery’s works as defined by the Copyright Act.

26           101. Moreover, Midjourney repeats this process each time it trains and creates a  
27 substantially new version of its Service. With each major reiteration of its Service,  
28 Midjourney created a new model trained anew on Warner Bros. Discovery’s Copyrighted

1 Works without Warner Bros. Discovery's knowledge. For example, according to  
2 Midjourney's CEO, version 6 of Midjourney's image Service was actually the "third model  
3 trained from scratch." On information and belief, Midjourney will also repeat the training  
4 process each time it creates a substantially new version of its video Service.

5 102. Midjourney had to copy Warner Bros. Discovery's Copyrighted Works in  
6 order for it to be able to subsequently disseminate reproductions and derivatives of Warner  
7 Bros. Discovery's Copyrighted Works as outputs. Midjourney's unauthorized copying of  
8 Warner Bros. Discovery's Copyrighted Works to train its Service infringes Warner Bros.  
9 Discovery's copyrights in its Copyrighted Works.

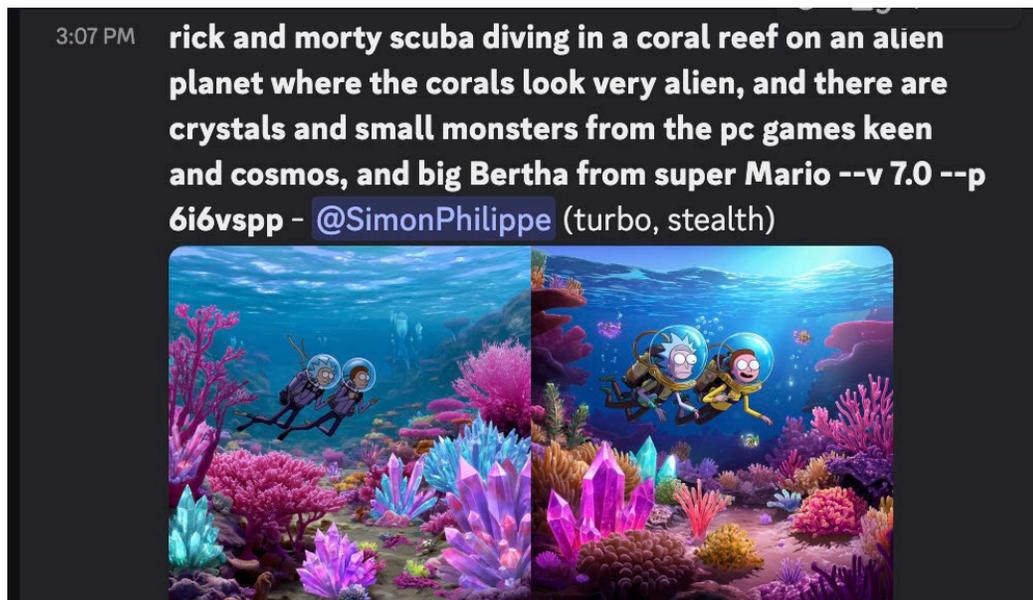
10 **(4) Midjourney's Public Display and Distribution of Warner Bros.**  
11 **Discovery's Copyrighted Works Is Pervasive and a Clear Draw for**  
12 **Its Subscribers.**

13 103. Once the training process is complete, due to Midjourney's massive copying  
14 of Warner Bros. Discovery's Copyrighted Works, and as a direct and intentional result of  
15 Midjourney's development and training, Midjourney's Service generates reproductions  
16 and derivatives of Warner Bros. Discovery's Copyrighted Works. Through its Service  
17 Midjourney is able to further reproduce, publicly display, publicly perform, and distribute  
18 image and video outputs that are identical or virtually identical to Warner Bros.  
19 Discovery's Copyrighted Works in response to simple prompts from subscribers.

20 104. As repeatedly shown above, the outputs created by Midjourney are copies and  
21 derivative works of Warner Bros. Discovery's valuable copyrighted characters. When a  
22 subscriber enters a prompt for an image of Batman, Tom and Jerry, Flash or any of Warner  
23 Bros. Discovery's countless copyrighted characters, Midjourney creates yet another copy  
24 of that character which it publicly displays, publicly performs, and/or distributes via  
25 download. These so-called outputs—which can appear in all sorts of different settings and  
26 engaged in any manner of actions—are copies and/or derivatives of Warner Bros.  
27 Discovery's copyrighted characters. Midjourney thus can generate an endless supply of  
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1 unlawful copies and derivative works that it can publicly display and distribute to  
2 subscribers on demand.

3 105. Midjourney's subscribers are undoubtedly drawn to the Service due to its  
4 ability to infringe Warner Bros. Discovery's Copyrighted Works. Midjourney's Discord  
5 server contains troves of images generated by the Service that consist of copies and  
6 derivatives of Warner Bros. Discovery's copyrighted characters. For example, a subscriber  
7 requested an image featuring Warner Bros. Discovery's Rick and Morty characters, and  
8 the Midjourney Service created and distributed the infringing image below.<sup>7</sup>



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27 <sup>7</sup>[https://discord.com/channels/662267976984297473/945077390839787570/1385018185](https://discord.com/channels/662267976984297473/945077390839787570/1385018185140539565)  
28 [140539565](https://discord.com/channels/662267976984297473/945077390839787570/1385018185140539565).

1 106. A subscriber requested an image featuring Batman and R2-D2, and the  
2 Midjourney Service created and distributed the infringing image below.<sup>8</sup>



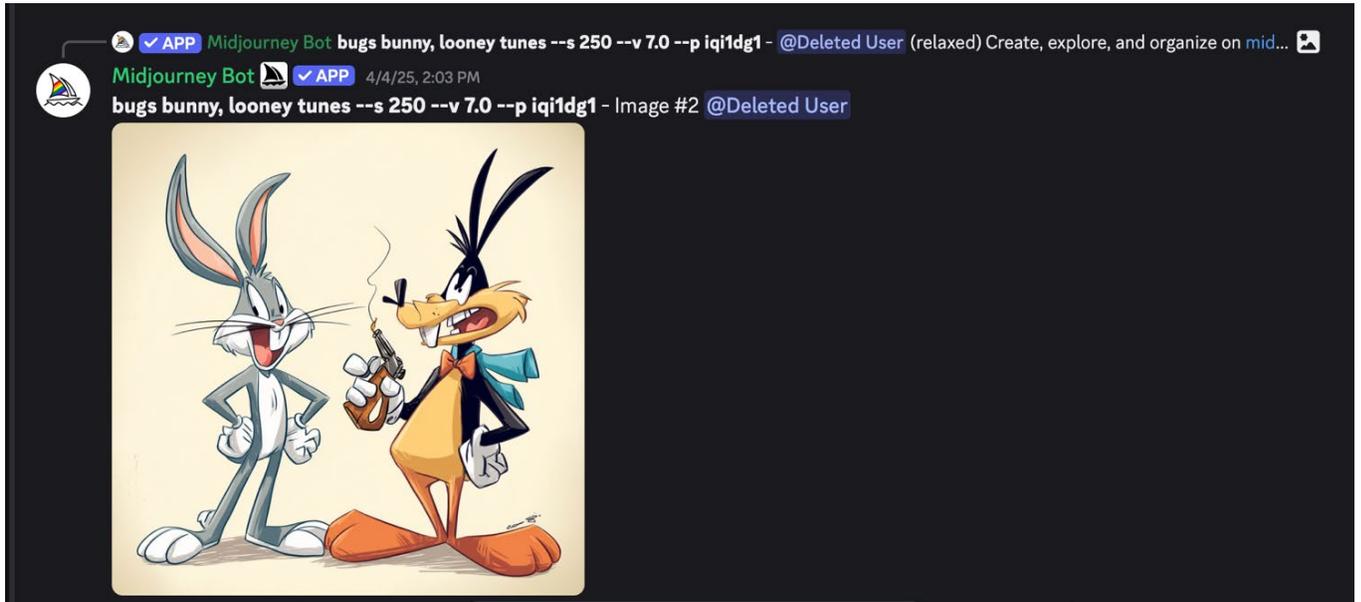
13 107. A subscriber requested an image featuring Shaggy and Scooby Doo, and the  
14 Midjourney Service created and distributed the infringing image below.<sup>9</sup>



