

# Bloom and Lambert in IPWatchdog: Traditional Copyright Decisions of 2025 That Should Be on Your Radar

---

December 29, 2025 Jason Bloom, Michael Lambert

---

**PRACTICES** AI and Technology, Copyright, Intellectual Property

---

In an article for *IPWatchdog*, Haynes Boone Partner [Jason Bloom](#) and Associate [Michael Lambert](#) explore traditional copyright decisions from the past year that may have ripple effects in 2026.

Read an excerpt below.

In a year dominated by artificial intelligence (AI) copyright cases, 2025 also featured several influential cases on traditional copyright issues that will impact copyright owners, internet service providers, website owners, advertisers, social media users, media companies, and many others. Although the U.S. Supreme Court did not decide a copyright case this year, it heard argument on secondary liability and willfulness issues in *Cox v. Sony*. Lower courts continued to wrestle with applying the fair use factors two years after the Supreme Court issued *Warhol v. Goldsmith*. The divide over whether the “server test” applies to embedded works deepened—and remains unsettled. And the Ninth Circuit further refined the standard for pleading access to online works. This article highlights some of the most important copyright cases from this year and their practical implications.

## The U.S. Supreme Court Reviews Secondary Liability and Willfulness

The most prominent copyright case from 2025 could redefine the contours of secondary liability and willfulness under the Copyright Act. In *Cox Communications, Inc. v. Sony Music Entertainment*, a group of music companies sued Cox for contributory and vicarious infringement based on its alleged failure to implement a reasonable policy to terminate repeat infringers. After a jury found Cox liable and awarded the music companies roughly \$1 billion, the Fourth Circuit affirmed a verdict of willful contributory infringement but remanded the case for a new trial on damages. 93 F.4th 222 (4th Cir. 2024). Both Cox and Sony filed petitions for a writ of certiorari with the U.S. Supreme Court. The Court granted Cox’s petition and agreed to consider: (1) whether internet service providers (ISPs) can be liable for “materially contributing” to infringement if they do not terminate accounts used for infringement and (2) whether mere knowledge of infringement constitutes willfulness under 17 U.S.C. § 504(c). No. 24?171, 145 S. Ct. 2841 (U.S. June 30, 2025).

At the Court’s request, the U.S. Solicitor General filed a brief in support of Cox, arguing that ISPs should not be held liable for contributory infringement without proof of intent to promote infringement. More than 20 amicus briefs were filed in support of both sides.

During oral argument on Dec. 1, 2025, the music companies accused Cox of prioritizing profits over compliance by failing to terminate repeat infringers, while Cox argued it merely provided a service with no intent to infringe. The Court’s decision could affect copyright owners’ ability to police online infringement and the extent to which ISPs are liable for subscribers’ conduct. Beyond ISPs, the

outcome of the case could have ripple effects in other industries, including AI, where systems are often used to generate infringing works without the direct knowledge of the service provider.

[Read the full \*IPWatchdog\* article here.](#)