

PARMINDER SINGH:

Thank you, Greg.

First of all, I would for record state that yes, my entire engagement with ICANN and this group comes because I think ICANN is a global governance body. I think a lot of people here engage entirely out of that relationship or that status of ICANN. There are GAC members here and they are not interested I think, like I am not interested, to be advising a US nonprofit. That's none of our concern. If ICANN is a US nonprofit that's an anomaly and not its global governance status. Between the two we should see what is the primary thing and what is a thing about which we may want to continue, not want to continue, but cannot be seen as a primary status of ICANN. To repeat, ICANN is a global governing body or a body with a global governance function and that and sadly, underpins our arrangement here as a global committee on this issue.

Secondly, I agree with Philip and with another speaker that yes, law is very important to apply on anything and courts are the ones which can decide on the application of law. But I have been making a point repeatedly that the law should be democratic. Any law does not work. [inaudible] law does not work. US would not want to be under Philippine law. So the law which is applied has to be democratically arrived at and the US law is arrived at by the US citizens' participation and not the rest of the world and therefore, is an anomaly to be put on a body with global governance function and that's the whole logic and idea for me of the jurisdiction question.

You can go beyond this and talk about what can be done or not be done but this premise, I would like to defend is important and lastly, about your comments Greg that the hypothetical does not specify the jurisdiction in which ICANN has been sued. So I did assume that we are talking about a major problem which is if it is sued in US jurisdiction then whereby ICANN will have to, it has no option other than to change its policies and to – it has options where it has physical presence by withdrawing that particular

office and locating it in the neighboring country. It has options where it does not have a physical presence.

So it is not true to say that ICANN is equally or even close to equally liable to be sued in any country which is what many people say here is not the fact. The fact is that only US can force ICANN's hand and that is a real problem. If no other country can force ICANN's hand other than possibly having ICANN move out its office which it would gladly do to the next country. So the fact that the US jurisdiction is the important one and the problem is that US laws are not globally democratic.

So these are the points I have made in light of the discussion.

PARMINDER SINGH:

My primary contention was that ICANN primarily is a body with a global government function and only secondarily, an US nonprofit. Our association with this process comes from its role as a global governance body not as an US nonprofit because just as a US nonprofit, you have no interest to be advising them and I'm very sure and this was about GAC that GAC is present because we are dealing with a body with a global government function and not just an US nonprofit. Why would GAC constitute itself to advise a US nonprofit?