

# [Isp craiglist](https://assignbuster.com/ispcraiglist/)

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## ISP/Craiglist

Cyber law Question #3 on page 329 The plaintiff Immunomedics Inc, has a right to sue the ISP in order for the court to order for an investigation to the conduct of the ISP employees. Under the law the employer is liable for the negligence of the not supervising employees. A good example is Dickinson v. Edwards, the court ruled that the employer was liable for the accident caused by the employee due to intoxication after a company banquet (Constance E. Bagley, 2010).
Fiduciary duties is the relationship between the employer as principals and the employee, and have a duty to disclose all information to enable the employee perform his task, and employers are bounded by the actions of the employees (Gerald R. Ferrera, 2012). Thus the employees of ISP were operating within the parameters of the company and as the responded in the case they are obliged to defend themselves on limited tort liability.
Under the law if an employee is involved in a criminal act, the plaintiff (Immunomedics) can sue responded (ISP) for neglect hiring and retention as but the plaintiff must prove that the ISP knew the conduct of the employee who allowed poster on the chat room (Nolo, 2014), further under the law during hiring an tech employee completing Form I-9 to determine the employee eligibility and Form SS-8 to show the behavior of the worker to be employed. Thus the liability lies on ISP to provide the details of the pseudonym name and IP address but it must be authorized by the courts.
Question #5 on page 362
Craiglist is not liable for the contents distributed on its website.
Under Digital Millennium Copyright Act (DCMA) section 512(C ) provides for a safe-harbor content posted on Craiglist blog or website by a user, due to the fact that employees of Craiglist did not have actual knowledge of the contents posted. If they were informed of the damaging, discriminatory content on there blog they could have immediately remove failure to which they are liable. The lawyer instituting the case did not inform Craiglist about the contents and they fail to remove (Digital Media Law project, 2012).
Under Communications Decency ActCDA) section 230 treats internet publishers different from traditional publishers in that the it gives the interactive online providers immunity from tort liability as long as the content was posted and published by a third party thus the content on Craiglist was published by the user (Kenneth W. Clarkson, 2015).
All these acts read together with the The Fair Housing Act (FHA), proves that Craiglist did not publish the discriminatory contents on their blog, it was done by the third party, user.
References
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