

# Summary of Secondary Liability

Theory	Scienter Required	Notice Level	Liability
Inducement – non-infringing uses irrelevant	Intent that others infringe	None – general notice assumed with intent	Yes
Contributory – substantial non-infringing use	Know or reason to know of infringement	Yes - Notice of each specific infringement and able to stop it	Yes
		No notice = No reason to know	No
Contributory – <b>no</b> substantial non-infringing use	None – strict liability	None needed	Yes
Vicarious – ability to control and financial benefit	None – strict liability	None needed	Yes

Note – this all assumes that one of the safe harbors does not apply, though the above standards are built into the 512(c) and 512(d) safe harbors