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Spencer Fane Garner Media Attention Following Win in Copyright Dispute

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Spencer Fane was featured in the *Kansas City Business Journal* last week, following the announcement that Rightscorp, Inc. had dropped its appeal of a court decision in favor of the firm's client, Birch Communications. Spencer Fane Partner Gardiner Davis served as lead defense counsel for Birch in the case, which was decided in May of this year by the U.S. District Court in Atlanta. The court had quashed a Digital Millennium Copyright Act (DMCA) subpoena, which Rightscorp had attempted to use to gain access to Birch's private customer information. Rightscorp contended that various Birch customers had infringed on copyrighted content by downloading recordings using their Birch Internet accounts. Birch maintained that Rightscorp's use of the subpoena was overly broad and essentially constituted a "fishing expedition" to gain private customer information. The court agreed, concluding that because Birch acts simply as a conduit to Internet content, Rightscorp could not use fast-track DMCA subpoenas to obtain subscriber information. "We were pleased that the court agreed with our client's position in May, and we are equally pleased to hear that Rightscorp has now dropped its appeal," Davis said in the article. "Rightscorp's prior attempt to use a DMCA subpoena to gain Birch's private customer information was clearly unlawful, and we're glad to see they've given up the attack on our client." Read the full *Kansas City Business Journal* article [here](#).

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