
VINAY KESARI:

Wonderful. It's good to have the group back together after [inaudible] after the Hyderabad meeting, so welcome back to everyone. For those of you who were present in Hyderabad, I hope you had a good meeting. I also hope that you didn't have too much trouble exchanging the remainder of your cash on the way back to where you came from.

Apart from that, I think everyone in different parts of the world have had a fair bit of news to digest in the intervening period between our last call and this one. I think we'll have some time now to chew over all of that. But it's good to have everyone back together. Both Greg and I thought that it would be a good time to also refocus the work of the group to discuss and to evaluate how far we've come and where we need to go and talk about what we need to do to get there.

In the intervening period, we have had some robust and interesting discussions, particularly on the list on many of the issues that surround jurisdiction. We thought it would be a good time to also talk about the overall focus of this group and also talk about what kind of end product it is that we should be aiming for.

Now, as the dust settles on some of the discussions that we've been having, it would be important to focus on the broad issue that all of us have come together to discuss, which is essentially the influence of jurisdiction on the issues related to [contacts] and settlement of disputes. That is obviously the first document that we plan on discussing today, the document that actually tries to flesh out this issue.

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It's important to remember that this is in fact the Board remit that we have as a group while at the same time keeping in mind the fact that, while this is the remit of the group which is the issue of jurisdiction and how it relates to the settlement of disputes, as we identify issues both good and bad – which is true enough when we're talking about the influence of jurisdiction on this – and as we identify gaps or problem statements, we keep in mind the fact that we haven't yet come to the point where we are narrowing the scope of the possible solutions that are open for discussion. That is still something that is open. We haven't closed off any of those avenues. But while keeping that in mind, we need to make sure that we focus the work of the group in a way and on a path that leads to some concrete outcomes.

That specifically means that we move forward in a direction that is logical given the remit of the group, which means that we ideally focus our energies at this point – which is still in the larger scheme of things a fairly initial point in the work of the group – that we focus our energies at this point on identifying the actual issues which are [drawn up] by the remit of this group, which is the influence of jurisdiction on the resolution of disputes and when we are considering this, specifically take into the operation of ICANN policies and the operation of the accountability mechanisms which have been put in place by Work Stream 1.

So welcome to all those here again, and specifically welcome to those of you who have joined in post-Hyderabad who are taking a more active interest post-Hyderabad. As you've noticed based on the agenda for this call today, we have a number of important issues to discuss. To begin with, now that we've set the scene, we should shift our discussion to

the work plan and I will hand off to Greg to handle that part of this meeting. Greg?

GREG SHATAN: Thanks, Vinay. Before we do that, does anybody have any questions or comments on what we've just discussed? Kavouss? Kavouss, please go ahead. We can't hear you yet.

KAVOUSS ARASTEH: Hello? Greg, can you hear me please?

GREG SHATAN: Yes, I hear you now.

KAVOUSS ARASTEH: Yes, Greg, first of all I put in the chat please apologize me that I am not very optimistic of any result that we can achieve. I did not understand the purpose of this long intervention. What was the person that was talking about? I didn't understand it. Can you please tell that? And second, I am not very optimistic of any result that we can take from this meeting because we are just opening the subject more and more, widening the subject rather than going to some direction. I'm very sorry. Please apologize for what I am saying. Thank you.

VINAY KESARI: Thank you, Kavouss. I [specifically] noted your comment in the chat as well. Well, my opinion is a little bit different. I hope that's okay. But in

essence, what I was trying to say is partially something that agrees with what you just stated which is that we do need to focus our efforts at this point and we need to make sure that the issues that we discuss at this point are specifically relevant to the remit of this group while at the same time not foreclosing any potential solutions that people might feel are necessary to the issues that are identified. So I think we are all working toward some kind of a result at the end of this.

GREG SHATAN:

If I just add, part of your inquiry was who was speaking. If it is not already apparent, that's Vinay Kesari. Vinay is the co-rapporteur of this group. I probably have been doing way to much of the talking and rapporteuring the first number of meetings of this group, and we're going to try to be more balanced in that regard going forward.

