
GREG SHATAN: Hello, everyone, and welcome to the second meeting of the Jurisdiction Subgroup of the CCWG on Accountability.

First, I want to see if there are any updates to Statements of Interest. Hearing none, I'll move on. For purposes of roll call, is there anybody on this call who is audio-only?

TATIANA TROPINA: Yes, I'm on the audio-only for the moment, but I might join Adobe Connect later. Thanks.

GREG SHATAN: Thank you, Tatiana. Let's begin. I'm still not quite at my computer so, Bernie, I don't know if you saw the agenda that was sent around and if you could put that up in Adobe.

BERNIE TURCOTTE: That is currently up.

GREG SHATAN: Excellent. Okay. The next thing to cover is...

BERNIE TURCOTTE: The first item is Meeting Time Rotation.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

GREG SHATAN: Right. I think based on where we were two weeks ago in the discussion there is that we're going to try a fairly even rotation between this time, 13:00, and the 19:00 slot, and the 05:00 slot or whatever it is we will not be using. That may not be an every-other-week thing exactly because there are a limited number of slots for all of the subgroups, and some of them have also chosen rotation.

So we'll map out the next few weeks as quickly as we can and put them into the overall scheduler so that we are as close as possible to the rotation that we indicated or that it will at least average out. And we'll be avoiding the 19:00 slot on Friday since that gets into Friday evening and Friday night for a lot of people, and that's not a really good work time for anybody.

Bernie, I don't know if we've scheduled anything past this week. I think I did see one scheduler go out for next week, if I'm not mistaken.

BERNIE TURCOTTE: Greg, that is correct. We have a call September 14, 19:00.

GREG SHATAN: Thanks, I see that there. Okay, that's Wednesday, September 14, at 19:00. That will be the next call, and we'll aim for a 13:00 call the following week and so on and so forth. And over time, our aim will average out to be very good. As Donald Trump would say, "We'll have the best [inaudible]." I think that covers meeting times. Does anybody have any comments or questions about meeting times? I can't see the Adobe. I'm logging in right now. If anybody has their hand up.

BERNIE TURCOTTE: We have a question from Kavouss, Greg.

GREG SHATAN: Okay, if it's in the chat and you could read it out, that would be great.

BERNIE TURCOTTE: No, his hand is up.

GREG SHATAN: Okay. Kavouss, go ahead, please.

KAVOUSS ARASTEH: Yes, do you hear me, please?

GREG SHATAN: Yes.

KAVOUSS ARASTEH: There are many 19:00. If the meeting is only for one hour, is it not possible to shift it to 20:00 instead of 19:00? It's a very bad time here. It just is a possibility just to explore the 20:00 UTC instead of 19:00 UTC. Soon, in less than a month, we adjust our clock in Europe, and then there will be difficulty with that if you want to retain that. Just asking a possibility. Thank you.

GREG SHATAN:

Right now, the subgroups of the CCWG, and the CCWG itself as I understand it and I think the implementation oversight team left over from Work Stream 1, all have three bands of time to choose from, which are the 05:00, 13:00, and 19:00 times. Those have been assigned to this working group. That may change at the time that Daylight Saving Time changes, but right now the 20:00 time is not a time that's available to any of the subgroups. We certainly can explore changing that over time, but that would again have to be a change for everybody.

I believe that there may be other meetings that are also ICANN meetings, of course, that have been given the 20:00 time at the moment. So those would have to change if those are meetings where they have overlaps with our meeting. So it's a juggling act that needs to take place. For instance, 20:00 is used regularly by the New gTLD Subsequent Procedures working group I see looking at my calendar. And the CCWG IANA uses that time as well. I see 21:00 being used by RPM members. Again, I see New gTLD Subsequent Procedures regularly uses that time. I do see Accountability used that time 9 August. I'm not quite sure why.

Yes, Bernie?

BERNIE TURCOTTE:

Thank you. Kavouss, I think Greg is making the point that for the moment we are stuck with this. We have noted that when Daylight Saving Time changes, we will be reviewing those times. And as such, those times will probably change at that time. We haven't finalized

looking at a schedule. Any new schedule will go to the full CCWG plenary for approval. I will note your request as part of this, but for the moment – I would say for the next few meetings – we will be on this schedule. Thank you.

