

The Stock Photo Industry and Generative AI

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This Paper presents the evolution of and the effect of generative AI on the image licensing industry. The Paper discusses the history of the image licensing industry, then analyzes the value of the contemporary image licensing market, with a focus on the metadata associated with the images. It will provide analysis into the effects of the emergence of generative AI technology on the image licensing industry. The Paper synthesizes ideas presented at the 2024 Symposium of the Kernochan Center for Law, Media and the Arts.

I. HISTORY OF THE IMAGE LICENSING INDUSTRY

The stock photo industry has been around since the 1920s¹ and currently offers the media, design, advertising, and other uses of visual imagery a vast and diverse array of visual content readily available for licensing, with many different pricing models. The term “stock” is an industry phrase for visual content that already exists, and the common denominator of all image archives—whether historic imagery or contemporary content—is that the visual content file can be licensed by users for a broad range of purposes.² Visual content libraries serve both the editorial news and media industry with authentic photojournalism of news, culture, and sports, and these libraries provide the commercial advertising and marketing world with released images of models and properties that cover all types of commercial uses.

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1. Ivanna Attié, *The Impressive 100-Year History of Stock Photography: From Analog To AI*, STOCK PHOTO SECRETS (Sept. 13, 2024), <https://www.stockphotosecrets.com/stock-agency-insights/history-of-stock-photography.html> [https://perma.cc/4KM2-4YF8] [https://web.archive.org/web/20240930221120/https://www.stockphotosecrets.com/stock-agency-insights/history-of-stock-photography.html].

2. *Id.*

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A robust copyright system is essential to this industry, as the ability to license the same visual image for multiple purposes is the foundation of the business model. Stock photography or visual image licensing, as it often referred to as now, includes all forms of visual and audio-visual content, from photography, illustration, audio visual works, motion, vectors and 3D models. Today, this includes licensing the digital files and the metadata associated with them for AI training.

The early advantage of licensing stock as an image user is that you have access to and can research already existing imagery available for licensing. The alternative is to hire photographers or videographers for a unique assignment, which includes not only the creative fees of the photographer or videographer but also includes all the expenses of the shoot including location and travel fees, equipment rentals assistants, stylists, models, and post-production work. Factors such as weather and lighting conditions can add uncertainty and delays as well. This may be appropriate for unique brand imagery, which needs to be exclusive, but not necessary for many uses of images to illustrate publications, brochures, and other materials. Stock photography libraries also provided photographers with extra income based on licensing “outtakes,” as they would return with from a photo assignment with many rolls of film in the pre-digital age, and the publication would select only a few photographs to publish from each shoot, leaving the remainder of the shots unpublished.

The initial stock industry developed around companies that would organize these photographic slides or outtakes by subject and store them in file cabinets that could be searched by photo researchers.³ These photo researchers were familiar with the many specialty libraries that existed in the era of film, and would be on staff at these companies or hired by publishers. Such companies could include a textbook publisher to research various subjects and search the files of many places, borrow slides (which were the original film from the camera in most instances), make a selection for possible publication, and finally, return the borrowed slides after publication.

Many new wire or photojournalism companies provided publications with press prints, printed photographs made predominantly from black and white film taken by photojournalists. These photographs were stamped on the back by the wire service, delivered to publishers for publication, and then returned to the news service.⁴

In the 1980s and 1990s, commercial libraries expanded by the limitations of sending original film to publishers (which could be lost or damaged) by creating duplicate slides and sending prospective commercial customers large catalogs of sample images that were available for commercial use and that were produced by commercial

3. Jim Pickerell, *History of the Stock Photo Industry*, SELLING STOCK (Aug. 7, 2006), <https://www.selling-stock.com/Article/history-of-the-stock-photo-industry-0> [https://perma.cc/XNB8-GJUB] [https://web.archive.org/web/20250318082608/https://www.selling-stock.com/Article/history-of-the-stock-photo-industry-0].

