

The challenger and SpendCoin are making arguments based on two different sets of the Ethfinex terms.

Terms from when the dispute arose as seen in the Primary Document:

<https://ipfs.kleros.io/ipfs/QmdpypiXXa7kcmpVQCwAUznx8puxuAiLr5EX2B7cKb5cnY/Bce2S4EbvXCMYQAyp8jag61KYbr6QHnPtAuR1DVM8CEn6CyKowzXZWtWmTkor7RrBZUrP5i91uNX8phv6LmRzRAqYM>

Terms that are currently the policy:

<https://ipfs.kleros.io/ipfs/OmVzwEBpGsbFY3UgyjA3SxgGXx3r5gFGynNpaoXkp6jenu/Ethfinex%20Court%20Policy.pdf>

The Ethfinex terms that are in the Primary Document link should be the terms that we use to rule this dispute. These are the terms that SpendCoin originally applied for, and the terms that the challenger challenged on. To do otherwise would be applying the new policy retroactively which is generally not permitted in legal systems. It would be unfair to everyone involved in the dispute including: the jurors who might have ruled using different policies, both parties in the dispute and the people who paid for the dispute. We cannot even tell when the policies in the court were last updated or how many times they have been updated. The fact that the original policies were included as the Primary Document shows that Kleros intends for jurors to use these in this dispute.

Spendcoin should reapply if they want to argue for acceptance under the newest terms.

Kleros should update their platform policies to direct jurors to the primary document or make a statement to clear up confusion on this for jurors. I assume they would want us to rule in this manner as it is the most fair and decentralized.