

Two Cases on Internet Jurisdiction

Court Upholds Forum Selection Clause in Web Hosting Agreement

Jenny Kim (Stanford Law School) has, on the CIS-website, posted a case review of decision 2008 WL 4951020 (N.D. Cal. November 18, 2008) where the U.S. District Court for the Northern District of California dismissed *Bennett v. Hosting.com* for improper venue last November. The plaintiff's company, *HowFastTheyGrow.com*, had signed an agreement to litigate all disputes in Jefferson County, Kentucky when contracting the defendant's web-hosting services. The court upheld the forum selection clause despite Bennett's contention that it was unenforceable for unconscionability and inapplicable to her tort claims. For more, have a look at the current issue of Packets.

Arizona District Court Rules Website Targeting Plaintiff Does Not Create Jurisdiction in Plaintiff's Home State

Allison Pedrazzi Helfrich (Stanford Law School) has, on the CIS-website, posted a case review of decision 2008 WL 5235373. In January 2008, Jan Kruska filed defamation, cyberstalking, and other claims against Perverted Justice Foundation, Inc. (and other defendants), for disseminating rumors on various websites that Kruska was a convicted child molester and a pedophile. In December 2008, a U.S. District Court in Arizona dismissed the complaint against Perverted Justice Foundation based on a lack of personal jurisdiction. Perverted Justice is a non-profit corporation based in California and Oregon and has no licenses or designated agent for service of process in Arizona, conducts no business with Arizona, and is not incorporated in Arizona. The court held there could be no general jurisdiction over Perverted Justice "in the absence of these types of contacts that approximate physical presence in Arizona." The plaintiff argued, however, that Perverted Justice made her a target of its online activities and therefore became subject to jurisdiction in Arizona by expressly aiming its tortious actions at the forum state. Although the court recognized the "effects test" basis for jurisdiction, it held that the "essentially passive nature" of Perverted Justice's activity in posting a website with a low degree of interactivity is not sufficient to establish specific jurisdiction. For more, have a look at the current issue of Packets.