

AI and Artistic Style Imitation: Emerging Copyright Implications

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Artificial intelligence (“AI”) now possesses the capability to replicate unique artistic styles associated with specific artists. This raises important questions regarding the copyrightability of artistic styles and whether existing copyright laws should be revised to protect artists from unauthorized imitation by AI systems.

Artistic expression has long been regarded as a way to translate a person’s thoughts and emotions into visual forms. Art consumers often engage with works not just for their aesthetic value, but to gain insight into how the artist thinks, perceives the world, and understands themselves. Over time, many renowned artists have developed distinctive styles that become closely associated with their identities. For example, consumers recognize Andy Warhol’s iconic style, which blends pop culture imagery with bold colors, repetition, and a commercial aesthetic. Similarly, Frida Kahlo’s distinctive surrealist self-portraits, rich with symbolic elements, delve into themes of identity and personal struggle.

Today, however, AI models can replicate these recognizable styles, often without human involvement or emotional connection. OpenAI, the developer of ChatGPT, recently released GPT-4o, an updated model available to paid subscribers, which can produce significantly more advanced images than earlier versions. Users have employed this tool to recreate images in the signature styles of their favorite artists, including 84-year-old Studio Ghibli director Hayao Miyazaki. His work is known for its unique hand-drawn animations, expressive characters, vibrant landscapes, and deep roots in Japanese folklore. Thousands of users—including ChatGPT CEO Sam Altman and even the White House—have prompted the model to create “Ghibli-style” images of everything from pets and celebrities to selfies, raising questions about authorship, originality, and the role of AI in creative expression.

Many artists fear that the replication of their artistic styles, especially without permission or licensing, could lead to economic harm. Mr. Miyazaki, himself, was shown a demonstration of an AI created animation in 2016. He was unimpressed, criticizing the work for its lack of emotional depth and calling it “an insult to life itself.”^[1] In response to growing concerns from artists, OpenAI recently announced that it has implemented a safeguard that prevents users from generating images in the style of living artists.^[2]

These recent developments in AI-generated content have sparked growing copyright concerns, particularly within the artistic community. Courts have clarified that using copyrighted works to train AI models without proper authorization may constitute infringement.^[3] At the same time, artistic style—no matter how recognizable or distinctive across a body of work—is typically not protected under copyright law.^[4] This is because copyright

protection extends only to “original works of authorship fixed in a tangible medium of expression,”^[5] not to abstract elements like style or technique. Nevertheless, legal issues may still arise when AI-generated content closely mimics an artist’s work to the point that it reproduces original and protectable features.^[6] If an AI output copies specific, expressive choices rather than merely evoking an artist’s general style, it may cross into infringement—raising complex questions about creativity and ownership.

Cullen and Dykman’s Intellectual Property team continues to monitor important developments in trademark and copyright law. Should you have any questions about this legal alert, please feel free to contact Karen Levin (klevin@cullenllp.com) at (516) 296-9110, Ariel Ronneburger (aronneburger@cullenllp.com) at (516) 296-9182, or Jordan Milite (jmilite@cullenllp.com) at (516) 296-9128.

This advisory provides a brief overview of the most significant changes in the law and does not constitute legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient.

Footnotes

[1] Manhattan Project for a Nuclear Free World, *Hayao Miyazak’s thoughts on an artificial intelligence*, <https://www.youtube.com/watch?v=ngZ0K3lWKRC> (2016).

[2] Lee Chong Ming, *OpenAI just made it harder to turn your pics into Studio Ghibli-style images*, <https://www.businessinsider.com/openai-chatgpt-studio-ghibli-style-images-generation-grok-claude-genai-2025-3> (March 27, 2025).

[3] *Thomson Reuters Enter. Ctr. GmbH v. Ross Intel. Inc.*, 2025 U.S. Dist. LEXIS 24296, *1 (D. Del. 2025); See Karen Levin, Ariel Ronneburger, Jordan Milite, *The Evolving Role of AI in Copyright Law*, <https://www.cullenllp.com/blog/the-evolving-role-of-ai-in-copyright-law/> (March 25, 2025).

[4] *Dr. Seuss Enters., L.P. v. Penguin Book USA, Inc.*, 924 F. Supp. 1559, 1568 (D. Ca. 1996) (citing Richard A. Posner, *When is Parody Fair Use?*, 21 J. Legal Stud. 67, 68 (1992) (“[A] writer’s general style established across a body of work is not copyrightable.”)).

[5] 17 U.S.C. § 102(a).

[6] See *Sunham Home Fashions v. Pem-America, Inc.*, 2002 U.S. Dist. LEXIS 24185, *18 (SDNY 2002) (“a particular layout for a design may be original and protectible.”) (citing *Boisson v. Banian, Ltd.*, 273 F.3d 262 (2d Cir. 2001)).

Practices

- Intellectual Property

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