

CCWG-Accountability Work Stream 2
Jurisdiction Subgroup
Meeting #9
October 27 2016
AGENDA

1. Welcome
2. Review of Progress to Date
 - a. Work on “**confirming and assessing the Gap Analysis**” was hampered by lack of clarity in identifying this “Gap Analysis,” in particular the scope of such “Gap Analysis.” As a consequence, the group’s deliberations were largely about scope and not about confirmation and assessment. Work on a substantive issue that is clearly “in scope” could benefit the group’s efforts to identify, confirm and assess the Gap Analysis. Therefore, we have put this task to the side and will revisit it after work on substantive issue that is clearly “in scope.”
 - b. **Changing ICANN's headquarters or incorporation jurisdiction** will not be further investigated at this time; however, if an issue is identified and the Subgroup can’t find a less drastic solution, we will revisit and examine this concept in the context of the identified issue.
 - c. We have done substantial work on a document defining the **Multiple Layers of Jurisdiction**, both generically and in the ICANN context. This document also contains some initial discussions of the influence/effect of ICANN’s existing jurisdictions. This document is clearly a “work in progress” and does not yet reflect consensus.
 - d. We have identified a substantive issue that is clearly “in scope”: ***The influence of ICANN’s existing jurisdictions relating to resolution of disputes (i.e., “Choice of Law” and “Venue”) on the actual operation of policies and accountability mechanisms.***
 - i. Choice of Law refers to the governing law for a dispute, whether chosen by the parties or determined by “conflict of laws” rules.
 - ii. Venue refers to the physical location (if any) of the forum for a dispute, as well as the type of forum and the provider of that forum.
 - e. We have begun work on a **document exploring the topic in (d)** (“the influence of ICANN’s existing jurisdictions relating to resolution of disputes (i.e., “Choice of Law” and “Venue”) on the actual operation of policies and accountability mechanisms”) and have made some progress. Further progress is critical, as this is a core “deliverable” by this group. This document is also clearly a “work in progress” and does not yet reflect consensus.
3. Preparing for ICANN 57
 - a. CCWG F2F currently allots 30 minutes to an update and discussion of Jurisdiction matters. We need to determine how best to use this time.
4. Reporting on our Progress
 - a. Status Report
 - b. Status Slide
5. AOB
6. Adjourn and see many of you in Hyderabad!