



*Ministero dello Sviluppo Economico*  
*Istituto Superiore delle Comunicazioni e delle Tecnologie dell'Informazione*

**Italian Comments on CCWG-Accountability WS2 Jurisdiction Sub-group Recommendations**

Italy welcomes the possibility to provide comments in response to the Jurisdiction Sub-Group Recommendations and wants to thank the Jurisdiction Sub-group members for their valuable work.

Italy reaffirms that all Governments should have an equal role and responsibility for international Internet governance and for ensuring the stability, security and continuity of the Internet (Art. 68 of Tunisi Agenda). Conflicts of jurisdiction on the Internet might have implications with respect to the “EU acquis”, e.g. as regards data protection and geographical indications.

ICANN is the administrator of a global resource, so we will support any solution that ensure that its functioning should not be biased by the jurisdiction of the hosting country.

Furthermore, we believe that the future jurisdiction and applicable laws should safeguard the application of principles enshrined in the international conventions in Private International and Procedural Law.

Concerning the draft recommendations please find below our comments:

- We believe that the “status quo” option will not be a proper solution for the future, given the past experiences with regard to the New gTLDs Program.
- Implementing the “California approach” could eventually create a sort of undesirable hierarchy among jurisdictions.
- We express some concerns regarding the other three options too. A system with a clear legal framework is needed to implement them which has not been defined properly yet.

Special reference also need to be made to Child Protection. There is a concern about any move away from the present arrangements if that would permit or encourage future Registries to engage in “venue shopping” in search of a jurisdiction with materially lower standards of child protection laws or regulations, or materially weaker mechanisms to enforce compliance of hitherto widely accepted standards. Therefore, ICANN should make clear that, irrespective of the choice of jurisdiction, in all relevant circumstances the terms of the UN Convention on the Rights of the Child must be met or exceeded.

In conclusion, Italy believes that further considerations and discussions are required before the approval of any options.

Yours sincerely,

Rita Forsi

Italian GAC representative  
Director General  
Ministry of Economic Development  
ITALY