26 <sup>8</sup><https://discord.com/channels/662267976984297473/941582479117127680/1394094954363752478>.

27 <sup>9</sup><https://discord.com/channels/662267976984297473/945077390839787570/1392613391339622511>.

1 108. A subscriber requested an image featuring Bugs Bunny, and the Midjourney  
2 Service created and distributed the infringing image below.<sup>10</sup>



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28 <sup>10</sup><https://discord.com/channels/662267976984297473/945077390839787570/1357822922957525052>.

1 109. Midjourney’s official Reddit page, also known as a subreddit, contains  
2 numerous infringing copies and derivatives of Warner Bros. Discovery’s copyrighted  
3 characters generated by its Service. For example, a Reddit user posted an image of  
4 “Upcoming Batman movie inspired by the ‘New Look’ era” to the r/Midjourney Subreddit,  
5 and received 177 “upvotes” and 13 comments.<sup>11</sup>



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26 <sup>11</sup> u/Larry-fine-wine, REDDIT (r/midjourney), *Upcoming Batman movie inspired by the*  
27 *‘New Look’ era*,  
28 [https://www.reddit.com/r/midjourney/comments/19b7wf0/upcoming\\_batman\\_movie\\_inspired\\_by\\_the\\_new\\_look\\_era/](https://www.reddit.com/r/midjourney/comments/19b7wf0/upcoming_batman_movie_inspired_by_the_new_look_era/).

1 110. Another Reddit user posted an image of “Superman’s bored” to the  
2 r/Midjourney Subreddit, and received 10 “upvotes”.<sup>12</sup>

3  r/midjourney · 26 days ago  
4 esmagik

5 **Superman's bored**

6 AI Showcase - Midjourney



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<sup>12</sup> u/esmagik, REDDIT (r/midjourney), *Superman’s bored*,

28 [https://www.reddit.com/r/midjourney/comments/1llu7op/supermans\\_bored/](https://www.reddit.com/r/midjourney/comments/1llu7op/supermans_bored/).

1 111. A Reddit user posted an image of “Batman” to the r/Midjourney Subreddit,  
2 and received 5 “upvotes” and one comment.<sup>13</sup>

3  **r/midjourney** • 2 yr. ago  
4 **bryanpotter**



### 5 **Batman**

6 Showcase



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28 <sup>13</sup> u/bryanpotter, REDDIT (r/midjourney), *Batman*,  
<https://www.reddit.com/r/midjourney/comments/15nsz6e/batman/>.

1 112. A Reddit user posted an image of “Superman is toast” to the r/Midjourney  
2 Subreddit, and received one comment.<sup>14</sup>

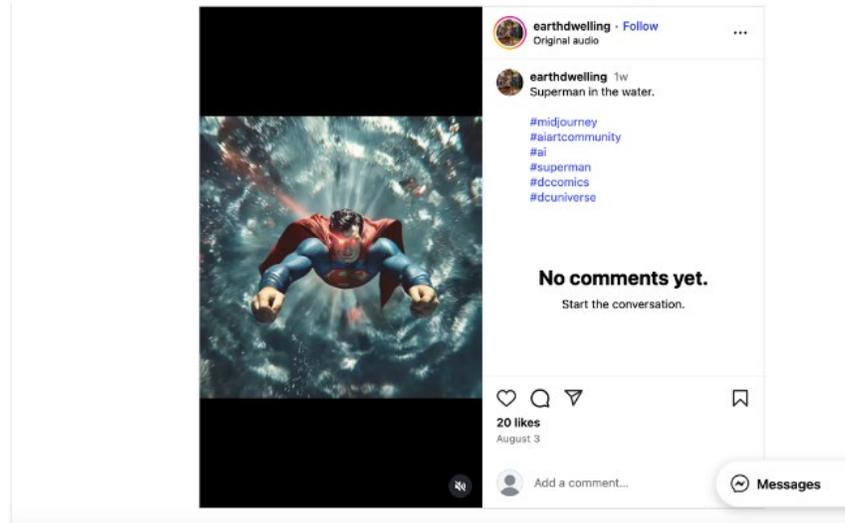


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17 113. Notably, that the examples above are on Midjourney’s own Discord server  
18 and its Midjourney Subreddit shows that Midjourney had actual knowledge of its Service’s  
19 infringement of the characters discussed above.

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27 <sup>14</sup> u/garbonzo00, REDDIT (r/midjourney), *Superman is toast*,  
28 [https://www.reddit.com/r/midjourney/comments/1ej78yl/superman\\_is\\_toast/](https://www.reddit.com/r/midjourney/comments/1ej78yl/superman_is_toast/).

1 114. There are also many posts on Instagram that feature infringing copies and  
2 derivatives of Warner Bros. Discovery's copyrighted characters generated by  
3 Midjourney's Service. For example, an Instagram user posted a video of Superman  
4 swimming.<sup>15</sup>



