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## **Internet Service Provider Liability for Subscriber Copyright Infringement**

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### Abstract

The liability of internet service provider (ISP) is perhaps the most controversial legal issue to emerge from cyberspace. The purpose of this paper is to explore the general principles as to whether there should be civil and criminal liability for ISP concerning subscriber copyright infringement. An in-depth treatment of case study is beyond the scope of this paper. The first section provides an overview of the doctrine of ISP copyright infringement liability in America, followed by the introduction of judicial decisions, opinions of scholars and new legislation. Focusing on criminal liability that could be imposed upon ISP for copyright infringement initiated by subscribers, the second section seeks to illustrate the observation that the individuals who post copyright infringement materials act as principals in the first degree, and ISP would qualify as an accomplice, principal in the second degree, or accessory to the crimes. Furthermore, this section discusses in turn the qualifications for the perpetrators and accomplices. Finally, the third section reviews the current Taiwan tort and criminal law and its application to ISP and concludes that the Taiwan copyright law should make specific provision for ISP liability.

**Keywords:** direct liability, contributory liability, vicarious liability, accomplice, perpetrators, omissions