



## It's Unanimous ... Fault the Infringers, Not the Platforms

### *Re:Create and Its Members Highlight Cox v. Sony 9-0 Supreme Court Decision*

As the U.S. Supreme Court considered the case *Cox v. Sony*, Re:Create and its members engaged throughout the process by submitting amicus briefs, posting blogs on the issues, and speaking with members of the press, ultimately leading to the 9-0 unanimous decision in favor of Cox.

#### **What Re:Create and Its Members Are Saying About the Decision:**

**Re:Create Executive Director Brandon Butler** [said](#): “Today’s 9-0 decision in *Cox v. Sony* reaffirms a bedrock principle in American copyright law: liability for copyright infringement should fall on infringers and those who intentionally enable them, not on neutral technologies and platforms essential to our internet infrastructure. Any other ruling would have inevitably led to mass surveillance, censorship, and a chilling effect on both innovation and creativity. As AI and other technologies continue to grow and evolve, creators, innovators, and consumers alike will benefit from the Court’s ruling, which insulates lawful technologies from liability for third-party misuse.”

**Public Knowledge Senior Policy Counsel Meredith Rose** [said](#): “Internet access is necessary to participate in modern society. Today’s decision laid to rest the idea that private actors – and not just any private actors, but record labels – can determine when customers deserve to be excluded from applying to jobs, paying bills, and getting an education. That view of the world is not only nonsensical and dated, but also fundamentally anti-democratic. Today’s decision is a long-overdue win for common sense,

**CCIA President & CEO Matt Schruers** [said](#): “The Supreme Court decision is a win for sensible, sustainable copyright policy that impacts a wide range of U.S. companies, future startups and consumers. Copyright damages claims had been running amok in recent years. If the \$1 billion damages award in this case were allowed to stand, the precedent would have encouraged more frivolous lawsuits, and threatened every legitimate digital service provider.”

**EFF Staff Attorney – Intellectual Property Betty Gledu** [said](#): “EFF also emphasized the broader public interest at stake in preserving these limits. Expansive theories of secondary liability do not just affect large internet providers. They can chill innovation, threaten smaller technology companies, and undermine the development of general-purpose tools that millions of people rely on for lawful speech, creativity, education, and access to information. When liability turns on generalized knowledge that some users may infringe, service providers face pressure to over-police user activity or withdraw useful services altogether.”

**ARL Director of Information Policy and Federal Relations Katherine Klosek [said](#):** “Had the Supreme Court ruled otherwise, ISPs could have been faced with either terminating their customers’ internet access or paying billion-dollar statutory damages—putting internet access for millions at stake. As the Electronic Frontier Foundation (EFF) explained in an amicus brief in support of Cox joined by ARL, ALA, and Re:Create, the consequences of losing internet access are severe and disproportionate, particularly as internet access is essential for distance learning, telework, and telemedicine.”

## Media Highlights:



### [Supreme Court tosses \\$1B copyright verdict in record companies' battle over illegal internet downloads](#)

*Fox Business*

*“One of the organizations that filed an amicus brief in Cox v. Sony hailed the decision as a victory for innovation and against the surveillance state.*

*‘Today’s 9-0 decision in Cox v. Sony reaffirms a bedrock principle in American copyright law: liability for copyright infringement should fall on infringers and those who intentionally enable them, not on neutral technologies and platforms essential to our internet infrastructure,’ Re:Create Executive Director Brandon Butler wrote in a statement.”*



### [Cox Communications celebrates as US Supreme Court overturns critical music piracy judgement](#)

*Complete Music Update*

*“The ruling has also been welcomed by organisations representing the wider tech sector, including Re:Create Coalition, which brings together a number of organisations of that kind.*

*Its Executive Director Brandon Butler says the ruling ‘reaffirms a bedrock principle in American copyright law: liability for copyright infringement should fall on infringers and those who intentionally enable them, not on neutral technologies and platforms essential to our internet infrastructure.’”*



## [Supreme Court rejects Sony’s attempt to kick music pirates off the Internet](#)

Ars Technica

*“Cox’s arguments were supported by digital rights groups. ‘Today’s decision laid to rest the idea that private actors—and not just any private actors, but record labels—can determine when customers deserve to be excluded from applying to jobs, paying bills, and getting an education,” Meredith Rose, senior policy counsel at Public Knowledge, said. “That view of the world is not only nonsensical and dated, but also fundamentally anti-democratic. Today’s decision is a long-overdue win for common sense.”*”



## [Reactions Pour In After the Supreme Court’s Cox Communications Ruling—Here’s What the Major Labels, Cox, Copyright Alliance, EFF & Others Are Saying](#)

Digital Music News

*“Trade groups in the digital sector, including NetChoice and the Computer and Communications Industry Association (CCIA), echoed these sentiments: ‘The Supreme Court made the right call for the digital economy. Holding ISPs liable for the copyright ‘sins’ of their users would have forced providers to become private internet police, leading to the arbitrary disconnection of families and businesses. This ruling preserves the foundational principles that allow the open internet to function.’*”

*Digital rights advocates also lauded the Court’s decision. The Electronic Frontier Foundation (EFF) stated, ‘This is a landmark win for due process and digital rights. The labels’ attempt to turn ISPs into copyright enforcement agents by threatening them with billion-dollar ‘death sentences’ was a massive overreach. The Court correctly recognized that simply providing a neutral service to the public does not make a company an infringer.’”*

### How We Got Here:

Re:Create and its members joined civil liberties groups and technology companies in filing amicus briefs in support of Cox, emphasizing the importance of reasonable liability standards for them and their stakeholders. Re:Create published a [blog](#) summarizing the amici.



[Brief of Amici Curiae Electronic Frontier Foundation, American Library Association, The Association of Research Libraries, and Re:Create in Support of Petitioners and Reversal](#)



**PUBLIC KNOWLEDGE**

[Brief of Public Knowledge as Amicus Curiae in Support of Petitioners](#)



**Computer & Communications  
Industry Association**  
Open Markets. Open Systems. Open Networks.

[Brief of Computer & Communications Industry Association as Amicus Curiae on Support of Petitioners](#)



**CENTER FOR  
DEMOCRACY  
& TECHNOLOGY**

[Brief of Amici Curiae American Civil Liberties Union, American Civil Liberties Union of Virginia, And Center for Democracy and Technology in Support of Petitioners](#)



**Engine**



[Brief of Engine Advocacy et al. as Amici Curiae in Support of Petitioners](#)