

JURISDICTION SUBGROUP ICANN LITIGATION SUMMARY

Name of Case:	Pool.com vs ICANN
Parties: ¹	Pool.com (P) ICANN (D)
Citizenship of Parties:	Plaintiff is an Ontario (Canada) corporation Defendant is based in the USA
Court/Venue:	Superior Court of Justice, Ontario, Canada
Choice of Law/Governing Law:	"Plaintiff proposes that this action be tried in Ottawa" Choice of Law seems to be Canadian civil Law
Date Case Began:	July 8, 2003
Date Case Ended:	Last document available May 2004
Causes of Action:	Challenge of ICANN's decision regarding Verisign's Wait List Service (interference with trade and commercial prospects of the Plaintiff)
Issues Presented:	Plaintiff considers that ICANN : <ul style="list-style-type: none"> - Has violated Consensus Policy - Has breached its Bylaws by failing to allow for an IRP
Preliminary Relief?:	No
Outcome:	Case dropped, the Court never reached a decision.
Was Jurisdiction Contested? ²	Defendant ICANN asserted that the Court lacked jurisdiction because (quoting the argument): <ul style="list-style-type: none"> - ICANN is not resident in Ontario - The Action has no real or substantial connection to Ontario - Virtually all the evidence and witnesses are in California
Did the case have an impact on ICANN's accountability or the operation of ICANN's policies ? ³	No.

¹ Indicate whether each party is Plaintiff (P) or Defendant (D), or other status. Please also list non-party participants, such as Amicus Curiae (AC).

² For example, challenge to venue, challenge to change of venue, challenge to governing law, challenge to application of "choice of law" provision. Please describe the outcome as well as the challenge.

³ Indicate whether the case had or will have an effect on ICANN's accountability mechanisms or the operation of ICANN's policies..

1) What relief was requested by the plaintiff from ICANN (or ICANN from defendant if ICANN was a plaintiff)?	Essentially an injunction restraining ICANN to authorize the WLS and damages
2) What relief, if any, was granted to the plaintiff?	None
3) Did the Court in its decision offer any conclusion as to the lack of merit/frivolity of the plaintiff's claim?	The Court never issued a decision
Key Documents:	