Proskauer

Proskauer Secures Dismissal of Scraping Claims Against Bright Data

May 23, 2024

NEW YORK, May 23, 2024 – Proskauer, a leading international law firm, is pleased to share that it secured dismissal of a case against its client, public web data company Bright Data Ltd., by X (formerly Twitter). In the case, *X Corp. v. Bright Data Ltd.*, X brought breach of contract and tort claims seeking to stop Bright Data and its customers from scraping public data on the social media site. On May 10, 2024, a federal judge in the U.S. District Court for the Northern District of California dismissed the allegations, ruling that X had failed to allege a claim based on access to its public site, and any claim based on copying public data was preempted by the Copyright Act.

The dismissal not only affirms Bright Data's right to scrape public data posted on social media platforms, but creates a significant precedent that social media companies cannot unilaterally restrict public access to information they do not own but have made publicly available. In its dismissal, the court emphasized the risk of allowing social media platforms such as X to create information monopolies, writing: "X Corp. would entrench its own private copyright system that rivals, even conflicts with, the actual copyright system enacted by Congress" and by doing so "would yank into its private domain and hold for sale information open to all, exercising a copyright towner's right to exclude where it has no such right."

The win is Proskauer's second on behalf of Bright Data in less than six months. In January 2024, a federal judge rejected similar claims brought by Meta against Bright Data. The summary judgment decision in that case clarified that Meta's Terms of Use do not prohibit the scraping of public data from Facebook and Instagram when logged out of the platforms.

The Proskauer team was led by partners Colin Kass and David Munkittrick (Antitrust). It also included associates Timothy E. Burroughs, Anisha Shenai-Khatkhate, Reut N. Samuels, Erica Taylor Jones and Peter Angelica (Litigation).

About Proskauer

The world's leading organizations and global players choose Proskauer to represent them when they need it the most. With 800+ lawyers in key financial centers around the world, we are known for our pragmatic and commercial approach. Proskauer is the place to turn when a matter is complex, innovative and game-changing. We work seamlessly across practices, industries and jurisdictions with asset managers, private equity and venture capital firms, Fortune 500 and FTSE companies, major sports leagues, entertainment industry legends and other industry-redefining companies.

Proskauer has a full-service litigation practice with extensive trial experience in virtually every major forum across the globe. We take a collaborative approach to representing defendants and plaintiffs, multinationals, middle-market and small-cap businesses, financial institutions, partnerships and individuals, with one thing in mind – driving successful outcomes for our clients.

Recent successful representations include a landmark victory for Sanderson Farms in a $7 billion broiler chicken antitrust conspiracy case; a decisive victory for Gilead Sciences, Inc. in a $3.6 billion antitrust case; a victory for Shamrock Capital Advisors in a high-profile $1 billion lawsuit brought by the founders and other minority shareholders of FanDuel; and representing Monsanto in a case brought by multiple plaintiffs who claimed Roundup caused their non-Hodgkin's lymphoma.

Related Professionals

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