4. Vet Collector, *Photography Class: It's What's on the Back (of Vintage News Photos) that Counts*, CHEVRONS & DIAMONDS (Dec. 13, 2019), <https://chevronsanddiamonds.org/2019/12/13/photography-class-its-whats-on-the-back-of-vintage-news-photos-that-counts/> [https://perma.cc/RPK2-SKLA] [https://web.archive.org/web/20250318083352/https://chevronsanddiamonds.org/2019/12/13/photography-class-its-whats-on-the-back-of-vintage-news-photos-that-counts/].

photographers who hired models and acquired broad releases for any commercial or advertising use.⁵ These commercial images were produced specifically for the purpose of being licensed by commercial users, such as advertising agencies, design companies, corporations, and more. The professional “stock photographer” and production houses were born. Licensed through large glossy print catalogs, customers could select images without the full expense of a photo shoot, the uncertainty of rain delays, or other failures.

In the 1990s, digital cameras became more accessible and less expensive, leading to higher-quality images being created digitally by photographers, as well as an increase in the scanning of film and slides.⁶ The digital revolution exploded and innovative technology companies such as PhotoDisc started selling commercial images on CD-ROMs licensed for broad commercial use.⁷ From the late 1990s to the early 2000s, many consolidations in the industry took place in which smaller specialty libraries were purchased by companies that had the resources to develop online platforms allowing users to search for images using keywords that were associated with the now digital images.⁸ Early pioneers in the industry were Getty Images, Corbis Corporation, Alamy, and others.⁹ In the mid-2000s through 2020, with the barriers to entry decreasing and less expensive digital cameras available, many “microstock” or user-generated stock companies were founded, such as iStock and Fotolia.¹⁰

II. THE CONTEMPORARY IMAGE LICENSING INDUSTRY

The image licensing industry continues to hold significant value in today’s digital age, as it provides a vast collection of millions of digital images that users can easily search for using keywords and that may be licensed on platforms that operate on a 24/7 basis. These contemporary image libraries function as aggregators that compile, verify, and curate large catalogs of image content that are wholly owned, owned by individual contributors, or licensed through other distributors.¹¹ This includes editorial news wire companies as well as commercial image libraries. Now, the larger image libraries license images through user-friendly online platforms with robust search capabilities. On their digital websites and platforms, these image libraries each host thousands of millions of

5. Pickerell, *supra* note 3.

6. *The Time-Travelling Camera: A Short History of Digital Photo Manipulation*, SCIENCE + MEDIA MUSEUM (June 16, 2021), <https://www.scienceandmediamuseum.org.uk/objects-and-stories/digital-photo-manipulation-history> [https://perma.cc/GR3J-PD3W].

7. Attié, *supra* note 1.

8. See Jim Pickerell, *Getty & PhotoDisc Merge*, *Selling Stock* (Sept. 24, 1997), <https://www.selling-stock.com/Article/getty-photodisc-merge> [https://perma.cc/2T5R-EH3H] [https://web.archive.org/web/20250318085244/https://www.selling-stock.com/Article/getty-photodisc-merge]; *Getty Images Acquires the Michael Ochs Archives, Offering Customers Easy Access To Extraordinary Imagery of 20th Century Music and Entertainment Legends*, GETTY IMAGES (Feb. 27, 2007), https://web.archive.org/web/20110711091018/http://company.gettyimages.com/article_display.cfm?article_id=151&isource=corporate_website_ind_press_release.

9. Attié, *supra* note 1.

10. *Id.*

11. See *id.*

images that are available for buyers to instantaneously search, license, download, and use. Alamy, for instance, has more than 390 million stock images.¹² Commercial images, as well as editorial images depicting the news, culture, and events, are all available at the fingertips of potential buyers.

Image licensing companies engage in a contractual relationship with contributors in which the company issues and manages licenses for their work. Other than staff photographers, which is more common with photojournalism, when a buyer purchases a license for images from an image library, the authors of the images earn a royalty, which is a percentage share of any license made in relation to their content.¹³ The value of the global image licensing industry is estimated at \$4 billion in 2023, and the value is projected to increase to \$7.16 billion in 2033.¹⁴

III. METADATA—A PICTURE IS WORTH A THOUSAND WORDS

The image licensing industry has developed and invested in very robust and accurate metadata associated with digital images that are stored in the companies' databases. This metadata is crucial in facilitating effective search and licensing of visual content. Metadata refers to the information embedded in the images that describes the depiction and content of a digital visual asset.¹⁵ Metadata typically includes keywords, titles, and descriptions, in addition to copyright information, creator details, and technical specifications.¹⁶ In the digital world, where millions of images exist and millions more are uploaded daily, metadata is an invaluable asset to categorize, organize, and ensure the deliverability of images. Additionally, accurate description of the images helps image licensing companies to cure potential bias in the representations in the image industry.

