

## **Federal Court Dismisses Craigslist Claims to Exclusive Rights and Copyright in User Generated Postings**

Craigslist has threatened scores of startups and established firms with copyright claims over user content posted to its site. But, on April 30, 2013, Justice Charles R. Breyer, speaking for the United States District Court for the Northern District of California, put an end to further sham litigation by dismissing Craigslist assertions that it held exclusive licenses and copyright over user generated postings submitted to its site.

Furthermore, the fact that 3taps syndicates user generated content to 3<sup>rd</sup> parties such as Padmapper was also dismissed as a baseless accusation of criminal conspiracy. Startups creating new search options for users for data from multiple sites can more confidently continue to focus on innovation rather than litigation.

Still remaining as an issue in the case is how 3taps accesses the data in question. At the start of the litigation between the parties, 3taps sourced the publicly available data through third party sources such as Google. Once Craigslist began blocking Google, 3taps accessed Craigslist directly, which resulted in a subsequent cause of action by Craigslist under the Computer Fraud and Abuse Act (the CFAA). The statute is the same anti-hacking cause of action leveled against the late Aaron Swartz over his high volume downloading of JSTOR academic articles from the MIT campus. The difference here is that Craigslist has leveled these charges of unauthorized access for data that is already publicly available, not copyrighted by Craigslist, and already in the hands of third parties such as Google. At issue is whether Craigslist restraints exist to “protect” its community or are actually thinly disguised tactics to deter competition and innovation at the expense of, rather than defense of, users.

Third party developers who have previously been threatened or harassed by Craigslist with sham copyright threats are encouraged to contact the Open Access Coalition at <http://openaccesscoalition.org/>. The Order is available at <http://bit.ly/1570wQk>.