

Proposal for APRALO Extraterritorial Legislation Working Group

This Working Group Proposal aims to raise the awareness of the rising number of inter-jurisdictional legal cases that Internet users, internet service providers and government organizations are now facing all over the world. As EURALO has already been working on its own document on any extraterritorial legal cases within European region, APRALO ETJWG(tentative) will focus on any relevant cases relevant to APAC region. With 48 countries and with more than 4 billion users of the Internet, Asia will increasingly feel the need to work collaboratively among different jurisdictions within the continent and in Pacific regions. Although there have been a number of academic articles arguing that the trans-border data transaction and other inter- jurisdictional cases can be covered with existing international laws and legal principles, this working group will try to address how divergent laws in different Asian countries can have detrimental effects on the healthy growth of the internet cultures and high internet penetration in the region. And to keep up to ICANN's mission, this WG will address any cases which can high implication for DNS. The specific research scope is as follows.

1. New legal developments at the international level which may be relevant to the works of ICANN and especially to APRALO.
2. Asian laws (both domestic and international, including treaties) pertinent to cross-border domain name disputes and ICANNs' remit.

EU GDPR and APEC CBPR¹ can also be studied together - especially the clauses which can have heavy impact on ICANN and APRALO's credibility in the long run if not studied properly. Although APEC

CBPR¹ is a framework which the APEC members can voluntarily refer to and follow when it comes to cross-border data transaction, regarding the legislation of EU GDPR and given the concerted awareness of the international community on the need to increased security on cyberspace, APEC CBPR can soon crystalize into legitimate treaties. Beyond all these, the works conducted by APRALO can be later used for any development of international laws in the long run. In addition to this, WIPO recently started its new dispute service for .CN and . 中国 TLD.² With ICANN's continuous work on IDN and UA, it can also be expected that other regions in APAC can also see rising disputes concerning IDNs. Thus, by studying these newly activated treaties or services, APRALO is expected to be prepared for any unforeseen legal disputes that can originate from APAC region which can ultimately affect ICANN.

The study that this proposal tries to propose can well be substituted by or can refer to other research results which have been conducted already and produced by other organizations or research groups around the world, including Internet & Jurisdiction³ or Asia Business Law Institute⁴. The working group can also refer to EURALO's working group study in the topic of GDPR and archiving laws in European region related to ICANN works.

¹ <http://cbprs.org/>

² <https://www.wipo.int/amc/en/new/cn.html>

³ <https://www.internetjurisdiction.net/>

⁴<https://abli.asia/Publications>