12. ALAMY, <https://www.alamy.com> [<https://perma.cc/TGA6-FVA7>] (last visited Feb. 15, 2025).

13. See Teresa Ciulla, *Making a Living as a Stock Photographer*, ENTREPRENEUR (June 15, 2021), <https://www.entrepreneur.com/starting-a-business/making-a-living-as-a-stock-photographer/339819> [<https://perma.cc/JR7T-QV3W>] [<https://web.archive.org/web/20250318090452/https://www.entrepreneur.com/starting-a-business/making-a-living-as-a-stock-photographer/339819>]; see also *Royalty Guides*, COMMUNITY WEBSITE <https://contributors.gettyimages.com/help/article/5191> [<https://perma.cc/5BKC-9KZB>] (last visited Mar. 18, 2025).

14. The Brainy Insights, *Stock Images Market Size Projected To Surge USD 7.16 Billion Growth by 2033, Exhibit a CAGR of 6%*, YAHOO FIN. (July 31, 2024), <https://finance.yahoo.com/news/stock-images-market-size-projected-230000097.html> [<https://web.archive.org/web/20250123172035/https://finance.yahoo.com/news/stock-images-market-size-projected-230000097.html>].

15. Kimmo Elo, *Big Data, Bad Metadata: A Methodological Note on the Importance of Good Metadata in the Age of Digital History*, in DIGITAL HISTORIES: EMERGENT APPROACHES WITHIN THE NEW DIGITAL HISTORY 103, 108 (Mats Fridlund et al., 2020).

16. Sharon D. Nelson & John W. Simek, *Metadata in Digital Photos—Should You Care?*, SENSEI ENTERS. (Sept. 9, 2013), <https://senseient.com/wp-content/uploads/09-09-13-Digital-Photo-metadata.pdf> [<https://perma.cc/86RG-VNE4>] [<https://web.archive.org/web/20250123172454/https://senseient.com/wp-content/uploads/09-09-13-Digital-Photo-metadata.pdf>].

The image industry is driven by the way its customers search. The metadata associated with each image is crucial for buyers to locate and license desired images. Without accurate and precise metadata describing the images, it would be nearly impossible for images to be discovered by a potential buyer. Keywords and titles associated with the photos and used for searching have become very sophisticated—they include not only descriptors of what an image literally depicts (such as the precise facts of core subject including ethnicity, gender, age or age range, and other descriptive characteristics such as clothing, hair color, and tattoos), but also the emotion, mood, and concept an image represents.¹⁷ An image buyer, when searching for a specific kind of image, can input keywords that describe a desired image—and even descriptors of mood and feeling an image invokes—to locate the best visual asset for the intended use. Some of the metadata is inputted by contributors who upload their images to the libraries. Adobe Stock, for instance, as well as others, trains its contributing authors to refine their input of metadata to be accurate and authentic to ensure discoverability and efficiency.¹⁸ The rich and descriptive metadata of the image thus maximizes the commercial potential of the images by allowing buyers to locate their desired images and encouraging licensing.

Accurate and robust metadata accompanying images not only effectuates precise and efficient searches but also allows image licensing companies to combat common biases in representation. The image licensing industry has long recognized that image search is prone to bias; search results often show images with one-sided racial and gender subjects.¹⁹ Major image licensing companies, sought to cure this issue by creating new libraries and filters to highlight diversity across race, gender, ability, and age.²⁰ Others, such as Adobe Stock, created the Adobe Stock Advocates program to support and commission images from photographers of underrepresented communities.²¹ Smaller image licensing companies, such as TONL, Mocha Stock, and PocStock were created with the mission to host diverse and representative imagery.²² In addition to curating

17. *Maximize Metadata To Get Discovered*, ADOBE (Nov. 7, 2024), <https://helpx.adobe.com/stock/contributor/help/artist-hub-migration/maximize-metadata-to-get-discovered.html>

[<https://web.archive.org/web/20250216005734/https://helpx.adobe.com/stock/contributor/help/artist-hub-migration/maximize-metadata-to-get-discovered.html>].