I do agree with Vinay that I have a good deal more optimism and that, while there was a very broad ranging discussion going on, on the list, while we were in Hyderabad, that was in part because the documents we were working on were essentially frozen so that they could be discussed in Hyderabad and not making forward. Therefore, it seemed reasonable to allow kind of a more wide ranging discussion at that time.

What we need to now is refocus on our work plan, our working method, and as Vinay indicated, we have these two documents that we're working on now and an overall process by which we need to identify issues or concerns. First, we need to identify the influences that current jurisdictions have on ICANN with regard to accountability mechanisms and the operation of policy and also, frankly, on disputes involving

ICANN. Somehow we kind of have ignored that, but that's certainly within our remit.

And if we find issues, negative influences or consequences, then we need to consider what those remedies might be, if they need a remedy and what the remedy might be. While a lot of the discussion that took place on the list the last couple of weeks, frankly, dealt with remedies without having necessarily identified any issues yet, and certainly not issues that the group has agreed on. So in a sense, that was premature, somewhat like our discussion very early on of ICANN's headquarters location and jurisdiction of incorporation. While we can look at the influence of that, whether there is a problem that needs a remedy or is related to immunity or partial immunity or anything else is still a question.

So our working method really requires us to put all of the discussion of possible remedies to one side now and to move back to our work plan of trying to find issues. What we don't need to do is spend time discussing solutions to problems that we haven't yet identified and that may not exist. I'm not saying we have no potential problems. I'm only saying that we may not have any problems for which the solutions being discussed would be applicable. Of course, when we do get to discussing potential remedies, we'll also need to discuss any negative aspects of the suggested remedy. So that's down the line. So that is something that needs to be dealt with.

In terms of our work plan, we did have a work plan set out very early on. I you look back probably to our second meeting agenda, it was attached to that document. I believe we'll need to revisit the work plan

in light of what we've done so far and also in light of some of the milestone and percentage metrics that are being kept by the CCWG Accountability so that we can have a better handle on where we're going. But overall, I think we are, broadly speaking, in line with our work plan but nonetheless need to go back and refine it, not surprisingly. What I'll do after this meeting is to put that document up as a Google Doc and make some revisions and then allow people to comment on the work plan.

Any new questions or comments on work plan? I haven't been following the chat, which seems to be making quickly here. I don't think we're anywhere near the – I'm reading here about community consultation or the like. I think that is not the plan. Certainly, the deliverables I believe will be going to the plenary group first and not having a comment coming just from on the work of a subgroup. I think that public comment will come after documents are reviewed by the plenary. If anybody has a different recollection of what our working method is, that's fair, but that's my recollection of it.

I see a couple of hands and an open phone line as well, a couple of open phone lines. But the hands that are up, first, Vidushi Marda.

VIDUSHI MARDA:

Hi, Greg. Hi, everybody. I just wanted to ask a very basic question about this group's work plan which is to do with jurisdiction of incorporation. I haven't been part of the meetings before Hyderabad, but I want to get a sense of where we stand on jurisdiction of incorporation because I think you just mentioned that is one of the issues that this group will be

working on. But I don't fully understand exactly where that falls into the work plan and how to pursue that topic. So I would be very grateful if we could get some clarity on that. Thank you.

GREG SHATAN:

Thank you, first, and welcome to the group. First, as a general matter with this subgroup and any other working group joining midstream, it's probably best to read the transcripts of the prior meetings and to read the e-mail list to catch up.

Very briefly, we had an early discussion of whether or not jurisdiction of incorporation and location were within the remit of this group and whether we could possibly make any recommendations with regard to those. As a result of that discussion, we essentially decided to put that question aside because any question of possibly changing those would really fall into the remedy part of our discussion and we need first to identify any issues for which any change in that would possibly be considered a remedy. And then we would need to discuss that remedy and any issues that potential remedy brought up.

So far, we're back to discussing issues. I will not prejudge the issues that have so far been identified as to whether any of them would bring up this potential remedy of changing ICANN's jurisdiction of incorporation or its headquarters location, as of course when we discuss that, we would also have to discuss any issues that would be raised by such a potential remedy as well.

Milton?

