Rubens et al v. Islamic Republic of Iran et al

ccNSO Update

9 February 2015

Background

- Lawsuit brought on behalf of Americans injured in 1997 Jerusalem bombing

- Plaintiffs sought to enforce $109 million default judgment by attaching Iranian property in the US

- Efforts to attach large collection of Persian artifacts on loan to University of Chicago failed

Effort to Attach ccTLD

- Plaintiffs then sought to attach .ir (along with .sy and .kp)

- ICANN filed Motion to Quash Writ of Attachment, arguing (among other things) that "ccTLDs are not property" and not owned or possessed.

- Federal court held that ccTLDs are not subject to attachment on narrow grounds.

Court's Reasoning

- Agreed that ccTLDs cannot be attached but ignored or rejected ICANN's other arguments

- ccTLDs may be property, but they are not property that can be attached

  - Domain names are "inextricably bound" to services provided by registry operator.

  - ccTLD, like domain names, "cannot be conceptualized apart from the services" provided by ccTLD managers

- This means they cannot be attached under DC law

Current Status

- Plaintiffs have appealed with respect to .ir.
- Timing unclear.
- Very little case law on point.