18. *Id.*

19. See Douglas Guilbeault et al., *Online Images Amplify Gender Bias*, 626 NATURE 1049 (2024).

20. See Kendra Barnett, *How Getty and Shutterstock Are Combating Algorithmic Bias To Make Marketing More Inclusive*, DRUM (Dec. 9, 2021), <https://www.thedrum.com/insight/2021/12/09/how-getty-and-shutterstock-are-combating-algorithmic-bias-make-marketing-more> [<https://perma.cc/Z7VT-6LXS>] [<https://web.archive.org/web/20240723231413/https://www.thedrum.com/insight/2021/12/09/how-getty-and-shutterstock-are-combating-algorithmic-bias-make-marketing-more>].

21. See Shoshana Gordon, *3. How Stock Images Can Reinforce Racism*, AXIOS (Nov. 13, 2021), <https://www.axios.com/2021/11/13/how-stock-images-can-reinforce-racism> [<https://web.archive.org/web/20240523195656/https://www.axios.com/2021/11/13/how-stock-images-can-reinforce-racism>].

22. *Id.*; *The Diversity Lens*, POCSTOCK, <https://www.pocstock.com/thediversitylens> [<https://perma.cc/B9UJ-VG5B>] [<https://web.archive.org/web/20250318102928/https://www.pocstock.com/thediversitylens>] (last visited Mar. 18, 2025).

libraries with visual content that focuses on highlighting diversity, image licensing companies have also added ethnicity filters in their search functions to facilitate more diversity in the search results.²³ Here, the importance of metadata is apparent—the precise keywords associated with the photos allow the filters to identify the characteristics of subjects in the photos and to therefore present diverse and representative images as options for buyers. Beyond the filters, metadata and its precise description of each image allow the companies to identify and surface images that depict people of different genders, ages, races through their search algorithms.²⁴ Lastly, keywords and descriptions inputted by individual contributors bring a diversity of worldviews, culture, and backgrounds onto an image licensing platform in and of themselves.²⁵

IV. AGE OF GENERATIVE AI

The presence of text-to-image AI models such as DALL-E, Midjourney, and Stable Diffusion has undoubtedly disrupted the image licensing industry. These AI tools have the capability to generate realistic images from text prompts, thus offering image users a comparably more affordable and faster alternative that seemingly gives them more control. In light of this recent technology's increasing ease of use and popularity, photographers and others in the creative industries fear that the image industry will cease to exist.²⁶ However, even though generative AI technologies might have the ability to offer some of the similar benefits that image licensing companies have been able to offer, the current generative AI technology's flaws, such as biased outputs and unreliable outputs, prevent it from replacing the image industry that offers trusted content and legal rights to use images. Furthermore, image licensing companies have been taking active steps to develop internal AI models as trusted image sources without some of the legal flaws of the open generative AI models and to engage in a newly imagined licensing market in order for stock images and generative AI tools to coexist in a controlled manner.²⁷

Text-to-image generative AI models take user inputs in the form of text prompts and produce imagery matching the description using machine learning.²⁸ Researchers

23. *Id.*

24. *See* Barnett, *supra* note 20.

25. *Id.*

26. *See* Katie Deighton, *The Last Stock Photographers Await Their Fate Under Generative AI*, WALL ST. J. (May 1, 2024), <https://www.wsj.com/articles/the-last-stock-photographers-await-their-fate-under-generative-ai-822d1e6a#> [<https://web.archive.org/web/20240930225940/https://www.wsj.com/articles/the-last-stock-photographers-await-their-fate-under-generative-ai-822d1e6a>].

27. *See* Matthew Smith, *Shutterstock Earned Over \$100 Million in Revenue Thanks in Part To Its AI-Powered Image-Generator Tool*, BUS. INSIDER (Dec. 14, 2024), <https://www.businessinsider.com/shutterstock-integrated-gen-ai-stock-digital-photo-video-content-service-2024-12> [<https://perma.cc/554N-FQCX>] [<https://web.archive.org/web/20250318103352/https://www.businessinsider.com/shutterstock-integrated-gen-ai-stock-digital-photo-video-content-service-2024-12>].