GREG SHATAN:

Thank you, Bernie. Anything else on timing? I think we work with what we have to work with at the moment, and staff will deal with this on an overall basis with our input.

With that, I'd like to move on to the Work Plan and Schedule Overview, which is the second page of the agenda document. Bernie, if you could scroll down to that, that would be helpful for us. Let me know when you've got that up, Bernie. I'm now in Adobe, so I'm looking at the screen.

BERNIE TURCOTTE:

That sheet is now up, Greg.

GREG SHATAN:

Okay, maybe I have some latency issues.

BERNIE TURCOTTE:

It might be that everyone has scroll control also. So if you just scroll down yourself to the second page.

GREG SHATAN:

Ah, there we go. Adobe on the tablet is a little bit of a different experience. Okay, so we should all be looking at the “Overview of Work Plan and Schedule.” This is not a work plan really. It’s just a calendar, but it shows some indicators of what our work plan needs to be. The work plan needs to be something that we collaborate on doing, not a top-down process. So we’ll need to collaborate on coming together with one.

That said, in the right-hand column, I have suggested some of the things we should approach over the next couple of months in order to stay on target. This is all assuming that we are a “complex” and not a “simple” question. There’s a faster track for simple questions, but I don’t see any evidence that we should belong in that track. If anybody thinks otherwise, I’m happy to hear it. I would love to hear it, actually, but it’s just not the case.

The targets are really, if you look across, you can see the external targets are that sometime in October we will discussing with the plenary Cross Community Working Group what our progress is to date and whether and how we update the community in Hyderabad on the progress of this particular subgroup.

Before that, really by the end of this month into early October, we should have developed our work plan and developed our schedule. It doesn’t mean they’ll be graven in stone. I think we’ll need to revisit them, especially as we firm up our scope and our idea of a deliverable and our process. But in a sense the first goal is, by the end of this month more or less, to have developed our work plan and our schedule in a decent draft.

Then in Hyderabad, we'll have a face-to-face and we may be updating the community, probably should be updating the community even if it's a fairly early-stage update.

In December, we'll be again going back to the plenary CCWG at that point having a discussion of really where we are to date and seeking midstream guidance from the CCWG as well. That's why it's called the first substantive discussion of our work. At that point, we already need to be into our deliverable.

January needs to be spent really focusing on the deliverable, and February we should have the deliverable completed. Then a public comment period will be taking place.

That's kind of the process overview in terms of the substance. We need to begin now, as Milton notes. We can't just spend the time talking about work plans and schedules. Indeed, work plans don't make sense until we have a sense of our scope and what the question is that we're answering and what answers we're exploring and what information we might need and the like. So that does begin now and not only after we've developed a work plan and a schedule and the like.

That's why if you look at the right-hand column, second row, it's my suggestion – and we can talk about this – that we begin with a close reading of the staff paper, which as we've revised it. That is the Google Doc which was circulated yesterday.

Kavouss, I see your hand is up. Kavouss, I'm not hearing you yet.

KAVOUSS ARASTEH: Hello?

GREG SHATAN: I hear you now.

KAVOUSS ARASTEH: Yes, I have relative doubt about November, [just to be put whole meeting] because the people that are leaving their own places depending on their responsibility 30 October and will be back 10 November. In that period, we might have one face-to-face meeting. So far so good. But after that, from 10-11 November to the end of November having three meetings in addition to what we had in face-to-face for and also in December and January because of the holidays, I suggest that instead of four in November you also put three to four and also in January three to four depending on the situation. Put it in a more flexible way [as if to say] I will decide at a later stage how the situation goes. Thank you.

GREG SHATAN: Thank you, Kavouss. I think that's a good point. Aside from the face-to-face, we'll be lucky to have three meetings in November and December, I put three to four there, which really means two things. One, we need to make the best use of our meeting time and, second, really is that a lot more work needs to take place on the list and not counting on the meetings to be the vast majority of our work. We'll need to work on that.

