[NL] Internet-providers not held responsible for wrongful acts of Internet-users

IRIS 1996-4:1/2

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In a verdict in summary judgment of 12 March 1996, the President of the District Court of The Hague ruled that Internet Providers can, in principle, not be held responsible for wrongful acts of users, e.g. copyright infringements by third parties. The Church of Scientology had issued a writ against 22 Internet Providers and one Internet User. The Church claimed that defendents had infringed upon the copyrights on the Church's 'religious materials', by making them available on Internet. The President dismissed the claim regarding the Internet-user, writer Karin Spaink, because she had replaced the so-called 'Fishman Affadavit' by summaries of the materials, as soon as the Church of Scientology had substantiated their copyright claim. Regarding the providers, the President ruled that it is to be assumed that these providers do nothing more than give the opportunity to publicise and that, in principle, they can exert no influence over, nor have knowledge of, what the user supplies. A responsibility might be assumed when it is unequivocably clear that a publication is wrongful and when it can be assumed that this is known to the access provider, for example when someone has informed the provider of this. In such cases Internet access providers might be requested to take steps against the user. In this instance, Scientology had not substantiated that the defendents should have acted.

Pres. Rb. Den Haag, 12 maart 1996, Church of Spiritual Technology c.s. g. XS4ALL c.s./Spaink.

Decision of the President of the District Court of The Hague, 12 March 1996, Church of Spiritual Technology c.s. g. XS4ALL c.s./Spaink.

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