28. Ben Wodecki, *AI Image-Generation Models and Tools: The Ultimate List*, AI BUS. (July 25, 2023), <https://aibusiness.com/nlp/the-essential-list-ai-image-generation-models-and-tools>

train image-generating AI systems by feeding a computer system millions of images, typically scraped from the internet²⁹. The text descriptions that are associated with the images (i.e., the metadata) are also inputted for the system to recognize the relationship between the images and to interpret the database of words and pictures.³⁰ The technology used by popular text-to-image generative AI systems is called the “diffusion model,” which is algorithms that generate pieces of new work by iteratively refining an initial input.³¹ The idea behind the diffusion models is to “start with a random input . . . and then repeatedly apply a set of transformation rules, such as blurring, cropping, or color adjustments, to create new outputs that are similar to the training examples.”³²

Even though AI models can generate images quickly and on command, images produced by generative AI have been riddled with problems due to the way that they are trained. One of the most significant problems with AI generated images is that they parrot and perpetuate the biases found in the training data. As mentioned above, AI models are trained on a vast amount of internet data, which contains both accurate and inaccurate information, as well as societal and cultural biases.³³ The resulting images of a text-to-image interaction reflect and have the possibility to amplify that existing bias. An analysis of more than 5,000 images created with Stable Diffusion conducted by Bloomberg reveals the existence of AI racial, ethnic, and gender biases.³⁴ When Stable Diffusion was prompted to generate representation of workers for more than a dozen high-paying and low-paying jobs, the output images showed most subjects of high-paying jobs, such as politician, lawyer, judge, and CEO, as men with lighter skin tones.³⁵ Contrastingly, subjects with darker skin tones were generated to represent low-paying

[<https://web.archive.org/web/20250120165328/https://aibusiness.com/nlp/the-essential-list-ai-image-generation-models-and-tools>].

29. Gil Appel et al., *Generative AI Has an Intellectual Property Problem*, HARV. BUS. REV. (Apr. 7, 2023), <https://hbr.org/2023/04/generative-ai-has-an-intellectual-property-problem> [<https://perma.cc/5EZH-84JG>] [<https://web.archive.org/web/20250318103637/https://hbr.org/2023/04/generative-ai-has-an-intellectual-property-problem>].

30. Kevin Schaul et al., *AI Can Now Create Images Out of Thin Air See How It Works*, WASH. POST (Dec. 17, 2022), <https://www.washingtonpost.com/technology/interactive/2022/ai-image-generator/> [<https://web.archive.org/web/20250207043723/https://www.washingtonpost.com/technology/interactive/2022/ai-image-generator/>].

31. *Generative AI Art Tools Explained: Dall-E 2 and Stable Diffusion*, PERSONALIZATION (Jan. 15, 2023), <https://www.perzonalization.com/blog/generative-ai-art-tools-explained/> [<https://web.archive.org/web/20250207044123/https://www.perzonalization.com/blog/generative-ai-art-tools-explained/>] (last visited Feb. 7, 2025).

32. *Id.*

33. *When AI Gets It Wrong: Addressing AI Hallucinations and Bias*, MIT MGMT. SLOAN TEACHING & LEARNING TECHS., <https://mitsloanedtech.mit.edu/ai/basics/addressing-ai-hallucinations-and-bias/> [<https://perma.cc/9J44-QJMY>] [<https://web.archive.org/web/20250318104019/https://mitsloanedtech.mit.edu/ai/basics/addressing-ai-hallucinations-and-bias/>] (last visited Feb. 7, 2025).

34. Leonardo Nicoletti & Dina Bass, *Humans Are Biased. Generative AI Is Even Worse*, BLOOMBERG (June 9, 2023), <https://www.bloomberg.com/graphics/2023-generative-ai-bias/> (last visited Apr. 3, 2025).