MILTON MUELLER:

Just a question of this community consultation. I'm not sure we have the same idea in mind, but I think it wouldn't be a bad idea as kind of fact-finding exercise to ask particularly contracted parties but also anybody else who has specific experience with jurisdictional problems to tell us what they are. I think we get a fairly narrow slice of the community within the working group as we [inaudible], and I think if we get simply a collection of incidents or cases of what are concerning people would give us a little more information to work on.

I don't think that's a result that has to go through a plenary process. I'm really having trouble understanding that comment. To view the plenary as a substitute for an open comment in which people can submit cases of fact I think is just mistaken thinking. Maybe some people are interested in hiding certain things. I don't know. But that's my perspective. It's not a bad idea. I'm not 100% committed to it yet, but I just think it's worth considering.

GREG SHATAN:

Thanks, Milton. I think to some extent there are perhaps some differences of nomenclature that are driving some confusion. I think there is perhaps less disagreement than one might think because I think there are two different things that we're talking about here. One is the 40-day public comment period on a preliminary report document that would be generated by the group. It typically happens at or toward the end or midstream in the end of any working group. That was what I was referring to in this traditional public comment.

It seems to me that's what being referred to here is more of a request for input which has been done actually by some of the other working groups outside of the Accountability group have basically come up with questionnaires or requests for input from the community. Maybe that's more what we're talking about here, and that would be relevant to the work of the subgroup and would be something the subgroup could take up on its own initiative. So not the traditional broad-based public comment with all of its trapping and finery, but rather a call for information.

I agree with you. We need a broader slice of what's going on in the community and what experiences there are than we necessarily get with those who are participating in these calls and on our e-mail list. Milton, does that sound more like what you're talking about and perhaps we're not in disagreement? I see Milton answers in the chat, "Yes, Greg, it does." I'm glad we could sharpen that pencil then.

Jorge Cancio?

JORGE CANCIO: Hello, everybody. Do you hear me okay?

GREG SHATAN: Yes.

JORGE CANCIO: Hello. This is Jorge Cancio [inaudible] GAC [inaudible]. I guess Milton and Greg very eloquently came to the same conclusion of what I was

proposing, which goes back to what we discussed before Hyderabad and in Hyderabad I think. This is the idea of having a fact-finding exercise where we ask the community, especially those who have got a more contractual kind of relationship with ICANN but also others who might fall into the materially harmed, any other kind of category who have some sort of potential jurisdictional relationship with ICANN and ask them what their take about the jurisdictional components of especially the accountability mechanisms that are in place.

Some of them come from the pre-ICANN 2.0 environment, and others would be more on a hypothetical basis. But I guess that many of the contracting parties already have a past history of a relationship with ICANN and they could really shed some light on what is really important to them, what is really relevant in a practical sense, what relates to jurisdictional issues with ICANN.

I guess that's probably, as Milton put it in the chat, we could have some questions more of an open nature. Some of the questions could be based on what we have already identified in the two documents we have, especially the influence of jurisdiction document where we already point to some of the issues which in theory could be relevant from a jurisdictional point of view. If we would list those issues up with an open question like, "Are there any other issues from a jurisdictional point of view which in your opinion are an impediment or a problem in terms of accountability or in terms of [taking] ICANN Board or ICANN staff as responsible [for this]?" I think we could have a very useful input which could guide our work.

Otherwise, I'm afraid – or perhaps I'm more than afraid – I'm reluctant to go back to the [circling] discussions where some of the issues that we discussed two months ago pop up again but we don't end up discussing them because everything stays at a very theoretical or a very academic level and we don't see what is the real feeling of the community. With this, I hope I have explained my point a bit clearer. Thank you.

GREG SHATAN:

Thank you, Jorge. That's quite clear. I agree. I think we do need to deal with practical considerations and real-life situations. Therefore, we need to talk or get information from those who are experiencing or have experienced those real-life situations, so some form of a request for input.

I'd stay away from the word "survey" only because that implies something that could be used to derive metrics and statistics from and, as Milton notes, good survey design is slow and bad survey design results in results that you don't want to use because it's a bad survey. And so far, I have yet to see a really good survey produced within the ICANN confines, speaking as somebody who majored in social psychology in college and has done some on the trademark area.

