

Cross Community Working Group (CCWG) on Accountability WS2

December 14, 2017

Case no.:

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**Danish comments regarding the document titled “CCWG-Accountability WS2, Jurisdiction Sub-group, Recommendations, November 2017”**

Denmark welcomes the opportunity to comment on the recommendations contained in the above-mentioned document. We would like to thank all participants in the sub-group and in the CCWG for their dedication to developing recommendations on this difficult and important subject on jurisdiction.

Denmark supports the proposals contained in the document. We attach specific importance to the recommendations regarding choice of law and choice of venue provisions.

We favour a menu approach composed of a small number of countries from each ICANN Geographic Region concerning the governing law of contracts, as this will be a benefit for registries and registrars in concluding contracts with ICANN. In this way, it will contribute to ICANN accountability and in ICANN serving global internet community. The same goes for the choice of venue in registry agreements.

In the document on page 24, it is stated: “The method of “choosing” from the menu also needs to be considered. The registry could simply be able to make a choice from the menu, or it could be part of the registry’s negotiations with ICANN.”

Denmark finds that if a menu approach is implemented, it is important that the weak party, i.e. registry or registrar, freely can choose the applicable law and venue, and that it is not left to the parties to negotiate since ICANN is the only one that registries and registrars can enter into contract with.

We suggest that this will be reflected in the final recommendation on jurisdiction.

Denmark is committed to participating in the continued work of the CCWG Accountability and its sub-groups. ,

Yours sincerely,

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