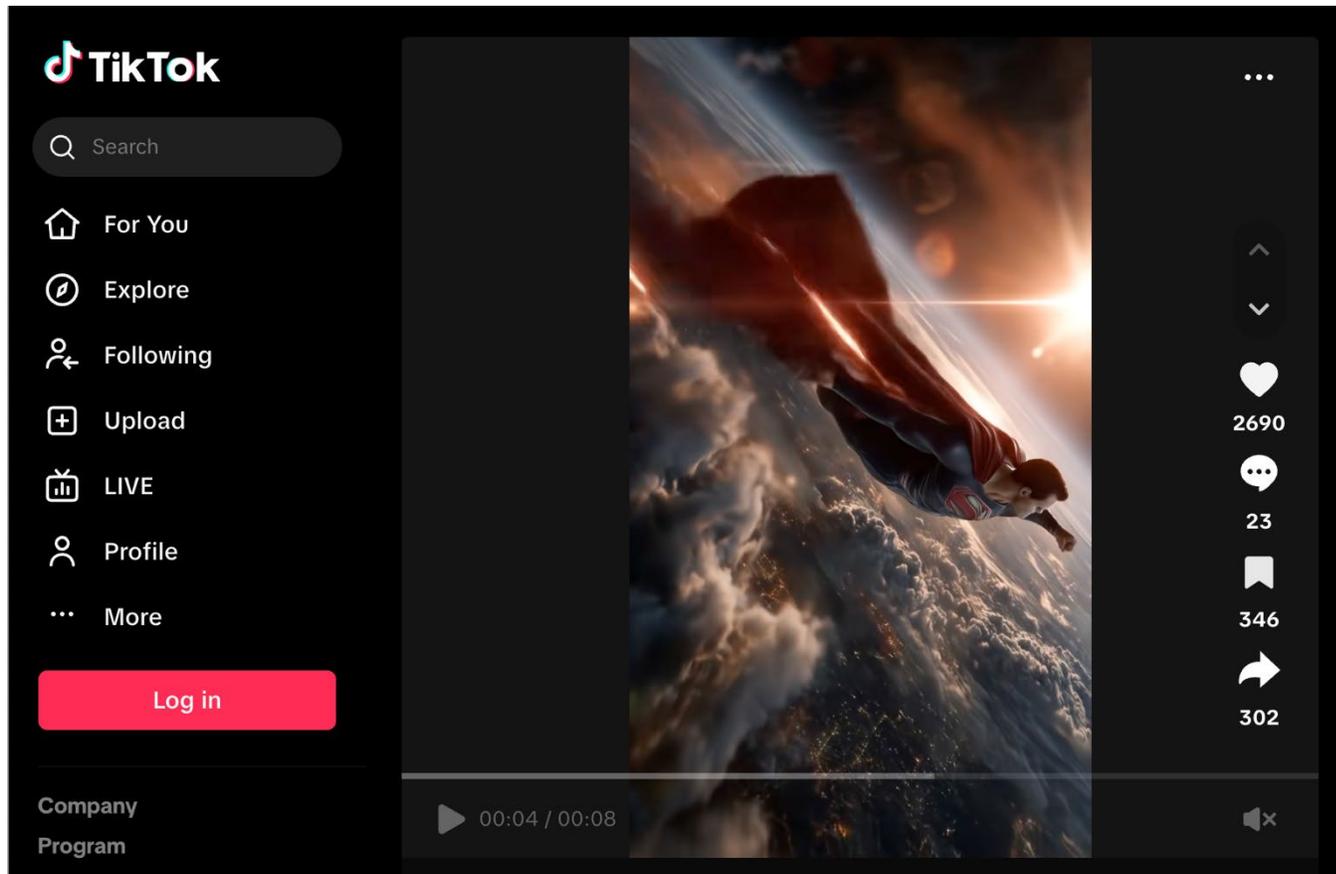
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15 115. Another user posted a video of the Warner Bros. Discovery's the Joker  
16 playing violin.<sup>16</sup>



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26 <sup>15</sup> @earthdwelling, INSTAGRAM, *Superman in the water* (Aug. 3, 2025),  
<https://www.instagram.com/earthdwelling/reel/DM4y0xiTDyp/>.

27 <sup>16</sup> @thejokerds, INSTAGRAM (July 1, 2025), [https://www.instagram.com/reel/DLkSp-](https://www.instagram.com/reel/DLkSp-yNvNb/)  
28 [yNvNb/](https://www.instagram.com/reel/DLkSp-yNvNb/).

1 116. One user of the social media app TikTok posted a video of Warner Bros.  
2 Discovery's Superman flying.



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1 117. A subscriber posted to the website PromptBase, displaying a number of  
2 infringing images of Warner Bros. Discovery's superheroes, including Batman, Superman,  
3 Flash and Aquaman, which were generated by Midjourney's Service.<sup>17</sup>



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28 <sup>17</sup> @alchemydesign, *Bruce Timm Animation Charadesigned*, PROMPTBASE, <https://promptbase.com/prompt/bruce-timm-animation-charadesigned>.

1 118. Another subscriber posted to PromptBase, displaying infringing images of  
2 Warner Bros. Discovery's Copyrighted Works, including Flash, Supergirl, Raven, Harley  
3 Quinn, and Aquaman, which had been generated by Midjourney's Service.<sup>18</sup>  
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22 119. Midjourney has faced widespread criticism for copying, publicly displaying,  
23 and distributing images of copyrighted works, including images of Warner Bros.  
24 Discovery's Copyrighted Works. AI researcher Gary Marcus and film artist Reid Southen  
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28 <sup>18</sup> @alchemydesign, *Alex Ross Iconic Covers Dc Comics*, PROMPTBASE,  
<https://promptbase.com/prompt/alex-ross-iconic-covers-dc-comics>.

1 published a research article detailing how Midjourney generates copyrighted works.<sup>19</sup> In  
2 that research article, Dr. Marcus and Mr. Southen detailed Midjourney’s ability to generate  
3 images that were essentially stills from Warner Bros. Discovery’s popular films *Batman v.*  
4 *Superman* and *The Dark Knight*, as shown below:

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7 **ORIGINAL**

**MIDJOURNEY V6**

popular movie screencap --ar 1:1 --v 6.0



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27 <sup>19</sup> Gary Marcus and Reid Southen, *Generative AI Has A Visual Plagiarism Problem*  
28 *Experiments With Midjourney And DALL-E 3 Show A Copyright Minefield*, IEEE  
SPECTRUM (Jan. 6, 2024), <https://spectrum.ieee.org/midjourney-copyright>.



12 120. *The New York Times* ran an article discussing the research article by Dr.  
13 Marcus and Mr. Southen, and revealed that *The Times* had approached Midjourney about  
14 the article but “Midjourney did not respond to requests for comment.”<sup>20</sup> *Business Insider*  
15 also ran an article discussing the research article and noted that it had reached out to  
16 Midjourney.<sup>21</sup> *The New York Times* and *Business Insider* articles indicate that Midjourney  
17 had actual knowledge of the copyright infringement of Warner Bros. Discovery’s  
18 characters detailed in the research article.

19 121. While Midjourney refused to comment to *The New York Times* or *Business*  
20 *Insider*, it reportedly punished Mr. Southen for criticizing Midjourney’s infringing Service.  
21 After Mr. Southen posted about Midjourney’s infringement of Batman and Joker on X,  
22

23 <sup>20</sup> Stuart A. Thomson, *We Asked A.I. to Create the Joker. It Generated a Copyrighted*  
24 *Image*, THE NEW YORK TIMES, (Jan. 25, 2024),  
25 <https://www.nytimes.com/interactive/2024/01/25/business/ai-image-generators-openai-microsoft-midjourney-copyright.html>.

26 <sup>21</sup> Lakshmi Varanasi, *Generative AI Models Can Now Create Replicas of Trademarked*  
27 *Characters With Prompts As Simple As ‘Videogame Italian’*, BUSINESS INSIDER, (Jan. 7,  
28 2024), <https://www.businessinsider.com/generative-ai-models-trademarked-characters-images-study-text-phrase-prompts-2024-1>.

1 Midjourney retaliated by “revoking Mr. Southen’s Midjourney privileges and wiping his  
2 history.”<sup>22</sup>

3 122. Midjourney’s response to criticism from Dr. Marcus and Mr. Southen further  
4 establishes that it had actual knowledge that the Service infringed Warner Bros.  
5 Discovery’s Batman and Joker characters and did nothing to prevent further infringement.

