



News & Types: Intellectual Property & Technology Update

# Supreme Court Weighs in on When an ISP Is Contributorily Liable for Infringement When Its Customers are Engaging in Piracy

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In *Cox Communications, Inc. v. Sony Music Entertainment*, the U.S. Supreme Court in March 2026 unanimously ruled in favor of Cox Communications and against Sony Music Entertainment and other major record companies in an important music-piracy case. The underlying dispute concerned whether an internet service provider (ISP) can be held contributorily liable for copyright infringement committed by its subscribers when the ISP knows that its customers are engaging in piracy but nonetheless continues providing internet access to those customers.

The case arose from a lawsuit filed by Sony and other music labels, which alleged that Cox ignored thousands of infringement notices involving customers who shared copyrighted songs through peer-to-peer networks. A jury in a lower court had originally found Cox liable and awarded the labels \$1 billion in statutory damages, one of the largest copyright verdicts in U.S. history. Although portions of that judgment were later overturned by a lower appellate court, the central question from the underlying case of contributory copyright liability reached the Supreme Court.

Writing for the Court, Justice Clarence Thomas held that merely providing a generally available service, even with knowledge that some users will misuse it for infringement, is not enough to establish contributory copyright liability. The Court concluded that liability requires proof that the service provider intended to foster infringement, such as by actively inducing it or designing its service specifically for infringing purposes. Because Cox simply provided internet access and did not encourage piracy, it could not be held liable for its customers' actions.

The ruling significantly limits the circumstances under which ISPs and other technology providers can be found liable for users' copyright violations. Supporters viewed the decision as protecting internet access and preventing service providers from becoming "copyright police," while critics argued it makes it harder for copyright owners to combat large-scale online piracy. The decision is expected to influence future copyright cases involving online platforms and intermediary services.

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