

Austrian TV-broadcaster Puls 4 wins against YouTube at first instance

Kluwer Copyright Blog
August 28, 2018

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Please refer to this post as: Rainer Schultes, 'Austrian TV-broadcaster Puls 4 wins against YouTube at first instance', Kluwer Copyright Blog, August 28 2018, <http://copyrightblog.kluweriplaw.com/2018/08/28/austrian-tv-broadcaster-puls-4-wins-youtube-first-instance/>

According to the Vienna Commercial Court, YouTube is not a mere host provider.



Host providers are privileged, and shall not be liable for information stored if the provider does not have actual knowledge of illegal activity or information, and the provider immediately removes or blocks information when it becomes aware of the illegal content.

According to the media, Puls 4 sued YouTube for copyright infringement. Although the decision has not been published, according to reports the Vienna Commercial Court found that YouTube is not a mere host provider, as it "leaves the role of a neutral mediator" for example through "interconnecting, sorting, linking, providing content tables with predefined categories, tracking the search behaviour of users and making tailor-made surfing suggestions."

As a consequence, YouTube would be liable for e.g. copyright infringements by its content providers. The Vienna Commercial Court is the first of three potential instances, and it is not currently known whether YouTube has appealed against the decision.