



Sony's Scam Scuttled

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The U.S. Supreme Court has [ruled](#) that Internet Service Providers (ISPs) can't be forced to deprive customers of Internet access on the basis of an unverified complaint about copyright violation. And can't be held liable for refusing to kill a customer's access.

The ruling [holds](#) that a service provider "is contributorily liable for a user's infringement only if it intended that the provided service be used for infringement. . . ."

The plaintiff? Sony.

The defendant? Cox Communications.

According to the ruling, Sony "alleged that Cox

contributed to its users' infringement by continuing to provide Internet service to subscribers whose IP addresses Cox knew were associated with infringement."

Of course, Cox cannot "know" that a user had infringed some copyright merely because it got an automated notice that a user had done so. Cox is just an Internet service provider, not a judge, jury, or hander-out of penalties for unestablished crimes.

Had the high court ruled otherwise, the consequences would have been dire.

"Under the legal standard the labels wanted," *Reclaim the Net* observes, "an ISP that received enough of these automated complaints and didn't disconnect the account could face catastrophic financial liability. A Virginia jury bought that theory in 2019 and hit Cox with a verdict of over \$1 billion."

The decision bodes well for rulings on other attempts to transform ISPs — or PC operating systems, satellites, or any other gateway to modern life — into instant wielders of crippling punishment . . . no trial, no judgment, no *justice* allowed.

This is Common Sense. I'm Paul Jacob.