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Chapter 3 Notes- Jurisdiction

Long arm statutes (types):

* Asserting jurisdiction as allowable by the Fourteenth Amendment.
* Limited to specific activities (business or causing tortious injuries)

General Jurisdiction:

* When defendant and forum state have made substantial contact. State then exercises personal jurisdiction.
* High levels to meet: there has to be enough contact for it to assimilate a physical presence (of defendant in forum state.)
* So far, the SC has not rendered an internet-based general jurisdiction
* Burger King test: 1) defendant has to have sufficient minimal contact with forum state 2) Claim must be a result of said contact 3) jurisdiction must be reasonable.
* Minimum contact test: defendant made direct contact (physical/verbally) purposefully to residents of forum state and injuries would need to arise from said contact.

Internet Personal Jurisdiction

* Zippo.com’s interactive/passive website test:

1. Interactive- company interacts with visitor.
2. Passive- no personal jurisdiction. Companies post info and there is no interaction with the visitor.
3. Gray area- the middle-ground. Court will assess case by case

* Calder effects- Plaintiff has to show:

1. Defendant committed intentional act.
2. Expressly aimed at defendant
3. Caused harm

In rem jurisdiction

* Power of court over property.
* The plaintiff would be the trademark owner
* Can’t be in rem if it can be personal jurisdiction
* There are no set guidelines for US internet jurisdiction, let alone internationally.
* There has been issue with international cases as some violate our bill of rights (mainly first amendment).

Brussel’s Regulation

* Uniform rules for jurisdiction throughout the EU
* Created to create seamless consumer protection

Based upon:

* Domicile: based on domicile rather than nationality. For companies, that is determined by seeing where the statutory seat, principal business, or central admin center is.