

Fourth Formulation -- Second Draft

What are the advantages or disadvantages, if any, relating to ICANN's jurisdiction*, particularly with regard to the actual operation of ICANN's policies and accountability mechanisms?

Please support your response with appropriate examples, references to specific laws, case studies, other studies, and analysis. In particular, please indicate if there are current or past instances that highlight such advantages or problems. In terms of likely future risk, please mention specific ways in which U.S. or California laws safeguard or interfere with, or may be used to safeguard or interfere with, ICANN's ability to carry out its policies throughout the world.

For any disadvantage identified, please identify alternatives (including other jurisdictions), if any, where that problem would not occur. For each such jurisdiction or other alternative, please specify whether and how it would support the outcomes of CCWG-Accountability Work Stream 1, identify the risks of those jurisdictions or other alternatives, and discuss the risks associated with changing from the current situation.

* For these questions, "ICANN's jurisdiction" refers to (a) ICANN being subject to U.S. and California law as a result of its incorporation and location in California, (b) ICANN being subject to the laws of any other country as a result of its location within or contacts with that country, or (c) any "choice of law" or venue provisions in agreements with ICANN.