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# Tech Startup Wants Court-Ordered Protection From LinkedIn

P.J. D'Annunzio, The Recorder

June 8, 2017

A tech startup that collects and analyzes public LinkedIn profiles and sells the information to companies wants a federal judge to rule it has a legal right to do so.

[HiQ Labs](#), a web scraper, has filed [a complaint for declaratory relief](#) in the U.S. District Court for the Northern District of California seeking a finding that its business model does not violate the law.

The company also sought an injunction preventing LinkedIn from "misusing the law to destroy hiQ's business and give itself a competitive advantage," according to the complaint.

By scraping publicly available data from [LinkedIn](#), hiQ creates analytics for employers of LinkedIn's members. The employers then use that data to create more career mobility for workers and improve employee retention, according to the complaint.

HiQ said LinkedIn has threatened to sue in a cease-and-desist letter, but the startup maintained its business does not harm LinkedIn.

"The court should enjoin LinkedIn from denying hiQ access to its website because LinkedIn's real motivation is obviously anticompetitive: to prevent anyone but LinkedIn from being able to use public information for data analytics," the complaint said. "LinkedIn for years has known about hiQ and its business, has attended data analytics conferences at hiQ and has even accepted awards from hiQ at these conferences. But LinkedIn has now made some public statements about entering the data analytics business, and has abruptly (as of May 24, 2017) decided to terminate hiQ's access."

LinkedIn did not respond to a request for comment.

Founded in 2012, hiQ claimed it was surprised by the May 23 cease-and-desist letter it received from LinkedIn. HiQ retained a lawyer who contacted LinkedIn in an attempt to explain to the company that the two businesses were synergistic. The lawyer also argued that hiQ had the right to public information and pointed to large sites such as Google and Yahoo that use automated

software to access LinkedIn.

HiQ claimed that LinkedIn had no grounds to send the letter, and that LinkedIn was misusing the Computer Fraud and Abuse Act along with the Digital Millennium Copyright Act to bring its case.

"In other words, LinkedIn recognizes it has no valid propriety or copyright interest, so it claims only that it has a propriety interest to control access to its website, treating that digital realm as though it were physical real property," the complaint said. "Not only is the analogy inapposite, but LinkedIn ignores that the public profile data of members would not reside on its website in the first place but for its express promise that the data would be public for all to see and use."

HiQ's lawyer, C. Brandon Wisoff of Farella Braun + Martel, did not return a call seeking comment.

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