

# Web Scraping Decisions Consider Contract Cause of Action

**Jeffrey Neuburger** of Proskauer writes that two recent web scraping disputes highlight some important issues regarding whether a website owner may successfully allege a breach of contract action against a commercial party that has scraped website content contrary to “clickwrap” and “browsewrap” website terms of use.

Writing in the **New Media and Technology Law Blog**, West describes a Texas case in which a court declined to dismiss Southwest Airlines Co.’s breach of contract claim against an entity that scraped airfare data from Southwest’s site in violation of the website terms of use.

He also discusses a similar case in the Southern District of New York, in which the court granted the plaintiff’s request for a default judgment on some scraping-related claims.

**Read the article.**