Things went rather quiet – not unreasonable for the last week of August. There weren't many more comments on the Google Doc, and I'm not sure how many people looked at it. Only about a half-dozen people commented on it, even though the comments go in at least two different major directions.

If you haven't already looked at the Google Doc, you should really be doing so and not just leaving it to a few people, which is why I think that a close reading of the Google Doc and trying to get out of it what the scope is of this group and moving from that into a discussion of our goals and then essentially filling in the middle which is the process of getting on the goal.

We'll see if there are any comments on that as a general plan. It's obviously fairly high-level, but I think that gets us into the substance fairly quickly, even as we're trying to develop an overall work plan and schedule.

Bernie, is that a hand from you?

BERNIE TURCOTTE: Old hand. Sorry.

GREG SHATAN: No problem. David McAuley seems to have put up a hand in the meantime. David?

DAVID MCAULEY:

Thanks, Greg. Just offering a suggestion. One way we might be able to get into substance is to ask people to contribute to a so-called gap analysis. Paragraph 30 of Annex 12 from Work Stream 1 basically said, “Consideration of jurisdiction in Work Stream 2 will focus on the settlement of dispute jurisdiction.” Then it says (first bullet), “Affirming and assessing the gap analysis, clarifying all concerns.”

I think the gap is between the accountability mechanisms that we’re putting in place and any gap there might be in making those work based on jurisdictions. So just a suggestion. Maybe a way to get us into this is to try and throw on the table a gap analysis that identifies potential problems based on jurisdiction. Thank you.

GREG SHATAN:

Thank you, David. I think that’s very helpful. I think one of the things as we go through the document, which a large part of that is Annex 12, that’s one of the things we need to call out. I think if we could essentially start keeping a list of action items for the group, the first thing we can put on that list is the gap analysis.

I think to follow on that, I would suggest that we can look at the Google Doc. If you want, you can go to Google. Let’s put up a version of it in the screen. This was circulated last night, so I don’t know if anybody has been in the document in the last few hours. It wouldn’t reflect those changes, but overall I’m not expecting there were any big changes.

Vinay, my co-rapporteur, your hand is up.

VINAY KESARI:

Hi, everyone. I'm just going to wear my participant hat for a moment to say that, as someone who wasn't as closely involved with Work Stream 1, it would be useful to understand if there was – either from staff or from anyone else who participated more closely – it would be helpful to know if there was a gap analysis of some kind that was done on this issue as part of Work Stream 1.

GREG SHATAN:

Thanks, Vinay. That's a good question, and I'll give the answer that I have. Even though it says "confirm and assess gap analysis," there was really no formal gap analysis in the sense there was a gap analysis by importation. It was decided that we could accomplish what we set out to do, or at least that what we did accomplish in Work Stream 1 was sufficient and works under the current jurisdiction. But that doesn't mean that there is a document entitled "Gap Analysis" or even a series of discussions that could be extracted from the record and called a gap analysis.

I think "confirming" a gap analysis really means, I think, coming up with a gap analysis, frankly. It's also around a number of different things. So what we need to do is to define more particularly what we're analyzing, what issues we're looking at. Jurisdiction can mean a lot of different things and be focused in a lot of different ways, but we don't have the time, I think, to cover every way in this group. But that kind of gap analysis – I see what Farzaneh has said in the chat and I see David McAuley's hand is up. David?

DAVID MCAULEY: Thank you, Greg. I just want to confirm – to use that word – what you just said and to answer Vinay’s question. As a participant in Work Stream 1, I believe think about the discussions regarding jurisdiction were fairly high-level and I don’t recall doing a gap analysis of any substance or form resulting in any kind of a document or a study or anything like that. I would say that when I read the bullet “confirming and assessing the gap analysis” from Annex 12, the word “confirming” there as I read it leads to the possibility of confirming that no gap exists too. I think it’s an open-ended question to us. I would say, Greg, with respect to the aspect of jurisdiction that this is addressing, I think that bullet in particular is with respect to, as it says, “settlement of dispute jurisdiction.” Thank you.

