



Workman Nydegger Attorneys Secure Copyright Win Before the Tenth Circuit

October 18, 2024

Workman Nydegger achieved a decisive victory today in a groundbreaking Tenth Circuit Court of Appeals case that established a critical precedent under the Digital Millennium Copyright Act (DMCA). The ruling addressed a previously unanswered legal question regarding jurisdictional requirements for DMCA counter-notices – a win made possible through the exceptional advocacy of attorneys Ryan Morris and David Todd.

The dispute centered on interpretation of the DMCA’s notice-and-takedown provisions. While Workman Nydegger’s clients routinely submit DMCA notices to platforms like Amazon to remove infringing content, infringers have increasingly exploited a loophole: filing counter-notices that strategically claim jurisdiction in distant states, forcing rights holders into inconvenient and costly litigation far from home.

Workman Nydegger advanced a compelling argument: Amazon “may be found” in Utah due to its extensive business operations in the state, meaning counter-notices should be litigated locally. When the District Court initially rejected this position (limiting Amazon’s jurisdiction to Delaware and Washington), the firm pursued an appeal that would reshape the legal landscape.

The Tenth Circuit’s ruling adopted Workman Nydegger’s position, stating in its opinion:

“We conclude that when a service provider is a corporation, it may be found in a federal judicial district for §512(g)(3)(D) purposes if its agents or officers carry on the corporation’s business in the district.”

This decision:

- Empowers Utah businesses to litigate DMCA disputes locally rather than in far-flung jurisdictions
- Disrupts infringers’ tactics of forum-shopping through counter-notices
- Sets a binding precedent for future cases involving corporate jurisdiction under the DMCA

By securing Utah as a viable venue for anti-counterfeiting litigation, Ryan Morris and David Todd have delivered a strategic advantage to rights holders.

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