

## CCWG-ACCOUNTABILITY WORK STREAM 2, JURISDICTION SUBGROUP QUESTIONNAIRE

### PREAMBLE

The newly-adopted ICANN bylaws created several Work Stream 2 accountability subgroups. One of them, the subgroup on Jurisdiction, is posing the questions below for community input into the subgroup's deliberations.

As directed by [Bylaw Article 27, Section 27.1\(b\)\(vi\)](#) and to the extent set forth in the CCWG-Accountability [Final Report](#),<sup>1</sup> the Jurisdiction subgroup is addressing questions related to ICANN's jurisdiction,\* including how choice of jurisdiction and applicable laws for dispute settlement impact ICANN's accountability and the actual operation of policies.

To help the subgroup in these endeavors we are asking you to consider and respond to the following specific questions. In this regard, the subgroup is asking for concrete, factual submissions (positive, negative, or neutral) that will help ensure that the subgroup's deliberations are informed, fact-based, and address real issues. The subgroup is interested in all types of jurisdiction-related factual experiences, not just those involving actual disputes/court cases.

**1.** Has your business, your privacy or your ability to use or purchase domain name-related services been affected by ICANN's jurisdiction\* in any way?

*If the answer is Yes, please describe specific cases, situations or incidents, including the date, the parties involved, and links to any relevant documents. Please note that "affected" may refer to positive and/or negative effects.*

**2.** Has ICANN's jurisdiction\* affected any dispute resolution process or litigation related to domain names you have been involved in?

*If the answer is Yes, please describe specific cases, situations or incidents, including the date, the parties involved, and links to any relevant documents. Please note that "affected" may refer to positive and/or negative effects.*

**3.** Do you have copies of and/or links to any verifiable reports of experiences of other parties that would be responsive to the questions above? *If the answer is yes, please provide these copies and/or links.*

**4. a.** Are you aware of any material, documented instance(s) where ICANN has been unable to pursue its Mission because of its jurisdiction?\* *If so, please provide documentation.*

**b.** Are you aware of and able to document the existence of an alternative jurisdiction where ICANN would not be so prevented from pursuing its Mission? *If so, please provide documentation.*

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<sup>1</sup> See CCWG-Accountability Main Report, paragraphs 6 and 234, and Annex 12, paragraphs 25-31.

\* For this Questionnaire, "ICANN's jurisdiction" refers to (a) ICANN being subject to U.S. and California law as a result of its incorporation and location in California, (b) ICANN being subject to the laws of any other country as a result of its location within or contacts with that country, or (c) any "choice of law" or venue provisions in agreements with ICANN.