35. *Id.*

jobs like social worker and fast-food worker.³⁶ Additionally, the majority of occupations in the output were dominated by men, except in low-paying jobs such as cashier and housekeeper.³⁷ Significantly, only two out of the three hundred images generated to represent engineer were of perceived women.³⁸ The glaring bias of AI output was worse than reality. For instance, according to the same Bloomberg analysis, when prompted with keyword “judge,” only 3% of the subjects in the generated images were perceivably women; however, in reality, 34% of U.S. judges are women.³⁹ Similarly, more than 80% of the images generated in response to the prompt “inmate” were people of darker skin, even though the Federal Bureau of Prisons reports that people of color make up less than half of the prison population in the United States.⁴⁰

Stable Diffusion was trained on an image-text dataset with more than five billion images and captions found on the internet.⁴¹ The datasets were scrapped programmatically from websites without any human curation.⁴² Other text-to-image AI models are trained in similar ways. Since AI models mimic the patterns in the training datasets,⁴³ AI models in turn can repeat and reinforce incorrect stereotypes and assumptions about race, class, age, and gender that exist in the original data. Furthermore, unlike curated images that contain accurate and detailed metadata in the form of keywords and descriptions, many images uploaded to the internet are stripped of that precise metadata. Therefore, datasets used to train AI most likely contain incomplete or inaccurate metadata, if any at all. The lack of strong metadata can lead to biased AI outputs that mirror the shortcomings of the training data. Furthermore, images generated by AI models are becoming increasingly indistinguishable from real photographs as technology advances. If these images, which often exaggerate stereotypes of race and gender, are used as training datasets for future models, the next generation of text-to-image AI could suffer from even greater bias.⁴⁴ This foreseeable vicious cycle can amplify biases with potentially significant negative consequences for society. Text-to-image AI systems’ biased outputs run the danger of perpetuating stereotypes, stalling progress towards greater equality in representation, and causing unfair treatment.⁴⁵ Another major issue is that generative AI models are trained on

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. *When AI Gets It Wrong: Addressing AI Hallucinations and Bias*, *supra* note 33.

44. Leonardo Nicoletti & Dina Bass, *supra* note 34.

45. *Id.* On top of biased outputs, AI generated images have become a source of disinformation and propaganda. A recent example concerned an image that showed a young survivor of Hurricane Helene. The image, glaring with telltale signs of AI images such as deformed limbs and blurriness, was AI-generated. However, the image received millions of views on social media and invoked emotional responses criticizing the Biden administration’s disaster responses. AI images similar to the previous example, especially used in the context of news reporting, can propel the spread of false information. See Huo Jingnan, *AI-Generated Images Have Become a New Form of Propaganda This Election Season*, NPR (Oct. 18, 2024), <https://www.npr.org/2024/10/18/nx-s1-5153741/ai-images-hurricanes-disasters-propaganda>

existing image-text datasets without crediting or compensating the contributors as original authors. Unlike the stock image licensing models where contributors receive a contracted royalty percentage with each license, no contractual relationship exists between content authors and the owners of AI tools. Since training datasets are scraped from the internet, most authors have not consented to, nor are they compensated for, their works being used in AI training. On the other hand, the AI image output can significantly reflect the look of the original training data, but the author of the original work would not receive credit.⁴⁶ Furthermore, training data of generative AI models may include information that is collected in violation of privacy laws.⁴⁷ For example, images scraped from the internet may have not obtained the necessary releases from individuals and properties that appear in the images. Contrastingly, commercial images have proper model and property releases that allow the visual assets to be displayed and licensed through image libraries' platforms.

V. A NEWLY IMAGINED LICENSING INDUSTRY

Image licensing companies have been taking various approaches towards the rise of generative AI technology. For instance, Getty Images has pursued litigation in which it claims that OpenAI has used the image libraries datasets to train its AI models without proper licenses.⁴⁸ However, despite the ongoing litigation and the uncertainty of its outcome, image libraries have incorporated generative AI models in their platforms with guardrails to ensure proper use.⁴⁹ Major image licensing companies have also licensed their images and metadata to AI companies for training purposes.⁵⁰ This reflects the image licensing industry's belief in generative AI as an innovative tool, but also its desire to maintain the licensing market that is based on contractual

[<https://perma.cc/3VN5-BT8T>]

[<https://web.archive.org/web/20250318105052/https://www.npr.org/2024/10/18/nx-s1-5153741/ai-images-hurricanes-disasters-propaganda>].

46. This is the basis of the Getty Images lawsuit against OpenAI.

47. Dana Mancuso, *Privacy Considerations for Generative AI*, U. ILL. URBANA-CHAMPAIGN (July 17, 2023), <https://cybersecurity.illinois.edu/privacy-considerations-for-generative-ai/> [<https://perma.cc/V8EW-BV9A>]

[<https://web.archive.org/web/20250207045541/https://cybersecurity.illinois.edu/privacy-considerations-for-generative-ai/>].