6 123. Further evidencing Midjourney’s knowledge that its Service infringed Warner  
7 Bros. Discovery’s copyrighted characters, Midjourney updated its Terms of Service to  
8 prohibit redteaming, the practice of testing an AI system for vulnerabilities such as the  
9 ability to infringe copyrights or generate outputs that may have ethical problems.<sup>23</sup>  
10 Midjourney then tried to cover its tracks by deleting discussion of this change from its  
11 Reddit channel.

12 124. As further evidence that subscribers are drawn to Midjourney’s Service  
13 because it distributes infringing copies of Warner Bros. Discovery’s copyrighted  
14 characters, there are marketplaces and forums where subscribers exchange tips about how  
15 to use the Service to download a variety of images featuring Warner Bros. Discovery’s  
16 copyrighted characters. These marketplaces and forums, as well as the articles, social  
17 media, and other postings discussed above, demonstrate as strong consumer desire to use  
18 Midjourney’s commercial Service as a source for reproductions of characters from Warner  
19 Bros. Discovery’s Copyrighted Works.

20 **(5) Midjourney Chooses to Not Take Reasonable Measures to Prevent**  
21 **Further Copyright Infringement.**

22 125. Midjourney could stop, or at least minimize, its ongoing copyright  
23 infringement. Specifically, in addition to discontinuing its large-scale infringement of the  
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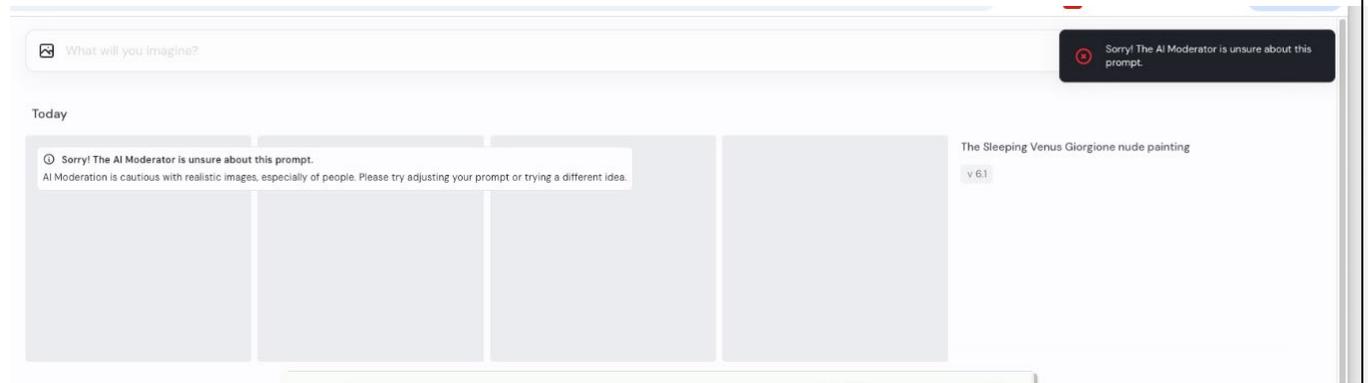
25 <sup>22</sup> Gary Marcus, *An Artist Fights Back, and Midjourney Has Embarrassed Themselves*,  
26 MARCUS ON AI, (Dec. 23, 2023), [https://garymarcus.substack.com/p/an-artist-fights-  
back-and-midjourney](https://garymarcus.substack.com/p/an-artist-fights-back-and-midjourney).

27 <sup>23</sup> See Gary Marcus (@GaryMarcus), X (Dec. 25, 2023, at 6:16 PM),  
28 <https://x.com/GaryMarcus/status/1739424884550254862>.

1 Copyrighted Works to train its models, Midjourney could readily implement copyright  
2 protection measures to prevent or limit infringing outputs.

3 126. Midjourney controls the outputs of its image and video Service, and it has the  
4 means to implement protection measures to prevent the ongoing reproduction, public  
5 display, public performance, and distribution of Warner Bros. Discovery’s works.  
6 Midjourney has demonstrated its ability to implement technological measures designed to  
7 prevent its distribution, public display, and public performance of certain images and  
8 videos. But Midjourney has chosen not to use them. For example, Midjourney has limited  
9 its technological protection measures for images to violence and nudity and offered no  
10 protections for copyright owners, even though Midjourney knows that it is infringing a  
11 multitude of copyrights, including those owned by Warner Bros. Discovery.

12 127. For example, if a Midjourney subscriber submits a prompt asking for images  
13 with violence or nudity, Midjourney’s protection measures cause a response that says  
14 “Sorry! The AI Moderator is unsure about this prompt. It might not meet our community  
15 guidelines or our AI moderation might have gotten confused. Please try a different one.”  
16 An example of this is shown below:



24 128. The error messages explain Midjourney’s “Community Standards,” which list  
25 four categories of prompts that Midjourney does not allow: (1) “Content that disrespects,  
26 harms, or misleads about public figures or events,” (2) “Hate speech, explicit or real-world  
27 violence,” (3) “Nudity or overtly sexualized images,” and (4) “Imagery that might be  
28 considered culturally insensitive.”

1 129. Midjourney’s Terms of Service further describe its prohibitions on “adult  
2 content,” “gore,” and “images for political campaigns,” and ask subscribers to “avoid  
3 making visually shocking or disturbing content.” The Terms of Service then explain that  
4 Midjourney “will block some text inputs automatically.”

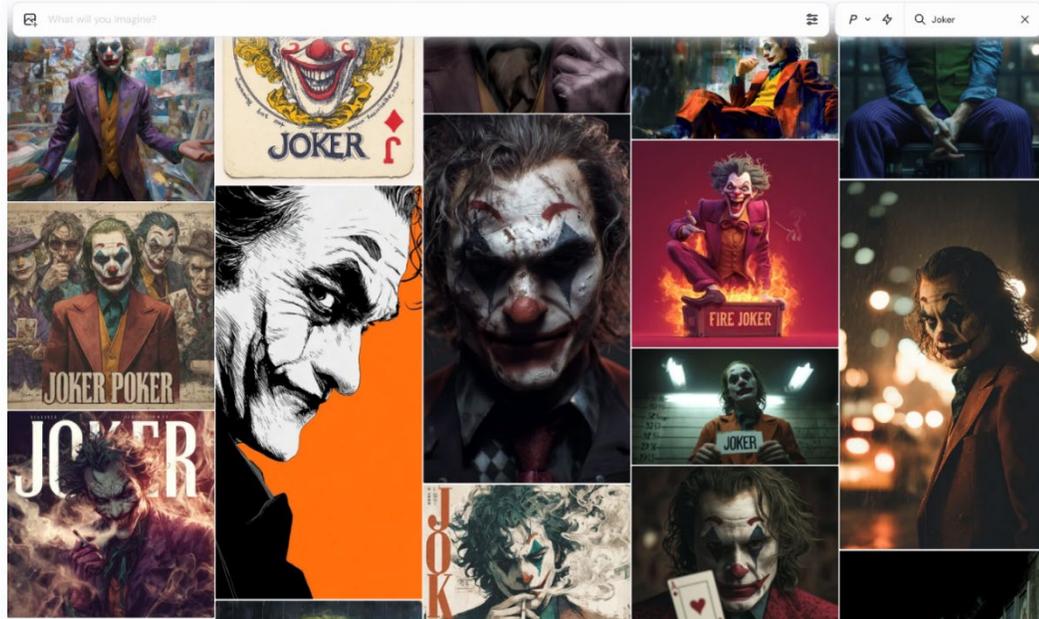
5 130. Midjourney’s knowledge of its ongoing infringement is apparent from  
6 Midjourney’s actions with respect to its video Service. As noted above, Midjourney  
7 initially deployed technology protection measures that to some degree prevented its  
8 distribution, public display, and public performance of infringing videos by refusing to  
9 “animate” infringing images that Midjourney generated, including images of Warner Bros.  
10 Discovery’s Copyrighted Works. On information and belief, these partial protections  
11 briefly existed on its video Service in response to a recent lawsuit filed against Midjourney  
12 by major movie studios and entertainment companies, Disney and Universal, alleging that  
13 the Service infringes their copyrights. Midjourney effectively conceded wrongdoing by  
14 instituting these measures, apparently to reduce its legal exposure.