GREG SHATAN: Thank you, David. Kavouss?

KAVOUSS ARASTEH: Yes. I don’t recall that during the Work Stream 1 such conclusion was reached that there is no gap. And I don’t think that even we should rely on the ICANN Board saying that there is no gap. This is their view. [It will be respected.] So we have to check carefully, and we should not jump to any conclusion that there is no gap at all. Thank you.

GREG SHATAN: Thank you, Kavouss. Anybody else on this topic? I think we have essentially to conduct a gap analysis, and by assessing the previous gap analysis by implication, we can agree with it or disagree with it or come

to conclusions that are more specific about gaps than the kind of general conclusion that we accomplished what we set out to accomplish and that it works.

I think that we have a gap analysis, and as Milton says in the chat, we must at least have a pro forma statement that there is or isn't a gap. I think we need to move beyond the pro forma on that, not that I want to spend six months doing a gap analysis. But in a sense, if we identify no gaps, then we can all go home by January. So it may take a while for us to come up with that.

I don't know if we can come up with a better name for a gap analysis. I'll accept all suggestions. I can come up with worse names for it.

Why don't we move on? We've kind of touched on what's in the work paper. Let's put it up in the Adobe Connect and work our way through it. I think we'll get an indication of what our scope might be. Apologies for the size of the text and also for the way this is cut up, but in order to be able to see the comments, it has to be done this way.

The comment here as you can see is related to whether the paragraphs that follow here, which originally appeared at the end of Annex 12, are in fact the scope or main issues that need to be investigated or the focus of what we're doing or not. If there are any questions on this, we should be able to tell by who is saying what to whom, kind of who is saying what, and the colors at least are consistent even though the names disappeared in this version. The names do appear on the Word version, but for some reason the PDF-ing removes the names. Any

comments on this overall question? Seeing no hands, we'll move on to the next page. I'm assuming we all have scroll control.

If you look at the top of Page 2 of this document, this is the second-to-last paragraph of Annex 12, comment on jurisdiction. To my mind, the second-to-last and last paragraphs are kind of the conclusion. And by what they say, with words like "main issues that need to be investigated," at least point to what was thought to be the scope or the focus of this group. So whether it appears here or at the end of the document, I think it does serve that purpose. Let's see if anybody has any comments on that concept of looking at this in that way. Seeing none, let's start extracting things from the document.

This says, "the main issues that need to be investigated within Work Stream 2 relate to the influence that ICANN's existing jurisdiction may have on the actual operation of policies and accountability mechanisms." Putting aside what may not be in scope for us, that is clearly our scope or part of our scope. So if we can make a note of that second half of the sentence there, that we're going to be investigating the influence that ICANN's existing jurisdiction may have on the actual operation of policies and accountability mechanisms.

Then making on to the next sentence, and this is what David McAuley referred to, "This refers primarily to the process for the settlement of disputes within ICANN, involving the choice of jurisdiction." And I'm not sure that the "of the applicable laws" was in there initially, but let's assume that it was. So that I think again is a positive statement of what at a minimum our scope is, looking at the process of dispute settlement within ICANN, both choice of jurisdiction and applicable laws.

And dispute settlement may mean several different things. We have IRP, we have requests for reconsideration, we have dispute resolution paragraphs in contracts of the contracted parties, and other things. So I think we need to define what is meant by “dispute resolution,” and those are just a few suggestions as to what may be included in “dispute resolution.”

Any comments on this point? Kavouss?

KAVOUSS ARASTEH:

Do you hear me? I have perhaps mistakenly that you are not in favor of retention of “and of the applicable laws.” If that is the case, please kindly advise why you are not in favor of that. If I have misunderstood that, I’m sorry.

GREG SHATAN:

Thanks, Kavouss. I was not sure, not having Annex 12, whether or not “the applicable laws” reference appeared there. It has been confirmed to me in the chat that it does appear there, so that’s clearly in scope. So that’s not an arguable point as to whether we’re going to look at applicable law in the context of settlement of dispute jurisdiction. David?

