

David Weslow Comments on Copyright Lawsuits Against Internet Service Provider Over Online Piracy

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David E. Weslow, a partner in Wiley Rein's Intellectual Property and Litigation practices, was quoted in an August 16 *Law360* article about copyright lawsuits against a major U.S. Internet service provider.

In one long-running case, *BMG Rights Management (US) LLC et al. v. Cox Enterprises, Inc. et al.*, a retrial is scheduled for late August in the U.S. District Court for the Eastern District of Virginia (EDVA). The retrial follows a February 2018 ruling by the Fourth Circuit that affirmed in part, reversed in part, and remanded for new trial a 2015 EDVA verdict holding Cox liable for infringement of BMG's copyrights by Cox customers, and awarding \$25 million to BMG.

In the retrial, Cox again faces allegations of contributory infringement, this time under the rubric set by the Fourth Circuit, according to the article.

"The plaintiffs will need to establish Cox's knowledge of, or willful blindness to, specific instances of infringement," said Mr. Weslow.

In a separate lawsuit, *Sony Music Entertainment et al. v. Cox Communications, Inc. et al.*, filed last month in the EDVA, several major music labels allege that Cox knowingly contributed to and profited from copyright infringement committed by Cox subscribers, according to *Law360*.

"In light of the potential for statutory damages of up to \$150,000 per work if willful infringement is found, and the identification of roughly 10,000 works in the complaint, the stakes could be significant," Mr.

Related Professionals

David E. Weslow
Partner
202.719.7525
dweslow@wiley.law

Practice Areas

Intellectual Property
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Weslow said of the *Sony* litigation.

The article can be found here (*subscription required*).