15 131. But, inexplicably, Midjourney has recently reversed course and removed even  
16 those imperfect protections against its copyright infringement. Midjourney’s actions  
17 validate Warner Bros. Discovery’s concerns that Midjourney can and will remove  
18 copyright protection measures on a whim. Midjourney refuses to stop its infringement  
19 while many of Midjourney’s competitors have implemented technological measures to  
20 prevent the generation of infringing outputs.

21 132. Midjourney’s now abandoned attempts to institute some copyright protection  
22 measures that limit the Service from generating videos that feature Warner Bros.  
23 Discovery’s characters evidence Midjourney’s actual knowledge of the Service’s  
24 infringement of Warner Bros. Discovery’s characters. In other words, Midjourney could  
25 not have implemented these measures to block videos featuring specific copyrighted  
26 Warner Bros. Discovery’s characters unless it had actual knowledge that the Service  
27 infringed those characters.

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1 133. Midjourney's Explore page displays images and videos generated by the  
 2 Service to promote the Service and attract subscribers, including outputs that infringe  
 3 Warner Bros. Discovery's Copyrighted Works. Those outputs are sometimes searchable  
 4 by name, as shown below:

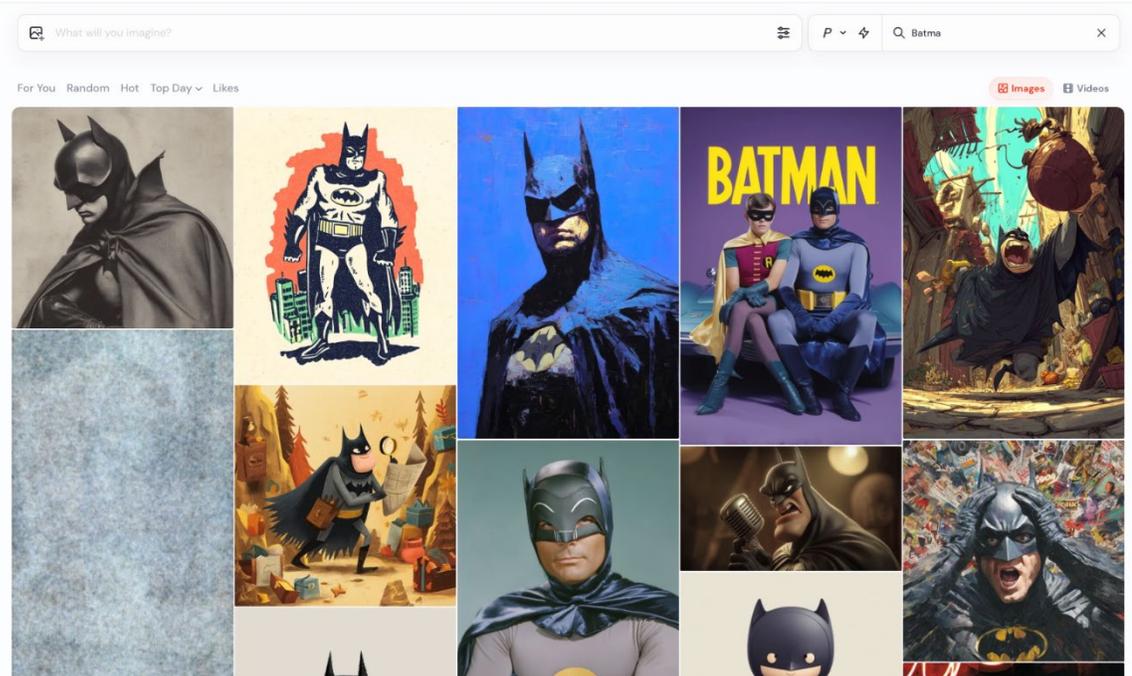


16 134. As evidenced from the above examples, the Explore page continues to feature,  
 17 publicly display, and distribute countless images that infringe Warner Bros. Discovery's  
 18 Copyrighted Works. However, similar to actions Midjourney has taken in the past to try  
 19 to conceal its infringement, including by terminating the account of a user investigating the  
 20 Service's infringing capabilities,<sup>24</sup> Midjourney implemented some suspicious and spotty  
 21 technical changes to its Explore page to make it harder to locate examples of its repeat  
 22 copyright infringement after Disney and Universal sued Midjourney for copyright  
 23 infringement.

24 135. Previously, if a subscriber searched for "Batman," the Explore page would  
 25 publicly display a trove of infringing copies of Warner Bros. Discovery's copyrighted  
 26

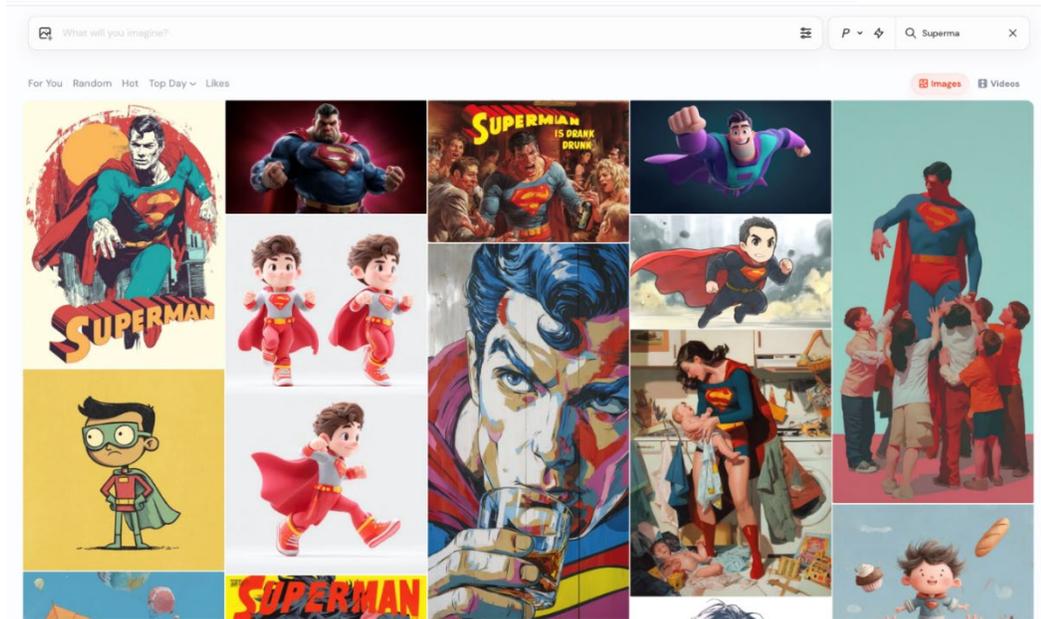
27 <sup>24</sup> Gary Marcus and Reid Southen, *Generative AI Has A Visual Plagiarism Problem*  
 28 *Experiments With Midjourney And DALL-E 3 Show A Copyright Minefield*, IEEE  
 SPECTRUM (Jan. 6, 2024), <https://spectrum.ieee.org/midjourney-copyright>.

