

Scraping, Copyright, and AI Development: New Copyright Claim Against OpenAI

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The litigation landscape around artificial intelligence (**AI**) is shifting, as major content producers and online forum operators are pursuing legal action against AI developers for allegedly scraping (i.e., accessing and copying) their copyrighted content without consent. On May 26, 2026, VerticalScope Inc. (**VerticalScope**), a technology company and owner of a cloud-based platform for enthusiast communities, filed a copyright infringement claim against OpenAI in Ontario.¹

VerticalScope claims OpenAI infringed copyright through scraping to train AI

VerticalScope is an Ontario-based technology company and owner of the popular online forums redtagdeals.com and autoguide.com. VerticalScope's digital catalogue of content posts is vast and protected by copyright. VerticalScope also creates professionally produced editorial, review, and other vertical content protected by copyright.

OpenAI creates and operates a series of AI products and services including its "Generative Pre-Trained Transformer" (**GPT**) models, the most common of which is the widely known ChatGPT. ChatGPT's large language model (**LLM**) functions and learns through consuming and analyzing enormous amounts of data acquired from across the internet.

VerticalScope asserts that its websites host a large volume of authentic, user-generated content from enthusiast communities. This content spans a wide range of topics through forum discussions where users review, compare, and recommend products and solutions, which VerticalScope says has distinct commercial value for training LLMs.

It further alleges that its copyrighted works were scraped by the OpenAI defendants, or by their third-party crawlers (i.e., parties that systematically access, download, and index websites to collect data), for use in training and enhancing commercial AI services. According to the claim, no corporate partnership or licensing agreement exists between VerticalScope and OpenAI governing the use of this content.

The action claims that the OpenAI defendants should be held liable for breaching the terms of use of VerticalScope's websites, infringing copyright in its owned works, and circumventing technological protection measures that control access to those works, contrary to the *Copyright Act*. It also alleges that the defendants have been unjustly enriched at VerticalScope's expense.

¹ *VerticalScope Inc v OpenAI Foundation* (26 May 2026), Toronto (ONSC) ([Statement of Claim](#), VerticalScope Inc).

Ontario court confirms jurisdiction over similar claim against OpenAI

VerticalScope's claim is the second non-class action copyright claim against OpenAI in Canada. The first arose in 2024, when news media outlets including the Toronto Star, The Globe and Mail, the Canadian Broadcasting Corporation and others jointly brought an action against U.S.-based OpenAI defendants for crawling and scraping the Plaintiffs' copyrighted web content for training their commercial AI services, including ChatGPT.²

OpenAI sought to stay or dismiss the proceeding against it on the grounds that Ontario was not the appropriate forum to hear the proceeding. The court held that the pleaded causes of action against six of the OpenAI defendants were within the court's subject matter jurisdiction and sufficiently connected to Ontario to allow the court to assume jurisdiction.³

AI-Related litigation: a growing trend

As commercial AI technologies become more widely adopted, litigation is increasing globally around the intellectual property and other legal implications of training and developing these systems. This includes high-profile breach of contract and copyright infringement claims against technology companies such as OpenAI, Microsoft, and Anthropic.

Although VerticalScope's claim is only the second of its kind in Canada, the court's willingness to assume jurisdiction may encourage creators of online content to reassess the business and commercial value of their content and to consider how best to address AI operators that use such content without compensation.

Our [Intellectual Property](#) team at BD&P continues to monitor these developments. If you have any questions or would like assistance, please reach out to any member of our team.

² *Toronto Star Newspapers Limited v OpenAI Inc*, 2025 ONSC 6217.

³ At the time of publication of this article, the ultimate outcome of this action has not been determined.