

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 16-00862 RGK (JCx)	Date	March 4, 2016
Title	<i>DOTCONNECTAFRICA TRUST v. INTERNET CORP. FOR ASSIGNED NAMES AND NUMBERS</i>		

Present: The Honorable	R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE		
Sharon L. Williams (not present)	Not Reported	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		
Proceedings:	(IN CHAMBERS) Plaintiff’s Ex Parte Application for TRO (DE 20)		

On March 2, 2016, DotConnectAfrica Trust (“Plaintiff”) filed this Ex Parte Application for TRO. By way of this application, Plaintiff seeks an order enjoining Internet Corporation for Assigned Names and Numbers (“Defendant” or “ICANN”) from issuing the .Africa gTLD until the Court decides Plaintiff’s Motion for Preliminary Injunction, scheduled for hearing on April 4, 2016.

A district court may issue a TRO where the moving party demonstrates the need for immediate relief, and establishes that relief is warranted under one of the following circumstances. Under the traditional criteria, a plaintiff must demonstrate “(1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury to plaintiff if preliminary relief is not granted, (3) a balance of hardships favoring the plaintiff, and (4) advancement of the public interest (in certain cases).” *Guzman v. Shewry*, 552 F.3d 941, 948 (9th Cir. 2009). Alternatively, “a court may grant the injunction if the plaintiff demonstrates “serious questions going to the merits” and a “balance of hardships that tip sharply toward” plaintiff, provided “plaintiff also show that there is a likelihood of irreparable injury and that the injunction is in the public interest.” *Alliance for Wild Rockies v. Cottrell*, (632 F.3d 1127, 1131-1132 (9th Cir. 2011).

Upon review of the parties’ arguments, the Court finds serious questions going to the merits. Plaintiff has demonstrated that once the tGLD is issued, it will be unable to obtain those rights elsewhere. Moreover, the injury it will suffer cannot be compensated through monetary damages. In opposition, Defendant states in conclusory fashion only that the African governments and the ICANN community will suffer prejudice if the delegation of the gTLD is delayed.

Based on the foregoing, the Court **grants** Plaintiff's Ex Parte Application for TRO. Defendant is enjoined from issuing the .Africa tGLD until the Court decides Plaintiff's Motion for Preliminary Injunction, scheduled for hearing on April 4, 2016.

IT IS SO ORDERED.

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