

GUIDE

Commercial use and copyright for AI images

What the US Copyright Office says about AI-generated images, and how vendor licences differ. Read the terms before you publish or sell.

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Two separate questions come up with AI images: may you use the image commercially under the tool's terms, and does the image have copyright protection. They have different answers, and both depend on the specific tool and plan. This is general information, not legal advice.

What the US Copyright Office says

The US Copyright Office runs an AI initiative and publishes reports on AI and copyright. Its Part 2 report, published on January 29, 2025, addresses the copyrightability of outputs created using generative AI. The Office's AI page describes the report series and later work on digital replicas (read 2026-11-13). The practical reading used across the industry: purely AI-generated images with no human creative input are unlikely to qualify for copyright on their own, while images with substantial human direction, selection or editing can. Registration decisions are made case by case. If copyright matters to your business, ask a lawyer before you rely on it.

What vendor terms say

Vendor terms are separate from copyright. They are a licence contract between you and the tool. Three real examples, read on 2026-11-13:

- **Stability AI Community License.** Allows research, non-commercial and commercial use of the core models for individuals and organizations that generate under $1M in annual revenue. Larger organizations need a different arrangement.
- **FLUX.1-dev.** The Hugging Face model card lists the licence as `flux-1-dev-non-commercial-license`. Images made with it are for non-commercial use unless you buy a commercial licence from Black Forest Labs.
- **FLUX.1-schnell.** The model card lists the licence as `apache-2.0`, an open licence that permits commercial use under its conditions.

The pattern to remember: the same vendor can ship one model under Apache-2.0 and another under a non-commercial licence. Check the licence on the exact model or plan you use, not the brand.

A checklist before you publish or sell

1. Find the terms for the specific model and plan. Each listing on this site links to the vendor's own source; always confirm on the vendor's own terms page.
2. Check whether commercial use needs a paid plan. Some tools allow it only above a tier.
3. Check what the terms say about training on your inputs and about ownership of outputs.
4. If you use an open model, read the model card licence on Hugging Face or the model's repository.
5. If you depict a real person's likeness, separate rules apply. Many vendors restrict or prohibit photorealistic images of real people. Read the terms and get consent where required.
6. Keep the vendor's terms page link and the date you read it with your project records.

Sources

All sources below were fetched and checked on 2026-11-13.

- US Copyright Office, Copyright and Artificial Intelligence, accessed 2026-11-13.
- Stability AI Community License, accessed 2026-11-13.
- FLUX.1-dev model card (Hugging Face), accessed 2026-11-13.
- FLUX.1-schnell model card (Hugging Face), accessed 2026-11-13.

Frequently asked questions

Can I sell an image made with an AI tool?

Often yes, but only under the tool's terms. Check the specific plan: some vendors allow commercial use only on paid plans, and some open models are non-commercial by licence.

Do I own copyright in an AI image?

The US Copyright Office's Part 2 report says copyrightability of AI outputs depends on how much human authorship they contain. This is not legal advice; ask a lawyer for your case.

Sources

copyright.gov — https://www.copyright.gov/ai/
stability.ai — https://stability.ai/license
huggingface.co — https://huggingface.co/black-forest-labs/FLUX.1-dev
huggingface.co — https://huggingface.co/black-forest-labs/FLUX.1-schnell