

Will You Be Liable For Your Web Builder's Acts of Infringement?

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Many organizations hire other companies to build or manage the content of their website. While it may be administratively convenient to outsource this function, your organization could be vicariously liable for acts of copyright infringement by your web content management providers.

Nick Starr d/b/a Master Maintenance, a janitorial supply business, was sued by Corbis Corporation, a stock photo licensor, over four infringing photographs that were posted briefly on Starr's website by Starr's web builder. The U.S. District Court for the Northern District of Ohio held that Starr was vicariously liable for the infringement as Starr retained control of the content of its website, including the right to prevent the photographs from being published on its site.

How can your organization protect itself from liability? When hiring a third party to build or manage your website, pay appropriate attention to the contract terms. Secure warranties from the content provider that all text, photos and other materials to be posted on the site will be used with proper permissions. Ask that the web builder indemnify your organization for infringement claims. It is also important that you verify the source of all content before it is posted on your website and that you have authority to use the content.