

OFAC AND OTHER SANCTIONS: QUESTIONS FOR ICANN LEGAL

1. When, how and who raised with ICANN the applicability of OFAC terms with respect to gTLDs and ccTLDs?
 - a. Did ICANN react on that issue indicating the consequence of eventual application of OFAC terms to DNS, including ccTLDs?
2. Since ICANN's inception, have ICANN's operations been impacted by OFAC? If so, how?
3. Since ICANN's inception, is ICANN aware of OFAC impacting the operation of any of the related DNS entities -- registrars, registries, etc.? If so, how?
4. What is the relation between gTLDs and ccTLDs on the one hand, and OFAC on the other hand?
5. How could OFAC terms and conditions impact gTLDs and ccTLDs?
6. Could OFAC terms prevent a Registry and/or a Registrar, directly or indirectly, from entering into discussions or agreements with those countries under OFAC sanction requesting gTLD?
7. Was the eventual applicability of any given OFAC terms to gTLDs and ccTLDs included in the agreements with Registries and/or Registrars?
 - a. if yes, based on what justification and which ICANN Resolutions?
8. In application of given terms of OFAC are there differences between US and non-US Registries and Registrars?
9. How does ICANN go about complying with OFAC requirements?
10. Why doesn't ICANN apply for a general OFAC license that would apply to all registries and registrars?
11. What is the precedential value of the Weinstein v Islamic Republic of Iran appeals court decision?
12. Is ICANN impacted by any sanctions other than those administered by OFAC?

EFFECT OF THE IANA TRANSITION

13. Does ICANN Legal have an opinion on whether the IANA transition to the new structures will change how OFAC has (or has not) impacted its operation or those of the related DNS organizations? If so, what is that opinion?
14. Was ICANN's ability to get OFAC licenses affected in any way by the end of the NTIA IANA contract?

IANA (PTI) OPERATIONS

15. Please provide an overview of the procedures adopted by IANA=PTI to ensure OFAC compliance in respect of ccTLD and gTLD transactions, and how they have changed since IANA was devolved to a separate incorporated body having its own legal personality.

ADDITIONAL QUESTIONS

1. What if a business/ party from a country under OFAC sanctions applies for a gTLD? Will ICANN necessarily seek a waiver? What if a waiver is not given?
2. What if a future US administration seeks to enforce OFAC on ICANN's ccTLD dealings with any country? What would happen to that ccTLD? (An article by Farzaneh in IGP blog for instance says that access to DNS "should not be hampered by the change of political administration in the U.S" meaning whatever solutions we suggest these must be future-proofed against political changes in the US.)
3. What happens to an existing gTLD owned by a party in country on which US administration decides to apply OFAC sanctions (and a waiver if asked for is not got)?
4. Are ICANN's interactions with gTLDs and ccTLDs covered under sanctions assuming an OFAC sanction is in force over the country/ persons concerned?