

JURISDICTION SUBGROUP ICANN LITIGATION SUMMARY

1. DCA v. ICANN (Trial Courts)

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| Name of Case: | DotConnectAfrica Trust v. ICANN |
| Parties: ¹ | DotConnectAfrica Trust (DCA) (Plaintiff); ICANN (Defendant); Does 1-50 (these are as-yet unnamed Defendants). ZA Central Registry NPC named as defendant later. |
| Citizenship of Parties: | DCA -non-profit of Mauritius (principal office Kenya; representative in California); ICANN -Cal./US; Does – indeterminate. ZACR: South African. |
| Court/Venue: | Superior Court of California; Los Angeles County |
| Choice of Law/Governing Law: | California |
| Date Case Began: | Jan. 20, 2016 (case filed) |
| Date Case Ended: | N/A |
| Causes of Action: | Against ICANN: Breach of contract; Intentional misrepresentation; Negligent misrepresentation; Negligence. Against all defendants including ICANN: Fraud and conspiracy to commit fraud; Unfair competition. Added later – Intentional interference with contract; Confirmation of IRP award and declaratory actions. |
| Issues Presented: | Causes of action relate to delegation of the .africa new gTLD. |
| Preliminary Relief?: | DCA sought a preliminary injunction twice in Cal. state court. |
| Outcome: | DCA’s first request for a preliminary injunction was denied Dec. 22, 2016. Its second request was denied on Feb. 3, 2017. |
| Was Jurisdiction Contested? ² | No |
| Effect on our Work: ³ | Unclear if any |
| Key Documents: | For a while this case, originally filed in Cal. state court, was removed on ICANN’s motion to a US federal district court in Los Angeles and that federal judge issued a preliminary injunction barring ICANN from delegating .africa pending trial. Later, however, the federal judge ruled that ZACR was entitled to intervene and its intervention undermined so-called “diversity” jurisdiction in federal court – so in the same order the judge sent the case back to California state court. |

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.

