Title of Proposed Issue	Description of Proposed Issue	Submitted by	Date	Source(s) for Proposed Issue with Link(s)	Reasons this is within our remit	Reasons this is outside our remit	Support for this as an accepted issue	Opposition to this as an accepted issue	Accepted/Rejected as an issue (with explanation)	Notes
Governing law for Registry agreements	There is currently no governing law in the "Base Registry Agreement" (except for .eu and possibly other "legacy agreements"). This is an issue because: (1) the governing law is important in interpreting the contract, (2) not stating a governing law gives too much discretion to a court to determine the governing law of the contract, (3) it creates the possibility that different courts will apply different governing law and interpret the contract differently.	Raphael Beauregard-Lacroix	18/04	Litigation summary which dealt with that issue (Employ Media LLC v ICANN)	This issue as described is related to accountability to the extent that accountability is also predictability. It can be argued that ICANN is not being accountable by letting an arbitrator decide eventually of the law applicable to its standard form contracts. As a registry I may prefer to know the law that applies to the contract I have with ICANN, even if that law ends up being "foreign" to me. Given its legal resources, ICANN may have the means to disregard this and let the arbitrator decide on the applicable law, but this is probably not the case of most registries. In that sense, ICANN is not being responsible and is putting an extra burden on registries. Moreover, because these BRAs are standardised, a single arbitral award that would decide (for example) that the applicable law is the law applicable to the entity serving as the registry, all of sudden the admittedly American legal content of the BRAs would need to be interpreted in light of a myriad of various legal systems.					
Governing law for Registrar Accreditation Agreement	There is currently no governing law in the RAA. This is an issue because: (1) the governing law is important in interpreting the contract, (2) not stating a governing law gives too much discretion to a court to determine the governing law of the contract, (3) it creates the possibility that different courts will apply different governing law and interpret the contract differently.	Greg Shatan	10-Jul							

Sanctions/OFAC (US sanctions laws and policies administered and enforced by the Office of Foreign Assets Control ("OFAC"))	US foreign policy limits ICANN's ability to accredit registrars and approve registries. See specific issues below.	Internet Governance Project	7-Jul	1. Comments of IGP, https://go.icann.org/2sKouVc; 2. Comments of Iran; https://go.icann.org/2tuTeqk 3. Comments of Russia; https://go.icann.org/2tuwOFD 4. Comments of Richard Hill http://bit.ly/2tuDzXY 5. comments of Just Net Coalition https://go.icann.org/2tQVbzF	The subgroup was asked to explore how "jurisdiction of contracts and dispute settlements" affect ICANN's accountability (Accountability Report p. 6, Feb 2016) These aspects of US jurisdiction can undermine ICANN's accountability to its stakeholders as ICANN policy and decisions can be superseded by U.S. government policy. In the same report it is also stated that WS2 should be "Addressing jurisdiction-related questions, namely: "Can ICANN's accountability be enhanced depending on the laws applicable to its actions?" The CCWG-Accountability anticipates focusing on the question of applicable law for contracts and dispute settlements." (p. 47) https://go.icann.org/2tRbKLP		IGP			
Sanctions/OFAC (1): Registrar Accreditation	1) ICANN RAA says it is under "no obligation" to seek an OFAC license; 2) even if it does seek a license it has no control over whether it is granted and the process can be long and is not transparent;									
Sanctions/OFAC (2): Applicability to non-US registrars	There is a lack of clarity on whether registrars not in sanctioned countries but outside the US are bound by OFAC sanctions because of their contract with ICANN.									
Sanctions/OFAC (3): Approval of gTLD Registries	US foreign policy limits ICANN's ability to accredit registrars and approve registries.									
ICANN ccTLD delegations	How binding or precedential is the appeals court decision in WEINSTEIN v. ISLAMIC REPUBLIC OF IRAN No. 14-7193, elevating ICANN's ccTLD delegation decisions above property seizure challenges?	Internet Governance Project	7 July	Weinstein v. Iran (Weinstein, 831 F.3d at 485-486) Analysis of the case carried out by Mathieu Weill at: https://go.icann.org/2uvbMa6 For furether analysis refer to Mueller/Badiei paper p. 478-480 http://www.stlr.org/download/volumes/volume18/muellerBadiei.pdf	If US courts override ICANN ccTLD delegation decisions it bypasses ICANN processes, undermining its accountability to its global multistakeholder community. This issue relates to applicable law and dispute settlement and therefore is within the mandate of this sub group.		IGP			