1 Batman character that the Service had previously generated and distributed to subscribers.  
 2 After Disney and Universal filed their copyright infringement lawsuit, if a subscriber  
 3 searches the Explore page for “Batman,” the Explore page now displays a message that  
 4 says, “nothing to see right now.” But that is not accurate because when a subscriber  
 5 searches the Explore page for “Batma,” Midjourney displays infringing images of Warner  
 6 Bros. Discovery’s Batman character that Midjourney has generated and distributed to its  
 7 subscribers.

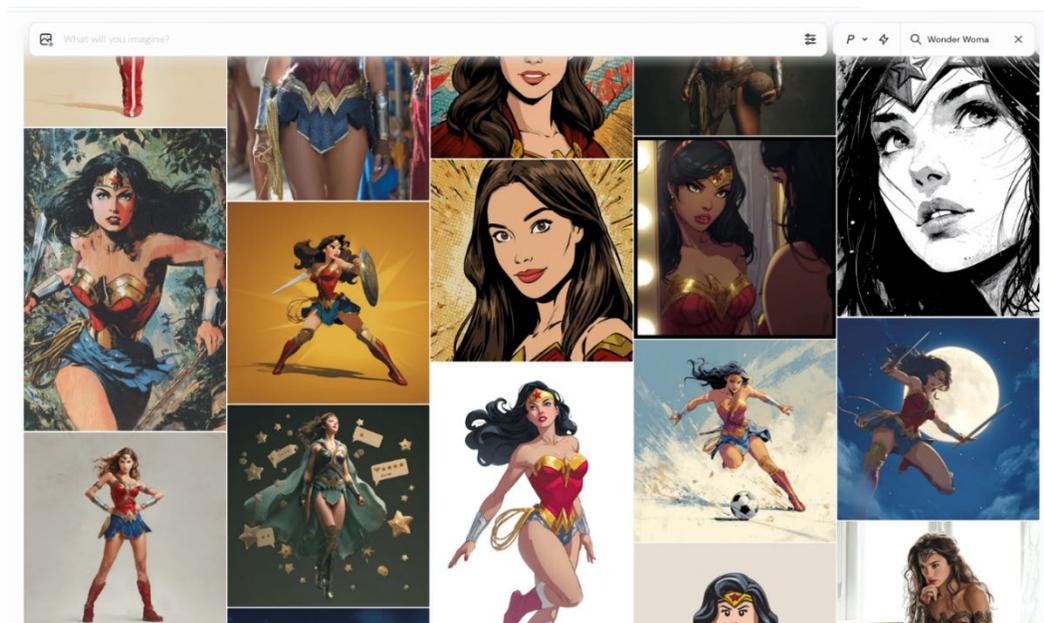


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 20 136. On information and belief, Midjourney curates and presents Explore page  
 21 search results that publicly display and make available for download images that infringe  
 22 Warner Bros. Discovery’s copyrighted characters. Midjourney’s publication and curation  
 23 of infringing images on the Explore page show that Midjourney knows that its platform  
 24 actually infringes Warner Bros. Discovery’s Copyrighted Works, and that the Explore page  
 25 is intended to advertise Midjourney’s ability to infringe the Copyrighted Works.

1 137. For example, on its Explore page, Midjourney also publicly displays  
2 infringing images of Warner Bros. Discovery's Superman character that Midjourney has  
3 generated and distributed to its subscribers:



15 138. Midjourney also publicly displays infringing images of Warner Bros.  
16 Discovery's Wonder Woman character that Midjourney has generated and distributed to  
17 its subscribers:





1 141. By maintaining and publicly displaying infringing copies of Warner Bros.  
2 Discovery's Copyrighted Works on its Explore page, Midjourney is advertising its ability  
3 to reliably reproduce Warner Bros. Discovery's Copyrighted Works for its subscribers.  
4 Midjourney's Explore gallery also demonstrates that Midjourney subscribers use  
5 Midjourney to view and/or download copies of Warner Bros. Discovery's Copyrighted  
6 Works.

7 142. Midjourney's Explore page manifests its express intention and desire to attract  
8 Midjourney subscribers (and increase its revenues) by exploiting the availability of  
9 infringing Warner Bros. Discovery content and its ability to reliably reproduce Warner  
10 Bros. Discovery's Copyrighted Works for its subscribers. And Midjourney further  
11 facilitates and encourages infringement by publicly displaying the prompts used to generate  
12 the images Midjourney displays on the Explore page, which encourages Midjourney  
13 subscribers to obtain similar results to those they find in the gallery. Midjourney also  
14 allows subscribers to drag generations displayed on the Explore page into the prompt bar  
15 to generate similar results as those featured on the Explore page.

16 143. The technical and copyright protection measures discussed above demonstrate  
17 that Midjourney controls, and has the ability to control, generative outputs through readily  
18 available technical protection measures. Midjourney's infringement of Warner Bros.  
19 Discovery's Copyrighted Works is manifestly willful. Despite having the ability to do so,  
20 Midjourney has affirmatively chosen not to use copyright protection measures to limit the  
21 infringement of Warner Bros. Discovery's Copyrighted Works by its Service. Indeed,  
22 despite temporarily adding some protection measures to the video Service, Midjourney has  
23 since removed those measures, and has not implemented such measures on its image  
24 Service, allowing its infringement to continue unabated by generating both infringing  
25 images and videos.

26 144. In contrast, other AI services have demonstrated that reasonable, readily  
27 available copyright protection measures can prevent or limit infringing generative AI  
28 outputs, including by training only on licensed copyrighted works, screening image outputs

1 for infringing material before the image is displayed to the subscriber, and by refusing to  
2 allow generations based on prompts likely to elicit infringing content.

3 145. Midjourney also makes clear in its Terms of Service that it has the ability to  
4 police and control the content its Service makes available, stating that it can terminate  
5 “access to and use of” the Service “for any user who engages in repeated acts of [copyright]  
6 infringement.”<sup>25</sup> However, given the extraordinary volume of outputs that infringe Warner  
7 Bros. Discovery’s Copyrighted Works, and that this provision was added in response to  
8 allegations regarding that infringement, it is clear that this provision is Midjourney’s way  
9 to retaliate against accounts that redteam its Service and to chill those efforts to expose  
10 infringement, rather than a good faith attempt to prevent or limit infringement.

11 146. If Midjourney is not enjoined, it intends to continue to develop and scale its  
12 Service, thereby enhancing its ability to infringe Warner Bros. Discovery’s Copyrighted  
13 Works. Indeed, in addition to recently launching Midjourney TV and its YouTube channel,  
14 this week, Midjourney’s CEO announced that Midjourney plans to continue deploying new  
15 versions of its Service.