DAVID MCAULEY:

Thanks, Greg. I had an unfortunate audio lapse when you were speaking about dispute, and so I guess I would ask you to restate it or maybe I could state what my understanding of dispute resolution is. The phrase “settlement of disputes within ICANN” could either be settlement

within ICANN referring only to ICANN's dispute mechanisms or it could be disputes within ICANN, which would involve litigation in courts. I think it's probably the latter since it refers to applicable laws. So that's my understanding, but I did miss part of what you said, so I'm open to hearing anything else. Thank you.

GREG SHATAN:

Thanks, David. Now, to restate and I think to expand, I think we need to come up with a list of what we think that may refer to. I think it can refer both to dispute resolutions settled within ICANN, such as the IRP and related things, even RFC (requests for consideration) and the engagement process. It also may refer to the Empowered Community and the ways in which the Empowered Community acts, which ultimately goes into the IRP in many cases, but not necessarily. There are other ways. There are also dispute mechanisms in contracts with the contracted parties and maybe in other contracts as well.

So I think certainly with regard to dispute jurisdiction or settlement of disputes and how it relates to jurisdiction, we should understand that as well. So we have some linguistic investigation, and we don't want to get totally hung up on the words of Annex 12, but I think we do have to honor them and if we move past them, it's with care.

As pointed out in the chat, looking at the analysis, it's "the settlement of disputes within ICANN." [Presumably], that does involve disputes between ICANN and third parties that have nothing to do with ICANN. Whether that means within the ICANN structures and not in court, that seems to me to probably be an unduly restrictive reading, certainly one

that I think we can debate. Especially when we're talking about "choice of jurisdiction and of the applicable laws" is that we see a potential of seeing the inside of a real courtroom or at least a court-type process as well as ICANN internal dispute resolution processes. That's the way I would read it.

That's indicated as our primary topic, then we move on to the next part of that sentence which says, "but not necessarily the location where ICANN is incorporated." So this doesn't necessarily refer to the location where ICANN is incorporated. To my mind, that's probably the first place where our focus or scope is a little bit more difficult to ascertain, not that there isn't more to figure out about what we've talked about already. But I think this is a little bit more and potentially opens up the scope significantly or not.

Again, the question too is, given the structure of the sentence, is this referring to the location where ICANN is incorporated only as it relates to the settlement of disputes, or does it refer to something even broader? Kavouss?

KAVOUSS ARASTEH:

My question is why the text says "not necessarily." That means in general terms exclude anything in this paragraph relating to the location of ICANN, or it was the contrary, including the location of ICANN where appropriate or so on. Why it says so specifically "not necessarily"? That means putting a little maneuvering here place to be related to the location. But my understanding of the discussions we had – several hours of discussion – and this "not necessarily" was selected, which did

not really have any in-depth discussion. So why it cannot be also related to the location of ICANN where appropriate or where applicable? Thank you.

GREG SHATAN: Thank you, Kavouss. If there's anybody else on the call who was in Work Stream 1 – and many of us were, some of us weren't – if any of us have any recollection of how the wording “not necessarily” was arrived at and what historically might be intended by that, that would be helpful. David McAuley?

DAVID MCAULEY: Thank you, Greg. As a participant in Work Stream 1, my recollection is – and this is obviously subject to what's in the transcripts – but I believe that this text that Kavouss is asking about is meant, if I can paraphrase, our job is to find out the gap analysis. Is there a problem? Is the accountability mechanism in a material respect broken because of a jurisdictional aspect affecting ICANN? If it is broken, then you consider alternatives. That's the second bullet: “identify potential alternatives and benchmark them.” If it's not, our work may be done. I think that's how the word “necessarily” fits in there. We may get onto the next step or we may not, depending on the gap analysis. Thank you.

