



**Comments from the Internet Infrastructure Coalition (i2Coalition)
On CCWG-Accountability WS2 Jurisdiction Sub-group Recommendations
November 2017**

The Internet Infrastructure Coalition (i2Coalition) appreciates the opportunity to comment on Cross Community Working Group on Enhancing ICANN Accountability (Work Stream 2) Sub-group Recommendations.

The i2Coalition's diverse membership represents both large and small Internet infrastructure providers such as web hosting companies, software services providers, data centers, registrars and registries. The i2Coalition has several key goals within ICANN, but chief among them is continuing to build a voice for underrepresented parts of the Internet ecosystem – in particular web hosts, data centers and cloud infrastructure providers – and ensuring that accountability and transparency are paramount. The i2Coalition brings unique representation to ICANN as it is made up of companies representing the whole broad ecosystem of Internet infrastructure companies.

The i2Coalition appreciates the work of the sub-group, and we broadly support the proposal's direction. With that in mind, we offer general comments on the Draft Report.

Recommendations relating to OFAC sanctions

i2Coalition understands that codifying that the State of California in the United States of America is the permanent jurisdictional home of the nonprofit organization of ICANN brings with it some challenges. Key among these challenges is how ICANN can maintain its global mission while U.S. law requires them to obey OFAC sanctions. The recommendations proffered by the sub-group are sensible ways of approaching that difficult set of circumstances, and we support them.

Recommendations relating to Choice of Law and Choice of Venue provisions in ICANN agreements

i2Coalition agrees that the sub-group cannot demand changes to RA and RAA agreements, but thanks the sub-group for properly framing the conversation when RA and RAA agreements are revised. Though we are making no statement on preference to the approach that should be taken to address venue, we agree that addressing venue would both enhance ICANN accountability and decrease business uncertainty for contracted parties.

Regarding dissenting statements

i2Coalition wishes to respectfully disagree with the comments of Brazil and other dissenters, specifically when addressing frustration with the sub-group not putting the subject of ICANN's location of incorporation up for community discussion. It is clear that the IANA transition was predicated on the fact that ICANN is, and will remain, a California nonprofit. It is inappropriate and out of scope to attempt to change that at this time.

Concluding Comments

Again, we appreciate the work of the sub-group and believe it continues to build towards strong conclusions on jurisdiction that will significantly improve ICANN's accountability. We look forward to continuing to work with the group as it moves toward finalizing its work.