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Publishers and Authors File Class Action Lawsuit Against Meta and Zuckerberg for Willful Copyright Infringement to Develop Llama AI Models

Today five major publishing houses, Elsevier Inc.; Cengage Learning, Inc.; Hachette Book Group, Inc.; Macmillan Publishing Group, LLC d/b/a Macmillan Publishers; and McGraw Hill LLC; and the best-selling author Scott Turow (the “Plaintiffs”); filed a putative class action lawsuit against Meta and its founder and CEO, Mark Zuckerberg (the “Defendants”), for willful infringement of millions of textual works, including literature, educational works, and scholarly articles, to develop Meta’s Llama large language models. The Plaintiffs bring claims on behalf of themselves and a proposed class of similarly situated copyright owners with similar claims against Meta and Zuckerberg.

This suit is a unified effort by companies across the academic, education, and trade publishing sectors seeking to hold Meta and Zuckerberg responsible for their broadly damaging, self-interested misconduct. As the complaint details, the Defendants willfully defied the constitutional principles and well-established contours of the Copyright Act, which serves the public by incentivizing, rewarding, and protecting creative and intellectual authorship.

At issue in this case is the protection of invaluable intellectual property that belongs to authors and publishers, including tremendous works of fiction, nonfiction, children’s books, memoirs, and poetry, as well as educational works and scholarly articles that span thousands of subject areas and research developments. This case is the first AI action brought by major publishing houses, who have their own story to tell about Meta’s flagrant violation of their rights. The Plaintiffs seek to protect the integrity and enforceability of the copyright laws on which publishing and the public depend.

The complaint describes how Defendants stole millions of copyrighted works, at Zuckerberg’s direction, and then built a multibillion-dollar empire on the backs of publishers and authors. It describes how Meta, at Zuckerberg’s behest, downloaded unauthorized web scrapes of virtually the entire internet, including content that is available only by subscription, and torrented countless protected books and journal articles from notorious pirate sites, such as LibGen and Anna’s Archive. The Plaintiffs explain that Meta’s decisions to infringe were deliberate and expedient. Meta chose to live by its motto of

“move fast, and break things,” and now must be held accountable for what it broke, including the copyright laws.

As detailed in the complaint, Meta’s infringement harms the Plaintiffs and their markets for books and journal articles in multiple ways, including by undermining licensing markets and creating, in effect, “an infinite substitution machine.” It also alleges that Mark Zuckerberg, as Meta’s founder, chairman, CEO, and controlling shareholder, “is the guiding force behind Meta AI” and personally authorized and explicitly directed the infringement.

The case, captioned as *Elsevier Inc. et al. v. Meta Platforms, Inc. and Mark Zuckerberg*, was filed in the U.S. District Court for the Southern District of New York. The Plaintiffs seek monetary and injunctive relief against Defendants, including an order to destroy all infringing copies in defendants’ possession or control.

Key excerpts from the Complaint:

- In their effort to win the AI “arms race” and build a functional generative AI model, Defendants Meta and Mark Zuckerberg followed their well-known motto: “move fast and break things.” They first illegally torrented millions of copyrighted books and journal articles from notorious pirate sites and downloaded unauthorized web scrapes of virtually the entire internet. They then copied those stolen fruits many times over to train Meta’s multi-billion-dollar generative AI system called Llama. In doing so, Defendants engaged in one of the most massive infringements of copyrighted materials in history.
- While AI technology may be new, the legal principles at the center of this case are not. Copyright law applies to AI companies and their leaders, including Defendants, with the same force as every other company that has complied with these laws for decades. If left unaddressed, Defendants will continue to infringe Plaintiffs’ and the Class’s rights, cause broad and lasting damage to the publishing industry and authors, and weaken the incentive to create that is at the core of the Copyright Act. These facts are not a referendum on AI technologies, but rather their greedy and irresponsible deployment.
- Meta deliberately targeted books and journal articles because they possess characteristics uniquely useful to large language model (“LLM”) development, including length, narrative coherence, structural consistency, and professionally edited expression. Unlike fragmented and low-quality internet text, books train models on how to generate outputs that sustain complex arguments, develop characters and themes over time, organize material across chapters, and generate long-form prose that mirrors the quality and cadence of human-authored works. Journal articles are uniquely useful to LLM development for many of the same reasons: they form a highly curated, professional, trusted, and authoritative system of the expression of scientific research, built by the collaboration of leading scholars and publishers over centuries.

