

# Case 408

A note for jurors: verify these points on your own, and verify the evidence. Screenshots or notes here are not to be taken as actual evidence, but as a guideline to provide for the arguments. Everything is in the Internet.

First, this counter-reply will make three points:

1. **Policy over Case Law**
2. Most commonly used name to refer to the asset
3. Names should be treated like brand names spelling wise

So far, no attempt at an attack of other clauses in the Policy has been submitted, so the validity of other clauses will not be put in doubt in this defense. The clauses this document is concerned with are the first clause, referred in point 2, and third clause, referred in point 3.

## 1. Policy > Case Law

Case Law is not proper arbiter work. Taking the past as a reference point means possibly dragging and compounding mistakes. What was done in the past does not matter because the reference point is the Policy document, and should be scrutinized every single time.

Case Law is only valid as a study of how common problems were solved in the past. It's useful to find what Policy clauses place more burden in subjectivity, and which issues trigger these needs for subjectivity. It's also useful as an heuristic to save time in smaller and contained objective problems. No need to reinvent the wheel every single time if a clause has paved the way to solve a problem with an objective solution, this same solution can be used as long as the jurors can retrace the steps and verify the solution by themselves.

Still, to rest the burden of a previous juror decision is far from ideal. There must be no confusion between *using the past as a reference point to identify problems* and *using the past as a reference point for solutions*. The point of analyzing the past is not to take the solutions themselves, but to extract the way that a solution was reached. Use it to get the proper questions, not the answers.

## 2. Most commonly used name to refer to the asset

► *The name should be the most commonly used name to refer to the asset. It does not necessarily need to be the official name given by project creators nor the one in the token contract.*

- Token Curated List Policies, first clause.

This clause holds two statements. First is “*The official name given by project creators and the most commonly used name to refer to the asset are separate things.*” Second is “*The name should be the most commonly used name to refer to the asset.*”

Let’s identify these two entities first. The official name given by project creators is easy to spot. At the time of writing this document, [this is the official website](#). It states the project is named GROWTH DeFi.

This information is not enough to know how should the token be listed, we need the most commonly used name. This statement, as harmless as it seems, holds a great degree of subjectivity the more you try to deconstruct it. This is a list of some *common sense* interpretations, with small counterpoints:

- Most frequently appearing string referring to a project.

*What about bots? Can we really say bots or scripts are **using** the name? Can mindless automatons **use**?*

- Most frequently appearing string written by humans referring to a project.

*Why reduce using a name to writing? How do we quantify what is written by humans and what is not?*

- Most frequently spoken name referring to a project.

*Why reduce using a name to speaking? How do you possibly record and quantify this in an objective way?*

- Most frequently thought name referring to a project.

*Why reduce using a name to thinking? This is hardly possible to quantify, too.*

- Most frequently found string referring to a project.

*This is not ‘appearing’, but found, as in, a string does not need to be written many times to be found many times. Imagine if a popular website listed it as “Growth DeFi”, it would be seen many more times than a white-paper mentioning “GROWTH DeFi” frequently.*

- A compromise of most frequently spoken, appearing, thought and found name referring to a project.

*Who decides what that compromise is? Who decides the ratios? And many of those uses of names are hardly quantifiable.*

The list is, most likely, endless. The reason we need arbitration in the first place is that there are no objective rules or methodologies to solve subjective problems. We can solve the small objective sub-problems with objectivity, and depend on guidelines and common sense for subjectivity.

This document will not assert what *most commonly used name* means, but will provide with some actual objective facts so that jurors can make an informed decision.

First, the following websites use the string “Growth”. To the right it is indicated the popularity ranking of the domain provided by Alexa:

[CoinMarketCap](#) - #660

[Etherscan](#) - #1632

[Coinbase](#) - #1696

[Uniswap \(Info\)](#) - #5902

These are the websites using “GROWTH”:

[CoinGecko](#) - #1194

[growthdefi.com](#) - #779508

As popularity rank decreases, usage of the domain raises non-linearly. This makes for “Growth” surpass “GROWTH” by popularity in websites by a great deal due to CoinMarketCap ranking.

Secondly, let’s consider the most commonly occurring string used by their active community. *Used* could mean *named by users*, so it makes sense to analyze how users behave around this issue.

I advice the jurors to get into the [Telegram](#) and type “Growth” in the search bar. Count instances of “Growth” vs instances of “GROWTH” that are mentioned by the users.

Twitter is interesting as well. The official account’s handle is [@GrowthDefi](#) , but their branding is still the official “GROWTH DeFi”. However, searching “Growth DeFi” in Twitter will show more instances of this naming than the official. It is also possible search with the ticker [\\$GRO](#).

No stats are provided in this document for three reasons: jurors should verify the data themselves, making a scrapping tool for Twitter or Telegram is out of the author’s reach, and the author could be accused of cherrypicking as well, so this should be consider as homework for the jurors.

### 3. Names should be treated like brand names spelling wise

► *Names should be treated like brand names (spelling wise). This means that the correct spelling is dictated by the project owners, unless consensus forms around a different spelling.*

- Token Curated List Policies, third clause.

We can extract from this clause the following statements: First, name should be treated like brand names spelling wise. Second, unless there is consensus for a different spelling, correct spelling is dictated by the project owners.

A bit of semantics is due here. [Cambridge defines spelling](#) as *forming words with the correct letters in the correct order*. It was stated in the first document in favor of the requested, but it will be repeated here. “Growth DeFi” and “GROWTH DeFi” have the same spelling. “GroWtH DeFi” and “growth defi” also have the same spelling. The difference between all this strings is not in spelling, but in [capitalization](#).

Official current brand name is “GROWTH DeFi”. But the most commonly used name is “Growth DeFi”, as it has been argued in point 2. Luckily for the requester, both names have the same spelling. Because “Growth DeFi” is the same as the brand name spelling wise, it passes clause three.

## Deconstruction of the challenger’s argument

With these definitions and arguments, there is no further need to develop any further. The author will use them to deconstruct and prove challenger’s faulty logic.

Quoting from [0x4a2c5a0af8b29cd5fd8eb1d02a83150a3ee10488](#) last response:

*<<Letter casing/capitalization matters too*

*Although not explicitly stated in the guidelines, letter casing in fact does matter for TCR submissions. EncrypGen, OVCODE, SpankChain, Zebi, DAOstack and (somewhat) Kush Finance all got rejected because of incorrect capitalization. It's common sense to not only provide the correct and most commonly used spelling, but also letter casing. This submission was correctly ruled by rejecting it, no appeal is needed.>>*

This text will be divided into small modular messages and debunked individually:

(1) *<<Although not explicitly stated in the guidelines, letter casing in fact does matter for TCR submissions. EncrypGen, OVCODE, SpankChain, Zebi, DAOstack and (somewhat) Kush Finance all got rejected because of incorrect capitalization.>>*

The challenger claims it matters, but provides only mentions of cases where it *mattered*. Argument for why should past cases should not be used as evidence for correct solution was given in point 1.

(2) *<<It's common sense to not only provide the correct and most commonly used spelling, but also letter casing.>>*

Common sense is not needed when there is objectivity. Even then, it is indeed necessary to provide the most commonly used letter casing, and it was proven to be the case in point 2.

(3) *<<This submission was correctly ruled by rejecting it, no appeal is needed.>>*

It was not correctly ruled for the reasons stated in this document and the reasons stated in the previous document. Even then, the challenger is right in that the appeal is not needed, but the appeal is happening anyway.

All in all, for all the reasons stated in this document, and unless further compelling evidence is shown, my instance is to **add Growth DeFi to tokens**.