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Company drops suit to access Birch customers' online activity



BET_NOIRE

A California company has dropped its efforts to access the private online information of Birch Communications Inc. customers.

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A firm representing copyright holders has dropped its lawsuit attempting to access Birch Communications Inc. customers' private information about online activity as part of a hunt for infringement activity.

Rightscorp, based in Santa Monica, Calif., wanted to see whether Birch customers illegally downloaded recordings online. Rightscorp used a broad interpretation of the Digital

Millennium Copyright Act (DMCA) to argue that it could access the records, but it had not filed any copyright infringement lawsuits when it sought a subpoena for Birch's records.

In May, the U.S. District Court for the Northern District of Georgia quashed the subpoena. Rightscorp immediately appealed but announced this week that it was giving up the effort.

Birch retained Gardiner Davis of Spencer Fane in Kansas City. At one time, Atlanta-based Birch was headquartered in Kansas City. An Atlanta

company bought Birch in 2008, adopted the name and continued to serve the metro-area market.

"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 a release. "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."