



**INTERNET  
& JURISDICTION**  
A GLOBAL MULTISTAKEHOLDER  
POLICY NETWORK

# ADDRESSING JURISDICTIONAL TENSIONS ON THE INTERNET

ICANN Abu Dhabi, November 1, 2017  
Presentation to Commonwealth representatives



# JURISDICTIONAL CHALLENGES

## Growing tensions

- Online interactions involve multiple jurisdictions
- Uncertainty about applicable law(s) and their enforceability
- Struggle of legal cooperation based on territorial sovereignty
- No actor can solve this alone - but all need solutions

## Costs of inaction

- Risk of legal arms race if uncoordinated decisions (prisoner's dilemma)
- Unwanted fragmentation, extraterritoriality, conflicts of laws
- Detrimental impact on the digital economy, human rights and security
- A threat to the internet's cross-border nature and openness

# THE INTERNET & JURISDICTION POLICY NETWORK

**200+ entities** around the world from key stakeholder groups:



# THE I&J MISSION

## CONNECT

stakeholders across silos to generate common understanding and policy coherence.

**100+ events since 2012:**

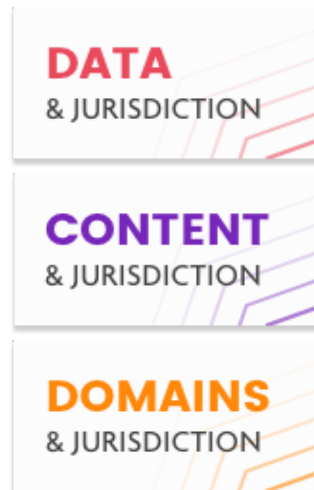
CONVENED: 12

ORGANIZED: 21

CONTRIBUTED: 68  
in 32 countries

## ADVANCE

the global debate to catalyze the development of shared frameworks and operational solutions.



## INFORM

decision-making and policy innovation through evidence-based research.

### I&J OBSERVATORY

31 top experts from 28 leading universities

### RETROSPECT DATABASE

More than 1.200 searchable cases from 117 countries

# THREE PROGRAMS FOR JOINT ACTION



## DATA & JURISDICTION

How can transnational data flows and the protection of human rights be reconciled with lawful access requirements for investigations?

***Focus: Cross-border access to digital evidence in the cloud***



## CONTENT & JURISDICTION

How can we manage globally-available content in light of the diversity of local laws and norms applicable on the internet?

***Focus: Procedures and scope of content restrictions***



## DOMAINS & JURISDICTION

How can the neutrality of the internet's technical layer be preserved when national laws are applied to the Domain Name System?

***Focus: Conditions and procedures for domain suspensions***

# DOMAINS & JURISDICTION

- Distinctions: registration abuse vs use abuse and infrastructure abuse vs abusive content
- When is it appropriate to act at the level of a domain name because of the activity or content on the underlying site?
- What should be the appropriate procedural safeguards?
- What is the role of “notifiers”?
- How should the different types of abusive content be distinguished?



# A SOLUTIONS-ORIENTED PROCESS

with a proven track record of:

**RECOGNITION** in international policy circles, connections to key actors

**PROGRESS** through an ongoing effort, expanding since 2012

**SUCCESS** in focussing attention on jurisdiction issues at the global level

**NEUTRALITY** of I&J Secretariat, ensured by diversified funding pool





# GLOBAL INTERNET AND JURISDICTION CONFERENCE 2016

The first conference addressing jurisdictional issues on the the Internet  
PARIS, NOVEMBER 2016

With the institutional support of:





# THE WORKFLOW



GLOBAL INTERNET  
AND JURISDICTION  
CONFERENCE 2016

Partner:



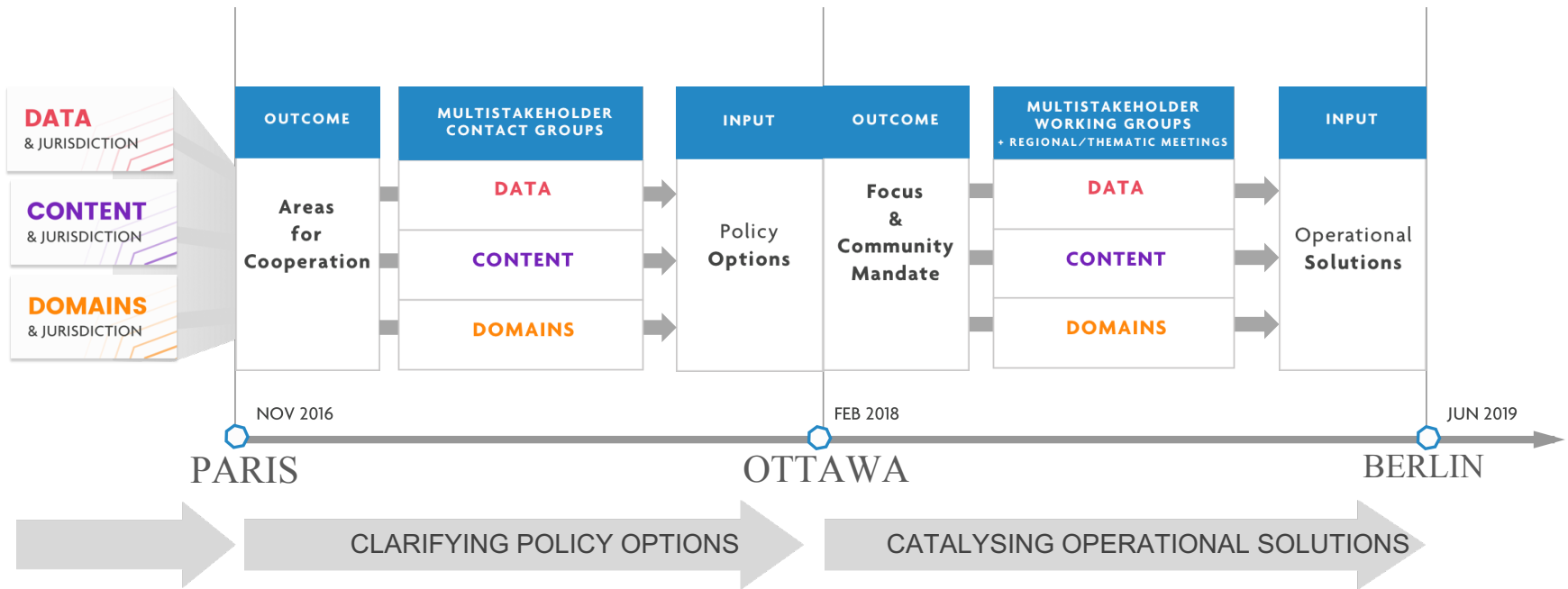
GLOBAL INTERNET  
AND JURISDICTION  
CONFERENCE 2018

Partner:



GLOBAL INTERNET  
AND JURISDICTION  
CONFERENCE 2019

Partner:



# MOVING FORWARD

Looking forward to active engagement  
with the Commonwealth, in particular  
for outreach after the Ottawa Conference

# THANK YOU!

More information:  
[www.internetjurisdiction.net](http://www.internetjurisdiction.net)

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