

VICARIOUS AND CONTRIBUTORY LIABILITY FOR INTERNET HOST PROVIDERS: COMBATING COPYRIGHT INFRINGEMENT IN THE UNITED STATES, RUSSIA, AND CHINA

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This Comment argues that, in an effort to facilitate a considerable reduction in copyright infringement, internet host providers (IHPs) should be subject to vicarious and/or contributory liability when they assist and profit from public access to infringed material.

INTRODUCTION

Courts in Russia and China find it difficult to shut down websites that are responsible for making infringed materials available to the public for widespread distribution. Part of the problem is that Russian and Chinese efforts to comply with bilateral and multilateral intellectual property (IP) treaties are inadequate. To induce a tighter grip on copyright infringers, the United States pressured Russia to submit to an agreement calling for a “copyright hotline,” which allows both nations to swap copyright information.² Russia’s agreement is one of several key elements it must satisfy to join the World Trade Organization (WTO), as the United States continually blocked Russia’s entry due to copyright abuses.³ In addition, the United States recently brought a complaint before the WTO regarding China’s alleged inability to punish copyright infringers.⁴ While progress is incremental in both nations, Russian and

¹ The author is a third year law student at the University of Wisconsin Law School. Many thanks to the following people for their constructive feedback and for their support: The Martin family, Colin Kennedy, and Katherine Lunde.

² See OFFICE OF THE U.S. TRADE REPRESENTATIVE, RESULTS OF BILATERAL NEGOTIATIONS ON RUSSIA’S ACCESSION TO THE WORLD TRADE ORGANIZATION (WTO): ACTION ON CRITICAL IPR ISSUES (2006), available at http://www.ustr.gov/assets/Document_Library/Fact_Sheets/2006/asset_upload_file151_9980.pdf [hereinafter RESULTS OF BILATERAL NEGOTIATIONS].

³ See OUT-LAW.COM, *Russia and US Set Up Copyright Hotline*, Nov. 28, 2006, http://www.theregister.co.uk/2006/11/28/us_russia_copyright_hotline.

⁴ Ben Blanchard, *China Warns U.S. Piracy Case Will Harm Trade Ties*, REUTERS, Apr. 24, 2007, available at <http://www.reuters.com/article/internetNews/idUSPEK10366920070424>.