GREG SHATAN: Thank you, David. I think that's helpful and useful. Building on that, it may mean that we don't have to get to the jurisdiction of incorporation and that it should not be inserted artificially into the discussion, but

viewed as potentially an option. If the gap analysis shows that jurisdiction of incorporation is a material problem in accountability or policy mechanisms and in dispute resolution, we can't ignore it. But if the answer in terms of analysis and assessment is that a resolution can be arrived at without dealing with the location of incorporation, that should be sufficient and appropriate. I think this language itself reflects a balancing act, and ourselves, we'll need to have some balance.

I think that in terms of – I see a question in the chat from Avri: "Is there an element of location of incorporation in the plural sense of having multiple incorporation and that may have both positive and negative aspects?"

I'll answer that as a non-expert but as a lawyer who has had to deal with jurisdiction questions over the years and with corporate matters, a corporation can only have a single location of incorporation. It can be registered to do business as a foreign corporation in other states in the same country where it's a federal system like the U.S., and it can have a presence in other jurisdictions based on the rules of those jurisdictions. But the domicile that the corporation has in its location of incorporation is singular.

One of the things that we'll look at too is there are ways other than location of incorporation that ICANN is at least subject to multiple applicable laws, including the fact of having physical permanent locations in other jurisdictions and the like. That's an attempt at an answer to Avri's question.

I see that Kavouss says in the chat, “David, the clarification you provided perhaps to be added to the text.” That’s an excellent point, and not just regarding what David said. The reason to have a Google Doc, to have a collaborative document, is so that we can work in it. It’s our sandbox. Any comment, any suggestion you have, any clarification, allusion, please go into the Google Doc and add it.

I would ask that, other than exceptional circumstances, everyone should add their own comments and not depend on the rapporteurs or on staff to add it for them. The rapporteurs, clearly we’re performing a lot of tasks in terms of interpreting, analyzing, consolidating, probing comments as well, but if we can avoid being secretaries – not that there’s anything wrong with secretaries – but if we can avoid being scribes for other people’s comments into the Google Doc, that would be great. Plus, the system in the Google Doc identifies people who put in things.

I think, as David and Paul indicated, Google Docs become a little hard to follow as comments pile up. The resolution for that, and Google Docs actually keeps a history so you can go back to earlier states of it or we can actually copy the document and move to a whole second document. What we do need to do so the comments don’t pile up is to try to resolve the comments, or at least the non-controversial comments.

One of the things that the rapporteurs will do is resolve comments or put them into the text in a way other than comments. As you can tell just looking at the fact that I had to chop this document into multiple pages, the comments become unwieldy when they pile up. So we’ll find

ways to resolve the comments that seem to be resolved and to preserve open discussions that outgrow the comment column.

We certainly need to use the list. E-mails are critical for discussion and then detailed back-and-forth and threaded discussion is as critical as the Google Doc. Each one should try to reflect the other.

We should all do our best to both follow the Google Doc, which means that if you're not in the Google Doc at least a couple of times a week, you're not fully participating in the work of this group. And we need to monitor the e-mail list and to respond where we can. The idea of the subgroups, even though this is one of the larger ones, is to be collaborative groups where everyone works and participates. So I encourage everyone to do both those things.

Paul McGrady?

PAUL MCGRADY:

Hi. I just wanted to respond to Avri's question or comment in the chat regarding the lesser registrations. There's this jurisdiction of formation, which is in California. ICANN has physical offices in several other places. I'm not sure what the law there is, but if it's anything like the law of California, having those offices in place would subject ICANN to general jurisdiction in those places, meaning that there should be [inaudible] jurisdiction. There's a bit of feedback.

UNIDENTIFIED MALE:

[inaudible] muted.

PAUL MCGRADY: Meaning that ICANN could be sued in those jurisdictions for pretty much whatever. It wouldn't have to be for a specific [act]. I'm sorry, it's hard to speak with the echo. In other words, ICANN may be subject to jurisdiction of the courts in other places based upon its activities and office locations, but it's formation jurisdiction would only be in one single place. I hope that's helpful. That's, I guess, my opinion. I'm not stating it as a fact, but I think that's a – I think the other lawyers on the phone would probably agree with those thoughts. Thanks.

