

Isp craiglist

[Technology, Information Technology](#)



ISP/Craigslist

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

Craigslist is not liable for the contents distributed on its website.

Under Digital Millennium Copyright Act (DCMA) section 512(C) provides for a

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safe-harbor content posted on Craigslist blog or website by a user, due to the fact that employees of Craigslist did not have actual knowledge of the contents posted. If they were informed of the damaging, discriminatory content on their blog they could have immediately removed it, to which they are liable. The lawyer instituting the case did not inform Craigslist about the contents and they failed to remove (Digital Media Law project, 2012).

Under Communications Decency Act (CDA) section 230 treats internet publishers differently from traditional publishers in that 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 Craigslist was published by the user (Kenneth W. Clarkson, 2015).

All these acts read together with the Fair Housing Act (FHA), prove that Craigslist did not publish the discriminatory contents on their blog; it was done by the third party, user.

References

Constance E. Bagley, D. W. (2010). *Managers and the Legal Environment*. Mason: Cengage Learning.

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Kenneth W. Clarkson, R. L. (2015). *Business Law Text and Cases* (13 ed.). Stamford, CT: Cengage Learning.

Nolo. (2014). Employer Liability for an Employees Bad Acts. Retrieved November 14, 2014, from Nolo: <http://www.nolo.com/legal-encyclopedia/employer-liability-employees-bad-acts-29638.html>