

Cox Asks U.S. Supreme Court to Hear Landmark Copyright Infringement Case

Today, Cox Communications filed a petition asking the United States Supreme Court to review a significant copyright infringement case that could jeopardize internet access for all Americans. This case, which was brought against Cox by Sony Corp. and other music industry groups in 2018, is just one of many examples where music labels are targeting internet service providers (ISPs) for copyright infringement allegedly committed by users, and the lawsuits will only continue without intervention from the Supreme Court.

This ruling, should it stand, would force ISPs to terminate internet service to households or businesses based on unproven allegations of infringing activity, and put them in a position of having to police their networks—contrary to customer expectations. This would result in a fundamental change to how ISPs must manage their networks as many may feel that the only way to avoid liability is to monitor the activity of their subscribers to ensure no one is engaging in potentially unlawful conduct. This is not how the internet should work.

Terminating internet service would not just impact the individual accused of unlawfully downloading content, it would kick an entire household off the internet. Cox's subscribers, and much of the world, rely on internet access in just about every aspect of their daily life—from video-calling friends and family to completing online courses, and working from home to securing the home through connected security devices. At a time when the U.S. is spending billions of dollars to ensure that every American has access to the internet, the idea that homes could so easily lose that access goes against the goals of getting everyone connected. This would have a particularly devastating impact on rural communities with only one service provider or where an alternative provider offers slow or unreliable connections—termination would leave a household with no viable access to the internet.

Businesses are not immune from the lower court's ruling, either. From hotels, restaurants, and coffee shops to hospitals and universities, businesses that offer Wi-Fi to their customers or employees could lose all connectivity because of the unlawful acts of a few. Termination would not only eliminate their ability to offer Wi-Fi, but with business functions like payroll, inventory management, and payment processing being supported by internet connectivity, it also impacts their ability to operate altogether.

Cox knows how critical robust and reliable broadband services are for the communities we serve. Our petition to the Supreme Court aims to protect users' privacy and avoid unintended consequences that will harm innocent and non-infringing consumers.

About the Case:

In 2018, Sony Corp. and other music industry groups sued Cox claiming that Cox should be held responsible – or secondarily liable – for its customers' alleged copyright infringement. Although piracy has been an issue in the music industry for decades, the industry has altered its approach in recent years, taking ISPs to court to hold them liable for the actions of a select few customers. Various music labels have recently increased this push, filing ten separate lawsuits and claiming billions of dollars from ISPs since 2017.

In 2019, a jury found Cox liable under two theories -- vicarious infringement and contributory infringement, which Cox then appealed.

In February 2024, the Fourth Circuit Court of Appeals reversed the verdict holding that Cox was not vicariously liable for the actions of its consumers. But it ruled that Cox was liable for contributory infringement. Cox is contesting that aspect of the Appellate Court decision.

To read the full petition filed by Cox Communications, see the attached document.

About Cox Communications:

Cox Communications is committed to creating meaningful moments of human connection through technology. As the largest private broadband company in America, we operate fiber-powered networks in more than 30 states, providing connections and advanced cloud and managed IT services for nearly seven million homes and businesses nationwide. We're dedicated to empowering others to build a better future and celebrate diverse products, people, suppliers, communities, and the characteristics that make each one unique. Cox Communications is the largest division of Cox Enterprises, a family-owned business founded in 1898 by Governor James M. Cox.

 [Cox v Sony - Cert Petition - filed 8-15-24](#)
(353 KB)

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