[AT] Father Not Liable for Daughter's File Sharing Activities

IRIS 2008-8:1/6

Martin Kuhr
Institute of European Media Law (EMR), Saarbrücken/Brussels

The *Oberste Gerichtshof* (Supreme Court - OGH) in Austria ruled in its recently published decision of January 2008 that a father was not responsible for copyright infringements committed by his daughter, a minor, through her file sharing activities.

While the owner of the Internet connection was away on holiday his 17-year old daughter had uploaded 1,627 music files to a file sharing site. He had been unaware of the possible copyright problems linked to the use of file sharing systems and had never discussed these issues with his daughter. The court decided that the father was not liable. It accepted that the father had made the subsequent copyright breaches possible by making the computer, with its Internet connection, accessible to his daughter. However, he had not had any grounds to suspect that his daughter would break the law.

Finally, the court added that not all adults could be expected to know how Internet file sharing systems worked. The father had therefore not been under any obligation to monitor his daughter’s online activities in advance.

Entscheidung des OGH vom 22. Januar 2008 (Az.: 4Ob194/07v)

http://www.ris2.bka.gv.at/Dokumente/Justiz/JJT_20080122_OGH0002_0040OB00194_07V0000_000/JJT_20080122_OGH0002_0040OB00194_07V0000_000.pdf

Ruling of the OGH of 22 January 2008 (case no. 4Ob194/07v)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026