48. Matt O'Brien, *Photo Giant Getty Took a Leading AI Image-Maker To Court. Now It's Also Embracing the Technology*, AP NEWS (Sept. 25, 2023), <https://apnews.com/article/getty-images-artificial-intelligence-ai-image-generator-stable-diffusion-a98eeaaeb2bf13c5e8874ceb6a8ce196>

[<https://web.archive.org/web/20250207050300/https://apnews.com/article/getty-images-artificial-intelligence-ai-image-generator-stable-diffusion-a98eeaaeb2bf13c5e8874ceb6a8ce196>].

49. See *AI-Generated Content on Shutterstock: Contributor FAQ*, SHUTTERSTOCK CONTRIBUTOR SUPPORT, https://support.submit.shutterstock.com/s/article/Shutterstock-ai-and-Computer-Vision-Contributor-FAQ?language=en_US (last visited Mar. 18, 2025).

50. See Matt Growcott, *All the Photo Companies that Have Struck Licensing Deals with AI Firms*, PETA PIXEL (Apr. 11, 2024), <https://petapixel.com/2024/04/11/all-the-photo-companies-that-have-struck-licensing-deals-with-ai-firms/> [<https://perma.cc/S7BW-W3SA>]

[<https://web.archive.org/web/20250318105711/https://petapixel.com/2024/04/11/all-the-photo-companies-that-have-struck-licensing-deals-with-ai-firms/>].

transactions. More significantly, contractual licensing of images with accurate metadata mitigates the concerns of biases and privacy violations that proliferate in image-text AI models and ensures contributing authors are fairly compensated for the use of their works.

Image licensing companies, recognizing the value of the licensable datasets (i.e., images and robust metadata), have created a newly imagined relationship with AI companies through contractual licensing. Getty Images has partnered with Nvidia to build its own image generator trained exclusively using Getty Images' library and data with requisite permissions.⁵¹ On its platform, Getty Images' users can input prompts to generate visual assets and customize specific element of an image licensed from the library. Users also have the option to upload their own photos to use as reference images. Getty Images ensures its users that its AI tool would produce "unique, legally protected" images that are commercially safe, since Getty Images' high-quality datasets are the only training material.⁵² Adobe offers its own AI generator Firefly that can be used with its creative suite of design products.⁵³

Another image company, vAlSual, has an innovative take on datasets. It created synthetic content with broad biometric releases, built its own legally clean dataset marketplace for the AI industry and offers custom dataset services.⁵⁴ There exists a strong licensing model for the images along with the associated metadata as companies recognize the value in licensing trusted and curated datasets.

This newly imagined licensing market between the image libraries and AI companies creates a more controlled way to utilize AI tools that is less hostile towards artists. Firstly, these licenses transform the way that image-generating AI models are trained: from data scraped without permission to high-quality images with rich and accurate metadata licensed from the authors and image licensing companies. This alleviates some of the fundamental issues of generative AI, such as biases and privacy law violations, because training images have obtained appropriated releases and are accompanied by precise keywords and descriptions. Furthermore, by engaging in a contractual relationship with AI companies to license images and metadata in their database, image licensing companies have the power to establish guardrails on what datasets are used, how these datasets are used, the purpose of such use, and how creatives are compensated. The guardrails in turn prevent unethical practices in generative AI and ensure fair compensation for contributors. Contents generated through these AI models, with the involvement of image licensing companies, are more reliable in their quality and integrity.

51. AI, GETTY IMAGES, <https://www.gettyimages.com/ai> [https://perma.cc/8WGX-HFBY] [https://web.archive.org/web/20250207050620/https://www.gettyimages.com/ai] (last visited Feb. 7, 2025).

52. *Id.*

53. *Adobe Firefly*, ADOBE, <https://www.adobe.com/products/firefly.html> (last visited Feb. 7, 2025).

54. *See About Us*, VAISUAL, <https://vaisual.com/about/> [https://perma.cc/8XG5-VKSG] [https://web.archive.org/web/20250207052000/https://vaisual.com/about/] (last visited Feb. 7, 2025).