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## Present and Past of the Rules of Online Service Provider's Copyright Liability in Taiwan

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### Abstract

Copyright issues of online service providers (OSP) have long been critical to all circles in recent years. On the model of the U.S. Supreme Court's case – *MGM v. Grokster*, there had been a succession of legislative enactments on OSPs' copyright liability in many countries around the world since 2005, and Taiwan was no exception. By consulting the decision of *Grokster*, the Taiwanese Legislative Yuan added the provisions of "inducement liability" in 2007. Two years later, the Legislative Yuan again imported the Online Copyright Infringement Liability Limitation Act (OCILLA) from the U.S. to establish a safe harbor for OSPs in the newly-added Chapter 6-1 of the Taiwanese Copyright Act. This article is an attempt to observe the development and practice of the rules of OSPs copyright liability in Taiwan, to examine the application of those rules in legal practice, to analyze the reasonableness of the past legislations, and to further bring forth suggestions

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through the introduction and discussion of the key cases in Taiwan in the recent five years, including ezPeer, Kuro, Kupeer, and Foxy.

Keywords: Online Service Provider, Grokster, ezPeer, Kuro, Kupeer, Foxy, Inducement Liability, Online Copyright Infringement Limitation