

## **IX. COPYRIGHTS/VENUE/PERSONAL JURISDICTION**

### **A. CASE LAW**

#### **1. U.S. Courts of Appeal**

- a. ***Brayton Purcell LLP v. Recordon & Recordon***  
**606 F.3d 1124**

The U.S. Court of Appeals for the Ninth Circuit held on May 28, 2010 that personal jurisdiction was established over a law firm whose Web site contained copyrighted material taken verbatim from another law firm's Web site where the infringer's Web site put the two firms in direct competition for clients, despite the fact that the two firms practiced in different geographical areas of California.

- b. ***Chloé v. Queen Bee of Beverly Hills LLC***  
**96 USPQ2d 1349**

The U.S. Court of Appeals for the Second Circuit held on August 5, 2010 that defendant California resident's contacts with New York are sufficient to subject him to personal jurisdiction under state's "single-act" long-arm statute, since defendant shipped counterfeit "Chloé" handbag to purchaser in New York, and since defendant's company operated interactive website offering handbags for sale to New York consumers, and shipped merchandise to New York on 52 other occasions.

- c. ***Penguin Group (USA) Inc. v. American Buddha***  
**82 BNA's PTCJ 79**

The U.S. Court of Appeals for the Second Circuit ruled on May 12, 2011 that a court in New York may have personal jurisdiction over a website operator in view of ruling by New York Court of Appeals in response to a certified question regarding that state's long-arm statute.

#### **2. State Courts**

##### **New York**

- a. ***Penguin Group (USA) Inc. v. American Buddha***  
**81 BNA's PTCJ 714**

Responding to a federal appeals court's request, the New York Court of Appeals ruled on March 24, 2011 that under New York state law injury occurs at copyright owner's location when works are uploaded to the Internet.