

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

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### ANNOUNCEMENT

The newly-adopted ICANN bylaws created several Work Stream 2 accountability subgroups. One of these subgroups, 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.

The Jurisdiction Subgroup has put out a questionnaire seeking responses to several jurisdiction-related questions. The Subgroup is asking you to consider and respond to these questions with concrete, factual submissions.

The questionnaire can be found at **[URL]** and is available in each of the 6 languages supported by ICANN. You may respond to the questionnaire in any of these languages.

Responses must be transmitted via email to (email address). Responses must clearly identify the individual responding and, where applicable, the organization for which the response is being submitted. Responses may be submitted at any point during the response period.

The subgroup will accept responses until **23:59 UTC 17 April 2017**.

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### INTRODUCTION

The newly-adopted ICANN bylaws created several Work Stream 2 accountability subgroups. These subgroups are part of the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability).

One of these subgroups, the Jurisdiction Subgroup, is seeking responses to this questionnaire for use in the Subgroup's deliberations. According to [Section 27.1\(b\)\(vi\)](#) of the Bylaws 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 ICANN's policies.

To help the Subgroup in these endeavors, we are asking you to consider and respond to the following specific questions. 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 responsive to these questions, not just those involving actual disputes/court cases.

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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.

The questionnaire is available in each of the 6 languages supported by ICANN. You may respond to the questionnaire in any of these languages.

Responses must be transmitted via email to (email address). Responses must clearly identify the individual responding and, where applicable, the organization for which the response is being submitted. Responses may be submitted at any point during the response period.

The subgroup will accept responses until 23:59 UTC 17 April 2017.

## QUESTIONNAIRE

**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.*