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To whom it may concern

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Vienna, 26th September 2007
Dr. CL/rk/5.doc
IntTaekwon/DIV07

Ref.: **ITF – Prof. Chang Ung**

Dear Sirs,

As I have seen the letter of Mr. Tran Trieu Quan published on his webpage, I assume that some of you will be confused about the current legal situation of ITF. Therefore, I would like to take the opportunity, to explain, what happened to ITF in the last few months under Austrian Law aspects.

What you should know first is, that according to Austrian Law, ITF as non-profit organisation is a juridical person, having its own rights and obligations. This ITF has been registered in the register of non-profit organisations at the address Draugasse 3, 1210 Vienna. But, as juridical person and legal body, ITF needs officials, in particular a president, representing ITF.

As most of you will be aware of, the German International Taekwon-Do Federation, represented by Mr. Paul Weiler submitted a claim against ITF (as defendant) to the Land Court for the District of Vienna in 2006, asking the Court to rule, that Mr. Prof. Chang

Ung never has been appointed as ITF-president validly. But, to prevent Prof. Chang Ung to take any legal action against this claim, brought to Court by the German Taekwon-Do Federation, this group urged in the claim, that the correct address of ITF would be at Brünnerstraße, the private apartment of Mr. Thomas McCallum.

As the Court does not check, if the address of the defendant, as stated in the claim is correct, the Court sent the claim to Mr. Thomas McCallum's private place. Logically, as Mr. McCallum has been supporting the position set out in the claim, in particular assuming that not Mr. Prof. Chang Ung, but Mr. Tran Trieu Quan should have been appointed validly to the president of ITF, Mr. McCallum did not react to the claim in the name of the defendant ITF. As one can see easily, in this case, the plaintiff German International Taekwon-Do Federation and the defendant ITF, quoted in the claim did not have opposite interests in and understandings of the legal case, which is quite ridiculous.

As in many other legal systems, also under Austrian Civil Process Law, the plaintiff prevails in a court proceeding without any further Court hearing, if the defendant does not take any measures against the submitted claim. This happened and no legal step has been taken in the first instance, because due to the quoting of Brunnerstraße as address of ITF (which is in fact the address of Mr. Tom McCallum's home) in the claim, Mr. Prof. Chang Ung and his organisation did not even know, that the German International Taekwon-Do Federation has filed a Claim, with the goal to get a Court decision, ruling that Mr. Prof. Chang Ung has not been appointed to ITF-President validly. As a result, the Court issued a verdict, ruling that Prof. Chang Ung has not been elected validly for ITF-President and further Mr. Tran Trieu Quan would be the correctly appointed ITF-President.

Some weeks later, Prof. Chang Ung and his organisation got knowledge of this verdict via the web-page of Mr. Tran Trieu Quan's group. Just a few days later, Mr. Prof. Chang Ung has taken all possible legal steps against this verdict and the Court proceeding has been started.

In August 2007, the Land Court for the District of Vienna ruled, that the Congress held by Mr. Tran Trieu Quan's group in Poland (2003) has not been in line with the Laws of Austria and the ITF-Constitution due to some formal requirements not having been met, but nevertheless this Congress would have elected Tran Trieu Quan for ITF-President.

Nevertheless, this verdict is not binding and has no legal effect at the moment. Mr. Prof. Chang Ung and his organisation has appealed against this verdict to the Higher Court for the Districts of Vienna, Lower Austria and Burgenland, already: As long as there is no Court decision on this appeal, the verdict of the Land Court for the District of Vienna in the favour of Mr. Tran Trieu Quan has no legal effect. According to Austrian Law, no one must deduct any rights from a verdict, challenged by way of an appeal. This is, why in principal, the verdict of the Land Court for the District of Vienna, issued in August 2007 did not change anything with regard to ITF and Mr. Prof Chang Ung's position. One could say, that this verdict was just the first step in a legal proceeding consisting of three legal steps before three different Courts acting as different instances (Land Court for the District of Vienna (1st instance), Higher Court for the Districts of Vienna, Lower Austria and Burgenland (2nd instance) and Supreme Court (3rd and last instance)). Even if the Court of the 2nd instance will not decide in favour of Mr. Prof. Chang Ung and his organisation, such a verdict will not be binding, as there is the possibility to appeal again to the Supreme Court. One can see easily, that there is no good cause for Mr. Tran Trieu Quan's group at the moment to pronounce, that they would have won at Court finally and there would be any binding decision by an Austrian Court stating, that Mr. Tran Trieu Quan has been elected for ITF-President validly.

In our opinion, the Land Court for the District of Vienna, when drafting its verdict, ignored some important facts, in particular Mr. Prof. Chang Ung's cooptation as ITF-President in November 2002 and the fact, that many more national Federations have been supporting the Presidency of Mr. Prof. Chang Ung than that of Mr. Tran Trieu Quan.

Therefore, we think, that the Higher Court for the Districts of Vienna, Lower Austria and Burgenland, will follow the legal understanding as set out in the appeal against the verdict of the Land Court of the District of Vienna and will dismiss the claim submitted by the German International Taekwon-Do Federation, which caused all the confusion.

Kindest regards


Dr. Christoph Leitgeb