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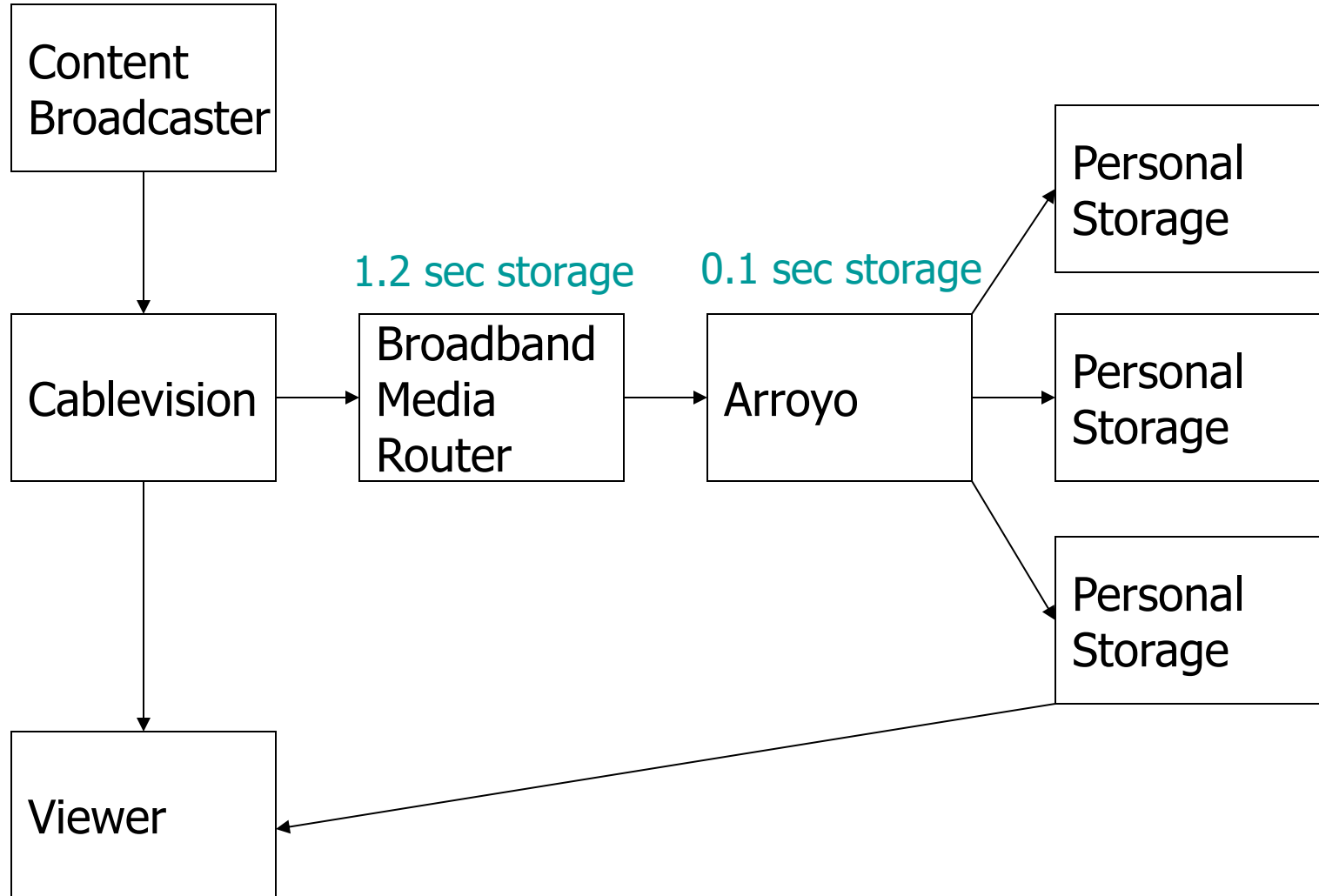
PROFESSOR KRISTELIA GARCÍA

SLIDES 23: DIRECT AND SECONDARY LIABILITY

Class Outline

1. Direct Liability
2. Secondary Liability

Cartoon Network v. CSC Holdings



Secondary Liability

1. Contributory Liability
2. Vicarious Liability

Vicarious Liability

1. Requisite control
 1. Legal right to stop or limit the conduct +
 2. Practical ability to do so
2. Derives direct financial benefit from the infringement

Contributory Liability

1. Knowledge
2. Material contribution/inducement/causation
3. Availability of simple measures for prevention
4. Failure to take those simple steps

“[o]ne infringes contributorily by intentionally inducing or encouraging direct infringement, and infringes vicariously by profiting from direct infringement while declining to exercise a right to stop or limit it.”

- Sup Ct in *Grokster*