- The risk of Llama competing with texts written by human authors for sales and attention is not theoretical—it’s happening. One user describes prompting a “100-chapter fictional book” from “a single prompt using Llama 3.1 70B!” and celebrates that Llama can “Write entire scientific papers” and “Write entire educational textbooks (will those still be needed?).” Another writer released three books in three months and accidentally left in the published text an AI prompt asking it to “rewrite” passages “to align more with” the work of a specific, published author identified by name. Yet another prolific writer, who markets herself as an international bestseller and Amazon Top 10 seller, published 171 books in the last seven years and left a similar AI-prompted snafu in a published book.
- The harm from Defendant’s infringement is not limited to competing outputs. It also occurs at the point of ingestion, where Defendants copied copyrighted works as inputs to build a valuable commercial system without consent or compensation. That conduct appropriates the economic value of the works, eliminates a legitimate licensing market, and allows Defendants to free-ride on investments they did not make. This is precisely the type of harm that copyright is designed to prevent.

The Plaintiffs are represented by Oppenheim + Zebrak, LLP; Debevoise & Plimpton LLP; and Keller Rohrback L.L.P. These firms will work on the case on behalf of the putative class and plan to seek appointment as class counsel to represent all class members.

Read the full complaint [here](#).

About the Plaintiffs

The named plaintiffs are publishers Cengage Learning, Inc.; Elsevier Inc.; Hachette Book Group, Inc.; Macmillan Publishing Group, LLC d/b/a Macmillan Publishers; McGraw Hill LLC; and author Scott Turow.

The publisher plaintiffs publish and curate the important, beloved, and award-winning works of many of the world’s most acclaimed authors as well as leading educators and experts in various educational, scholarly, and scientific fields. They are global leaders who partner with brilliant authors to deliver works that educate, inform, and inspire every type of reader.

Author plaintiff Scott Turow is the author of 14 bestselling works of fiction, including *Presumed Innocent*, *Innocent*, *Identical*, *Testimony*, and *The Last Trial*. His books have been translated into more than 40 languages, sold more than 40 million copies worldwide, and have been adapted into movies and television projects.

Statements

Maria A. Pallante, President and CEO, AAP:

“The Association of American Publishers enthusiastically supports this important class action which abundantly illustrates that Meta made calculated decisions to enrich itself with literary properties that it did not create and does not own, when instead it could have partnered with publishers and authors. In this 250th year of the United States, let’s remember that creators and innovators have always worked together to achieve public progress, by inspiring, educating, informing, and empowering human beings. Meta’s mass-scale infringement isn’t public progress, and AI will never be properly realized if tech companies prioritize pirate sites over scholarship and imagination.”

Scott Turow, Author:

“All Americans should understand that the bold future promised by A.I., has been, to paraphrase the investigative writer Alex Reisner, created with stolen words. It is all the more shameful that these violations of the law were undertaken by one of the richest corporations in the world.”

Philip Moyer, President and CEO, McGraw Hill:

"We believe artificial intelligence has had and will increasingly have an important role in education and learning. But we also believe in protecting the foundational intellectual property rights of human authors around the globe who create original content. There is a vibrant market for AI companies to license intellectual property, and it is well established that AI models can be built and innovation can flourish without violating these rights."

Jon Yaged, CEO, Macmillan Publishers:

"The Copyright Act has long been the foundation for safeguarding intellectual property. That protection is needed now more than ever. It is unconscionable that one of the world’s most valuable companies chose to steal millions of works from creators for its own self-enrichment. By joining this suit alongside industry peers and authors, Macmillan Publishers is sending a clear signal that we will fight to protect our authors’ works and the established trust we have with our readers."

David Shelley, CEO, Hachette Book Group

“Copyright is the bedrock of all creative industries. Meta, and Mark Zuckerberg, chose not to compensate rights holders for the use of their works and, instead, downloaded pirated works to train their models in contravention of the long-standing copyright principle that creators must be compensated for their works. Sanctioning such a wholesale theft would be devastating to all authors and to the entire publishing industry. So I'm proud that we'll be standing up in this fight next to our long-time author Scott Turow, who has been not only an enduring talent in our industry, but also a strong advocate for authors throughout his career.”

Youngsuk Chi, Chairman, Elsevier

“We believe deeply in the promise of AI, and in the importance of building it on a foundation that respects authors, upholds trust, and sustains the global research and healthcare ecosystem. This action reflects a simple principle: that those who create and invest in the expression of knowledge should be supported by clear and consistent protections.”

Michael Hansen, CEO Cengage

“Artificial intelligence presents an immense opportunity. We see its impact in education today, expanding access, improving outcomes and better connecting learning to work. We fully embrace the potential of AI to deliver on the long-awaited promise of personalized learning. Strong intellectual property protections are fundamental to the innovation that makes this progress possible. As AI evolves, it must be developed and deployed in ways that respect and uphold these protections. The path forward is about building and scaling AI technologies responsibly, ensuring that the value created is shared fairly and that the integrity of published content remains strong for audiences everywhere.”