

Proposed Consolidated Contingency/Scenarios

I. **Insolvency or Inability to Perform Key Functions** (Merged #5, 6, 7, 8 and 9)

ICANN is fiscally insolvent, and lacks the resources to adequately meet its obligations. This situation could result from a variety of causes, including financial crisis specific to the domain name industry, or the general global economy. It could also result from a legal judgment against ICANN, fraud or theft of funds, or technical evolution that makes domain name registrations obsolete.

II. **Failure to Meet Operational Obligations** (Merged #1,2,11, 17, and 21)

ICANN fails to process change or delegation requests to the IANA Root Zone, or executes a change or delegation over the objections of community stakeholders. <CLO- suggest delete "community" and embellish "stakeholders" with the following (or similar) "objections of stakeholders, such as those defined as 'Significantly Interested Parties' [insert link to FOI-WG final report section] (I will run this language past Eberhard)

III. **Legal/Legislative Action** (Merged #3, 4, 19, and 20)

ICANN is the subject of litigation under existing or future policies, legislation, or regulation. ICANN attempts to delegate a new TLD, or re-delegate a non-compliant existing TLD, but is blocked by legal action.

IV. **Failure of Accountability** (Merged #10, 12, 13, 16, 18, 22, 23 and 24)

Actions (or expenditure of resources) by one or more ICANN Board Members, CEO, or other Staff, are contrary to ICANN's mission or bylaws. ICANN is "captured" by one stakeholder segment, including governments via the GAC, which is either able to drive its agenda on all other stakeholders, or abuse accountability mechanisms to prevent all other stakeholders from advancing their interests (veto).

V. **Failure of Accountability to External Stakeholders** (Merged #14, 15, 18, 21 and 25)

ICANN modifies its structure to avoid obligations to external stakeholders, such as terminating the Affirmation of Commitments, terminating presence in a jurisdiction where it faces legal action, moving contracts or contracting entities to a favorable jurisdiction. ICANN delegates, subcontracts, or otherwise abdicates its obligations to a third party in a manner that is inconsistent with its bylaws or otherwise not

subject to accountability. ICANN merges with or is acquired by an unaccountable third party.