

Wiley Rein & Fielding Client Wins Victory in Internet Service Provider Liability Case

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Washington, DC—Wiley Rein and Fielding LLP has assisted its client, Verizon South, Inc., secure the dismissal of a suit involving its liability as an Internet service provider (ISP) for content sent and received by subscribers and its actions in response to such content. Verizon, a leading broadband ISP and DSL provider was among several ISPs accused of unfair business practices for not acting to restrict their services to individuals posting Internet content that a user deemed harmful.

Originally filed in the Superior Court of Durham, NC, the suit was successfully removed to the U.S. District Court for the Middle District of North Carolina, where the judge relied on The Communications and Decency Act (47 U.S.C. 230)—a federal law created to promote the development of the Internet without excessive state or federal regulation—for his decision.

Under 47 U.S.C. 230, suits are barred that seek to hold ISPs liable for a "publisher's traditional editorial functions," such as failing to limit access of individuals when they have been notified that the individuals are using the Internet for wrongful or criminal activities. 47 U.S.C. 230 also provides immunity to ISPs from any cause of action that would hold them liable for information originating with a third-party user of the service.

This case represents an important victory for ISPs in the face of unfair business practices suits based upon actions taken in response to material sent or posed by subscribers.

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