

**LIABILITY OF THE INTERNET SERVICE PROVIDERS IN  
THIRD PARTY COPYRIGHT INFRINGEMENT: A CRITICAL  
ANALYSIS OF APPLICABLE LAWS IN OTHER  
JURISDICTIONS AND PAKISTAN**



Submitted by:

Shah Nawaz Shakeeb

Reg. No: 01-278221-010

Contact: 03224627077

Email:shakeebadv@gmail.com

Supervised by:

Dr. Ghulam Abbas

Law, School of Law, Bahria

University Islamabad

Email: gabbas.buic@bahria.edu.pk

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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Name of the Student: Shah Nawaz Shakeeb

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Scholar's Name: Shah Nawaz Shakeeb. Registration No: 01-278221-010

Program of Study: LL.M (Int'l & Maritime Laws).

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## **DEDICATION**

This Research Project dedicated

to Ḥaḍrat Muḥammad (PBUH),

His All Companions,

My Parents, My Teachers and

My Beloved Pakistan

All those who's prayers made me able to start and complete my research and to all those whose guidance I acquired during this thesis.

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Shah Nawaz Shakeeb

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## ABSTRACT

This thesis presents a comprehensive analysis of the liability of Internet Service Providers (ISPs) in cases of third-party copyright infringement, examining regulatory frameworks across several jurisdictions: the USA, EU, Australia, Singapore, India, and Pakistan, with a particular focus on Section 35 of the Prevention of Electronic Crimes Act (PECA) in Pakistan. Through a comparative lens, the study evaluates the legal provisions, judicial interpretations, and practical implications concerning ISP liability. The research delves into the divergent approaches adopted by each jurisdiction, exploring the extent of ISP responsibility, the criteria for safe harbor protections, and the mechanisms for addressing copyright infringement online. By examining the evolving landscape of ISP liability, this study aims to provide insights into the effectiveness and challenges of legal frameworks in balancing the interests of copyright holders, ISPs, and internet users. Furthermore, the thesis investigates the impact of ISP liability on digital innovation, access to information, and the broader digital economy. Through interdisciplinary analysis integrating legal, policy, and technological perspectives, the research contributes to a nuanced understanding of the complexities surrounding ISP liability in the digital age. By elucidating the regulatory strategies and their implications, this study offers valuable insights for policymakers, legal practitioners, and stakeholders navigating the evolving terrain of copyright enforcement and digital governance. Ultimately, the research seeks to inform ongoing debates and shape future regulatory approaches to foster a balanced and sustainable digital ecosystem conducive to creativity, innovation, and the protection of intellectual property rights.

**Keywords:** Internet Service Providers, Copyright, infringement, Liability, Internet Piracy, Pakistan, Digital Millennium Act, Safe Harbour, DMCA.



## **LIST OF ABBREVIATIONS**

ISPs – Internet/Intermediary Service Providers

DMCA - Digital Millennium Copyright Act

PECA – Prevention of Electronic Crimes Act, 2016

CDA - Communications Decency Act

FCC - Federal Communications Commission

IPR – Intellectual Property Rights

IP – Intellectual Property

B2B – Business to Business

B2C - Business to Customer

C2C – Customer to Customer

B2A - Business to Administration

C2A - Consumer to Administration

TRIPS - Trade-Related Aspects of Intellectual Property Rights

APRA - Australasian Performing Rights Association, Limited

## LIST OF CASES

Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd., 545 U.S. 913 (2005)

Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984)

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