

Auction houses face off in website data scraping lawsuit

December 12 2016, by Ula Ilnytzky

Christie's auction house has been accused in a lawsuit of using a computer program to scrape research, images and price information from a rival's website and then reselling that data as part of its own subscription database.

The copyright infringement lawsuit, announced Monday, accuses London-based Christie's and its independently operated subsidiary Collectrium of unlawfully appropriating nearly 3 million auction sale item listings from a website maintained by Dallas-based Heritage Auctions.

Those listings wound up being used in Collectrium's searchable proprietary database of more than 11 million items, the lawsuit says. Christie's bought Collectrium, a digital art collection management and market research firm, last year.

Heritage, a leading auctioneer of collectibles, filed the federal lawsuit on Friday in Dallas. It seeks statutory damages of \$150,000 for each copyright infringement.

Heritage CEO Steve Ivy said Collectrium took copyrighted material produced by Heritage staff, including images of auction items and prices of sold collectibles and art dating to 1993, and published it "without properly ascribing it to Heritage."

"They signed our terms of use and then went on the website and scraped

it, which is against the terms of use agreement," he said.

A Christie's spokeswoman in New York declined to comment.

The case highlights the increasing use of web scraping, or the automated copying of valuable data from someone else's website, or multiple websites. There have been some cases that have found in favor of scrapers in non-competitive situations, but the legal applications are more complex when it applies to competitors.

Internet law and intellectual property professor Eric Goldman, from the Santa Clara University School of Law, said a lot of web scraping for commercial purposes is "probably not legal." He cited a 2000 court case in which online auction company eBay got a court to block an auction data aggregator from crawling its site.

Collectrium's website says it provides "searchable auction results from over 1,500 auction houses worldwide" to help collectors understand the market.

Heritage said it determined Christie's was using scraping software that allowed it to copy all the content of its website pages of every auction sale item from the last 23 years. Heritage said it first noticed a spider online tool on HA.com in July and to date has traced it to nearly 40 false accounts.

Heritage has suspended all the accounts it's been able to identify but has been "unable to identify and stop defendants' latest methods" of looting the material, the lawsuit says.

Heritage has asked the court for a preliminary injunction ordering Collectrium to shut down its website until all Heritage content is expunged.

It's not the first time the auction houses have feuded. In 2014, Heritage sued Christie's for \$40 million, claiming Christie's had induced luxury handbag specialists to break their contracts with Heritage and take their designer handbag trade secrets with them. The case, which Christie's has called "without merit," is expected to go to trial next year.

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