16 147. Midjourney’s unlawful conduct has caused, and will continue to cause,  
17 substantial and irreparable harm to Warner Bros. Discovery, if it is not enjoined.

18 148. Warner Bros. Discovery exercises its exclusive rights to exploit and license  
19 (or not to license) its characters and intellectual property, including images and video clips  
20 of its Copyrighted Works, to develop and grow selected markets for its Copyrighted Works.  
21 Midjourney’s conduct usurps Warner Bros. Discovery’s control over the exercise of its  
22 exclusive rights in its Copyrighted Works, interfering with Warner Bros. Discovery’s  
23 exploitation and licensing strategies.

24 ///

25 ///

26  
27  
28 <sup>25</sup> See Terms of Service, MIDJOURNEY (June 23, 2025), *available at*  
<https://docs.midjourney.com/hc/en-us/articles/32083055291277-Terms-of-Service>.

1 149. Midjourney illegally and unfairly diverts consumers away from Warner Bros.  
2 Discovery's business which includes selling posters, wall art, prints, coloring books, and  
3 other products that contain images of the Warner Bros. Discovery's Copyrighted Works  
4 and the copyrighted characters therein.

5 150. Midjourney also illegally and unfairly competes with companies that license  
6 Warner Bros. Discovery's Copyrighted Works for the purpose of creating authorized  
7 derivatives, and undercuts those existing and potential licensing markets. Such companies  
8 negotiate licenses with Warner Bros. Discovery and abide by contractual restrictions in  
9 those agreements. Midjourney need not honor such contractual restrictions because it  
10 circumvents the licensing process altogether.

11 151. Midjourney is also contributing to consumer confusion regarding what is  
12 lawful and what is not lawful by misleading its subscribers to believe that Midjourney's  
13 massive copying and the countless infringing images and videos generated by its Service  
14 are somehow authorized by Warner Bros. Discovery.

15 152. Warner Bros. Discovery has no adequate remedy at law for the substantial and  
16 irreparable harm that Midjourney has caused and continues to cause. Midjourney must be  
17 held accountable for its vast, intentional, and unrelenting copyright infringement and  
18 enjoined from further infringing activities.

19 **FIRST CLAIM FOR RELIEF**

20 **(Direct Copyright Infringement)**

21 153. Warner Bros. Discovery incorporates herein by reference each and every  
22 averment contained in paragraphs 1 to 152 inclusive.

23 154. Warner Bros. Discovery owns the Copyrighted Works at issue, including  
24 those in the non-exhaustive, representative lists attached as Exhibit A, and has the exclusive  
25 right, among others, to reproduce, publicly display, publicly perform, distribute, and make  
26 derivative works under Section 106 of the Copyright Act.

1 155. Warner Bros. Discovery never authorized Midjourney to reproduce, publicly  
2 display, publicly perform, distribute, make derivatives of, or otherwise exploit its  
3 Copyrighted Works.

4 156. Midjourney has directly infringed Warner Bros. Discovery's Copyrighted  
5 Works by unlawfully reproducing, publicly displaying, publicly performing, distributing,  
6 and making derivative works based on Warner Bros. Discovery's Copyrighted Works, both  
7 in developing and training its Service, and in the outputs Midjourney generates for its  
8 subscribers.

9 157. Each act of infringement by Midjourney constitutes a separate and distinct act  
10 of infringement.

11 158. Midjourney's acts of infringement are willful, in disregard of and with  
12 indifference to Warner Bros. Discovery's rights.

13 159. Midjourney is purposefully exploiting Warner Bros. Discovery's valuable  
14 intellectual property to attract subscribers, and profiting by providing subscribers with  
15 countless copies and derivatives of Warner Bros. Discovery's Copyrighted Works.

16 160. As a direct and proximate result of Midjourney's infringement, Warner Bros.  
17 Discovery is entitled to damages and Midjourney's profits in an amount according to proof.

18 161. Alternatively, and at its election, Warner Bros. Discovery is entitled to  
19 statutory damages, up to \$150,000 per infringed work by virtue of Midjourney's willful  
20 infringement, or for such other amounts as may be proper under 17 U.S.C. § 504.

21 162. Warner Bros. Discovery is further entitled to recover its attorneys' fees and  
22 full costs pursuant to 17 U.S.C. § 505.

23 163. As a direct and proximate result of the foregoing acts and conduct, Warner  
24 Bros. Discovery has sustained and will continue to sustain substantial and irreparable  
25 injury, for which there is no adequate remedy at law. Unless enjoined and restrained by  
26 this Court, Midjourney will continue to infringe Warner Bros. Discovery's rights in its  
27 Copyrighted Works. Warner Bros. Discovery is entitled to injunctive relief under 17  
28 U.S.C. § 502.

1 **SECOND CLAIM FOR RELIEF**

2 **(Secondary Copyright Infringement)**

3 164. Warner Bros. Discovery incorporates herein by reference each and every  
4 averment contained in paragraphs 1 to 163 inclusive.

5 165. Warner Bros. Discovery alleges that Midjourney is the direct copyright  
6 infringer of the Copyrighted Works at issue in this litigation. However, in the event that  
7 Midjourney argues that it is not the direct infringer of Warner Bros. Discovery's  
8 Copyrighted Works, and that its own subscribers are somehow the direct infringers of the  
9 Copyrighted Works, then Warner Bros. Discovery pleads, in the alternative, that  
10 Midjourney is nevertheless liable for secondary copyright infringement.

11 166. Warner Bros. Discovery owns the Copyrighted Works at issue, including  
12 those in the non-exhaustive, representative lists attached as Exhibit A, and has the exclusive  
13 right, among others, to reproduce, publicly display, publicly perform, distribute, and make  
14 derivative works under Section 106 of the Copyright Act.

15 167. As alleged above, the unauthorized reproduction, public display, public  
16 performance, distribution, and creation of derivatives of Warner Bros. Discovery's  
17 Copyrighted Works through Midjourney's output infringes Warner Bros. Discovery's  
18 exclusive copyrights under Section 106 of the Copyright Act.

19 168. If Midjourney contends that its own subscribers are the volitional actors  
20 responsible for making the copies of Warner Bros. Discovery's Copyrighted Works  
21 identified in this Complaint, such copying was done (and is being done) without Warner  
22 Bros. Discovery's authorization or consent and constitutes copyright infringement under  
23 the Copyright Act.

24 169. Midjourney is vicariously liable for these acts of direct copyright infringement  
25 (assuming they are adjudicated to be direct infringement by Midjourney's subscribers).

26 170. Midjourney has the right and ability to supervise and/or control these acts of  
27 direct copyright infringement.  
28

1 171. *First*, Midjourney has the ability to control the copyright infringement at issue  
2 because Midjourney controls and selects which of Warner Bros. Discovery's Copyrighted  
3 Works are copied and used to train its Service. Midjourney had the right and ability to  
4 exclude Warner Bros. Discovery's Copyrighted Works from its training data.

5 172. *Second*, Midjourney has the right and ability to control the prompts from its  
6 subscribers that are submitted to its Service to generate an output and the ability to block  
7 subscribers who request infringing content.

