

Shopify En Banc Loss Opens Courthouse Doors for E-Commerce Cases

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In an article for *Bloomberg Law* "Shopify En Banc Loss Opens Courthouse Doors for E-Commerce Cases" Sheppard Mullin attorneys Wynter Deagle, Anne-Marie Dao and Samuel Hyams-Millard discuss the Ninth Circuit's precedent-setting en banc decision in *Briskin v. Shopify, Inc.* that significantly expands the scope of specific personal jurisdiction over e-commerce and online platforms. The court held that Shopify, a Canadian corporation, could be sued in California for its alleged use of web tracking technology to collect the location, device and shopping data of a California resident. This ruling departs sharply from prior case law, holding that making online services accessible to consumers in a state may suffice to establish personal jurisdiction.

E-commerce platforms and other online businesses should be mindful of this decision and can take several steps to minimize risk, including i) documenting data collection and use practices; ii) understanding web tracking practices; iii) assessing whether to collect location data; and iv) making sure policies and practices comply with laws in consumer-friendly states.

Read the full article here. (A subscription is required)

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