GREG SHATAN: Thanks, Paul. I appreciate that. That is consistent with my understanding, and obviously we can especially look to the non-U.S. lawyers or those with knowledge of non-U.S. practice to discuss that. But given that there are discussions, for example, in Switzerland or France about being able to get immunity from jurisdiction while being located in a place in some fashion, I assume that the default state is that you are subject, as you say, to general jurisdiction in that country, meaning you can sue and be sued in that jurisdiction and a bunch of other stuff as well.

Kavouss, and then Avri.

KAVOUSS ARASTEH: Yes, just to say again to the [inaudible] situation, I support those people who want to have on the list and Google Doc but not only one of them. Now, the last point we're discussing raised by Avri, is it appropriate time

to go to this type of discussion now? Or just we take it and put it aside and come back to that? We are not just dealing with this particular issue. It's too much detail at this stage. Thank you.

GREG SHATAN:

Thank you, Kavouss. I think it's appropriate to raise it at this point, and certainly it's something we're going to be coming back to in much more depth at this time. I think that, given the fact that we have people from a lot of different jurisdictions and a lot of different professions, we're going to have to refine our understanding of jurisdiction conceptually and the many different things that people refer to as jurisdiction as we go along. That's, indeed, later in this document as well.

Avri?

AVRI DORIA:

Thank you. With respectful apologies, Kavouss and the rest of you, I really was asking a question that may be based on [inaudible] understanding on my part. I very much appreciate the issues of jurisdiction based on where you do business, but I think that's different than the incorporations question.

What I had understood – and quite possibly incorrectly – is that the corporation, while home-based, domiciled, incorporated, fundamentally rooted in California is a known fact and solid, that we had also – and you used the word registrations, and I really don't understand the full level of those – registered, for example, and this is heard and I don't have proof, I've not seen documents, of registration as an NGO in perhaps

was it Switzerland or somewhere that in creating some of these hubs or offices, we've gone beyond just having an office but we have signed some kind of agreement, a registration, perhaps not an incorporation in that sense, but signed some sort of document with the local authorities to be there, to have some sort of presence in that country beyond just our offices.

Now, perhaps I'm wrong and we have no additional company registration, NGO registrations, what-have-you, that we are different the pillar incorporation. I'm not trying to get into the details of this at this point and what implications it might have. I was just wondering whether there is something beyond the one major incorporation that we have to deal with in that general category. So it was a [inaudible] question. Thank you.

GREG SHATAN:

Thank you, Avri. Just briefly, I think this is a question we should ask ICANN Legal, which is to get more details on what I'll call the presence of ICANN in non-U.S. jurisdictions and what the details of those are, to the extent that they have some knowledge, and I expect they do, what their presence in those other jurisdictions consists of and what its consequences may be. If we could note that as a question for ICANN, that would be helpful.

I see Sam Eisner answers, "We have to adhere to the laws that allow us to have offices in different locations, but I can affirmatively confirm that we have not incorporated in any other location."

It's 9:57 now, and a number of us have a call at 10:00, including myself. So what I would suggest is that we'll begin extracting from the staff paper – let's call that the Google Doc because it has gone beyond the staff paper – we'll start extracting from that document scope or focus items and bullet point them in a second document. So far we have three different points, and we're really taking them pretty directly out of that, so I think that's something I'll volunteer to start as a Google Doc and circulate a link to that.

In the last couple of minutes, as you know, we have our next meeting Wednesday, 19:00. I think that if we could also look at the document that was circulated in terms of the Overview Work Plan and Schedule, comments on that would be most appreciated as well. We'll try to keep making using the Google Doc, and now there will be a second Google Doc as well focusing on scope in particular. Let's keep the discussion as active as possible in the Google Doc and the list between now and next week.

At this point, unless anybody has any final thoughts, I think it would be a good time to adjourn. I would like everyone to note the conversation in the chat, and do look at the chat afterwards if you haven't been reading it as we go along. I think there are some important points, and they are being captured in the notes as well.

I want to thank you all for participating. I will call this meeting adjourned and look forward to our next call and to the activity in the meantime. Thank you and goodbye.

[END OF TRANSCRIPTION]