

~~We The CCWG-Accountability Jurisdiction Subgroup would like to understand in which jurisdictions have been working on the premise that~~ ICANN (incorporated as a nonprofit company in California) ~~is~~ may be subject to litigation as a defendant (i.e., where the court's jurisdiction over ICANN may be satisfied). The Jurisdiction Subgroup would appreciate the assistance of ICANN Legal in this task. The Subgroup has prepared the following questions:

1. We have assumed, but would like to confirm, that ICANN is subject to suit in the countries where it has these following "physical presences":

- Hub offices:
 - USA (specifically Los Angeles, California)
 - Turkey
 - Singapore

- Engagement offices:
 - China
 - Belgium
 - Switzerland
 - Uruguay
 - Kenya
 - Republic of Korea
 - USA (specifically Washington DC)

2. We believe it would be useful for us to know whether jurisdiction against over ICANN in ~~(civil, criminal, do we care)~~ litigation could be maintained elsewhere. Specifically, we would like to know about the following categories of jurisdictions:

~~There are generally three aspects to our interest.~~

~~a. First, there are c~~ Countries other than the ~~these listed~~ above where ICANN employees reside and "work remotely, from home" for the most part — (being paid by ICANN in the employee's local currency?). ~~(Is this correct? Also, is ICANN 'registered' anywhere else than where it has an office?)~~

~~b. Second are c~~ Countries where ICANN has ~~had no~~ ongoing physical presence ~~like those above~~ but has held one or more ~~formal~~ ICANN public meetings (e.g., ~~like~~ ICANN 57 in Hyderabad, India) or other significant events (e.g., GDD Summit) which are significant to ICANN's multistakeholder operations.

~~c. And then there are c~~ Countries where ICANN ~~has had no physical presence at all~~ meets none of the above criteria.

We note that in its Articles of Incorporation ICANN states, among other things, that it shall promote the global public interest in the operational stability of the Internet and that it will operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and international conventions and applicable local law.

And we note that in its ~~Bylaws~~ ICANN commits, among other things, to operate ~~for~~ the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and international conventions and applicable local law.

We generally understand that in many places jurisdiction for litigation is premised on physical presence in some manner. But we wonder whether in the digital age the concept of "targeting" (or some other legal theory) can be used as a basis for litigation jurisdiction.

In other words we wonder whether a party, based where ICANN has no office, could successfully maintain a lawsuit against ICANN in a local court based on the argument that ICANN targeted them improperly for some action.

We are looking for general advice rather than a country-by-country analysis, being interested in trends and reasonable probability and not legal certainty at this point (~~this relates to cost/effort—how do we wish to control this~~).