



# Jurisdiction Subgroup Status Update

CCWG-Accountability Plenary F2F | 25 June 2017

- Questionnaire response period closed. The Subgroup received 21 responses. The review of the responses is coming to an end. Only one lengthy response is left to be summarized and analyzed. Five shorter responses need to be dealt with as well. Respondents will be given an opportunity to clarify elements of their responses.

# Progress Since ICANN58

- Review of ICANN's Litigation is ongoing.
- Of 35 cases:
  - 15 have been analyzed
  - 13 are under review
  - 7 remain unclaimed.

# Progress Since ICANN58

- The Subgroup revised its Work Plan in April.
- The Subgroup has now been asked to populate a chart collecting all the potential issues identified in the various aspects of our work.

- There have been some recent discussions involving the Co-Chairs regarding the breadth of our work and the options that may be considered by the Subgroup.

# Co-Chairs Decision for review by Plenary

- Thomas Rickert, speaking for the CCWG Co-Chairs, reminded the Subgroup of the method used in WS1 of narrowing alternatives at difficult junctions by focusing on the option that had the most traction.

# Co-Chairs Decision for review by Plenary

Applying this method, the Co-Chairs concluded that the Jurisdiction Subgroup will take “California jurisdiction” (i.e., law, place of incorporation and headquarters location) as a baseline for all recommendations, and will work on solutions founded on this. The Subgroup will not pursue recommendations to change ICANN's jurisdiction of incorporation or headquarters location or seek immunity for ICANN, recognizing there is no possibility of consensus for an immunity-based concept or a change of place of incorporation. This does not eliminate any issues; the Subgroup can discuss all issues that might arise during deliberations.

Thomas subsequently clarified that the reference to

“immunity” was not intended to foreclose discussions of



# Co-Chairs Decision for review by Plenary

- Thomas subsequently clarified that the reference to “immunity” was not intended to foreclose discussions of specific and narrowly tailored waivers, licenses, immunities, etc. as potential “remedies” to be recommended by the Subgroup.



# Discussion of Co-Chairs' Decision

- Methodology
- Narrowing the Options for Subgroup's Discussions and Recommendations
  - Co-Chairs did not see sufficient support for continued discussions of:
    - Removing ICANN from California as place of incorporation
    - Removing ICANN's headquarters from California
    - Making ICANN an immune organization
  - Discussion of remedies for specific issues may include limited and specific immunities, waivers, licenses, etc., focused on the mitigating the specific issue.