8 173. *Third*, Midjourney has protection measures already in place that expressly  
9 block the generation of certain content (e.g., disrespectful images of public figures, hate  
10 speech, violence, nudity, and culturally insensitive information). Moreover, Midjourney's  
11 actions reflect that it has the capability to recognize infringing outputs, but in defiance of  
12 U.S. Copyright laws, has not implemented any measures to limit its Service from  
13 generating, publicly displaying, and distributing images infringing Warner Bros.  
14 Discovery's Copyrighted Works. This is the case even though such copyright protection  
15 measures are employed by a number of Midjourney's competitors.

16 174. As evidenced by the Explore pages featuring infringing Warner Bros.  
17 Discovery's Copyrighted Works, and subscribers' interest in using the Service to produce  
18 infringing copies of Warner Bros. Discovery's Copyrighted Works, the ability to use the  
19 Service to obtain copies of Warner Bros. Discovery's Copyrighted Works is plainly an  
20 attraction and a draw for subscribers.

21 175. At all relevant times, Midjourney has derived a direct financial benefit from  
22 each act of direct infringement at issue. Midjourney is a commercial service as Midjourney  
23 subscribers must pay to access the Service. Thus, Midjourney receives revenue from all of  
24 its subscribers. By providing more generations and features to subscribers with more  
25 expensive plans, Midjourney encourages its subscribers to pay more for its Service.  
26 Moreover, Midjourney surpassed \$200 million in revenue in 2023, and hit \$300 million in  
27 revenue in 2024, despite the company's relatively short existence. Midjourney reportedly  
28 had nearly 21 million subscribers as of September 2024. Midjourney's popularity and

1 economic success is directly tied to the popularity of its Service and its ability to reproduce,  
2 publicly display, publicly perform, and create derivatives of Warner Bros. Discovery's  
3 Copyrighted Works.

4 176. Midjourney is also secondarily liable for copyright infringement as a  
5 contributory infringer (if Midjourney contends that its subscribers are the ones making the  
6 infringing copies of Warner Bros. Discovery's Copyrighted Works identified in this  
7 Complaint) because Midjourney knowingly and materially contributes to, encourages, and  
8 induces such infringement.

9 177. Midjourney has specific knowledge of, or is willfully blind to, the direct  
10 infringement of Warner Bros. Discovery's Copyrighted Works done through its Service.  
11 At a minimum, Midjourney has knowledge of the direct infringement of Warner Bros.  
12 Discovery's Copyrighted Works through its ongoing relationship with its subscribers as  
13 Midjourney publicly displays the infringing copies, reproductions, and derivatives  
14 generated by its Service for its subscribers on the Midjourney Explore page. Midjourney  
15 had actual knowledge of the infringement when it instituted some copyright protection  
16 measures on its Service that limited the display and distribution of videos featuring Warner  
17 Bros. Discovery's copyrighted characters. Midjourney also had actual knowledge that its  
18 Service infringes Warner Bros. Discovery's copyrights when news outlets requested its  
19 comments on the Marcus and Southen research article exposing and criticizing the  
20 infringement. Midjourney also has specific knowledge that Warner Bros. Discovery is  
21 being harmed in this District by its infringement of Warner Bros. Discovery's Copyrighted  
22 Works.

23 178. Midjourney specifically designed its Service to encourage, contribute to, and  
24 induce the reproduction, public display, public performance, distribution, and preparation  
25 of derivative works of copyrighted works. As alleged above, Midjourney intentionally  
26 trained its Service to readily produce, display, and publicly perform reproductions and  
27 derivatives of Warner Bros. Discovery's Copyrighted Works. Midjourney would not be  
28

1 able to create such infringing outputs without its intentional design enabling that  
2 infringement.

3 179. Additionally, Midjourney has the means to take simple steps not to materially  
4 contribute to the specific infringing activity but fails to do so. Midjourney has failed to  
5 take reasonable, readily available, and cost-effective steps to purge its Service of Warner  
6 Bros. Discovery's Copyrighted Works identified in highly publicized articles that it had  
7 knowledge of, its own website promotional pages, and by its implementation of some  
8 copyright protection measures that limit videos featuring Warner Bros. Discovery's  
9 characters by its video Service. Even more, Midjourney has the right and ability to limit  
10 its Service's ability to copy, reproduce, publicly perform, and prepare derivatives of  
11 Warner Bros. Discovery's Copyrighted Works. Midjourney has failed to implement simple  
12 measures, such as copyright protection measures, that would limit its Service's ability to  
13 copy, reproduce, publicly perform, and prepare derivatives of Warner Bros. Discovery's  
14 Copyrighted Works despite the availability of such copyright protection measures and their  
15 use by other AI services.

16 180. Instead of taking simple, available steps to not materially contribute,  
17 encourage, or induce to the specific infringing activity, Midjourney actively facilitates the  
18 ongoing infringement through its actions above. As a direct and proximate result,  
19 Midjourney has secondarily infringed Warner Bros. Discovery's Copyrighted Works.

20 181. Each act of secondary infringement by Midjourney constitutes a separate and  
21 distinct act of infringement.

22 182. Midjourney's acts of secondary infringement are willful, in disregard of and  
23 with indifference to Warner Bros. Discovery's rights.

24 183. Midjourney is purposefully exploiting Warner Bros. Discovery's valuable  
25 intellectual property to attract subscribers to Midjourney, and it is profiting by providing  
26 subscribers with endless copies and derivatives of Warner Bros. Discovery's Copyrighted  
27 Works.

28

1 184. Midjourney has failed to take reasonable steps to prevent the copyright  
2 infringement of its subscribers. As a direct and proximate result of Midjourney's  
3 infringement, Warner Bros. Discovery is entitled to damages and Midjourney's profits in  
4 an amount according to proof.

5 185. Alternatively, and at its election, Warner Bros. Discovery is entitled to  
6 statutory damages, up to \$150,000 per infringed work by virtue of Midjourney's willful  
7 infringement, or for such other amounts as may be proper under 17 U.S.C. § 504.

8 186. Warner Bros. Discovery is further entitled to recover its attorneys' fees and  
9 full costs pursuant to 17 U.S.C. § 505.

10 187. As a direct and proximate result of the foregoing acts and conduct, Warner  
11 Bros. Discovery has sustained and will continue to sustain substantial and irreparable  
12 injury, for which there is no adequate remedy at law. Unless enjoined and restrained by  
13 this Court, Midjourney will continue to infringe Warner Bros. Discovery's rights in its  
14 Copyrighted Works. Warner Bros. Discovery is entitled to injunctive relief under 17  
15 U.S.C. § 502.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Warner Bros. Discovery prays for judgment as follows:

18 1. For Warner Bros. Discovery's damages and Midjourney's profits in such  
19 amount as may be found; alternatively, at Warner Bros. Discovery's election, for maximum  
20 statutory damages, or for such other amounts as may be proper pursuant to 17 U.S.C. §  
21 504(c);

22 2. For an accounting, the imposition of a constructive trust, restitution of  
23 Midjourney's unlawful proceeds from copyright infringement, and damages according to  
24 proof;

25 3. For preliminary and/or permanent injunctive relief enjoining and restraining  
26 Midjourney and all of its officers, agents, servants, and employees and all persons acting  
27 in concert or participation with Midjourney, from: (a) infringing Warner Bros. Discovery's  
28 exclusive rights under the Copyright Act by copying, publicly displaying, publicly