But we don't need a survey. What we need is facts. We need information. So what I'd like to do, I'll take a couple more questions, but I think what we'd like to do is get a small group together to perhaps draft a few questions, or we could even just have somebody start it on the list. Given timing, it would be good to get that out quickly, especially as we are melting into what for many of us is the holidays by mid-

December. So if we don't get it out quickly – it doesn't have to be fancy, just reasonably clear and designed to get back the information we want.

David McAuley?

DAVID MCAULEY:

Thanks, Greg. You just touched on some points I was going to make, so I'll be very quick. I agree with Milton and partially disagree with Jorge. I think the questions should be directed at ascertaining facts not opinions. I think opinions, open-ended questions are an invitation that's going to bring us things that people ought to join the group if they want to express their opinions, but facts. I didn't understand this when it was originally floated, but facts as described by Milton, I think that would be a useful exercise.

I think you touched on some things that are going to be hard: who is going to draft up these questions, how quickly can they be done, and will this become a distraction that really takes a great deal of time? My hope is not, but that's where I – so as described by Milton, I think there's some promise here. Thank you.

GREG SHATAN:

Thank you, David. Tijani?

TIJANI BEN JEMAA:

Thank you, Greg. You want to make a questionnaire. That means that this group was tasked to address all the points [in Annex 12] regarding jurisdiction. Have points on which we can't find any agreement or any

consensus. I think that when we have the intention to have such a survey or such a questionnaire, we have first to identify the questions. What are the questions? What are the points on which we have difficulty to get consensus?

Our task is to make recommendations about all layers of the jurisdiction that are listed in Annex 12. So let's address all those layers and identify points where we cannot find any agreement or any consensus and then identify the questions of the questionnaire and make the questionnaire. Now I think it is premature to do that. Thank you.

GREG SHATAN:

Thank you, Tijani. I think I have perhaps a different idea of what this questionnaire would do. I think Milton kind of phrased the high-level question quite well, "Give us an example of how your business or your ability to use the DNS was affected by ICANN's jurisdiction." It could be also how your ability to interact with ICANN was affected by ICANN's jurisdiction. I agree that, especially given that we're looking at governing law and venue issues, we'd want to particularly here from a contracted party, but not only from contracted parties, of course.

I don't think it's premature to do that. What we're looking for are actual cases, if you will. If you'll note, a little further down we have a note about the possible use of stress tests. Hopefully, that term won't give too many people stress, but if we can have real anecdotes situations, we can use those either as the basis of stress tests or they could be the stress tests. So we need to understand, so we're not just talking in a hypothetical echo chamber of opinions.

Kavouss?

KAVOUSS ARASTEH: Hello?

GREG SHATAN: Yes, I hear you.

KAVOUSS ARASTEH: Yes, excuse me. I hate the expression stress test. I don't want a stress test. I don't know what a stress test means. We have [that sufficient] from [someone] in Work Stream 1 and we have suffered from that. We don't want any more stress tests.

Number two, I understood that some people want to do survey. Survey on what? Some people want to have questionnaires. Questioning what? Whom do you have to ask? Do want [that we send] questions and some American lawyer tries to answer and that becomes our policy [inaudible] jurisdiction? You have an agenda. You have to go to the agenda.

[You start to not] talking about changing the ICANN place for the time being. Okay, not doing this, not doing that, starting from the different layers of jurisdiction, then going the [choice] of law, and all of a sudden we come to this survey and somebody says public consultation, somebody says community consultation, somebody says public comment and I just [don't know] to whom we have to [send questionnaires] and who will reply to that question? I can tell you that

many, many people interested in jurisdiction will not reply to that question.

[If you limit it] to few people who [inaudible] interested that stop to do anything on jurisdiction and try [till 2:30] [inaudible] us to another direction. This is changing the main direction. So I am not in agreement with questionnaires nor with surveys nor with public comments at this stage. You have to follow your agenda. You have [inaudible] of us. Please continue on that, [choices] of law, venue of law, and any other things that we can have.

There are still many, many questions that have not been answered, and you want to go to the survey. Survey on what? I don't know what this is very brand new idea of some people coming from survey. This doesn't work. This is not our question. If you do not resolve jurisdiction, the whole thing [inaudible] is out. It's no value at all.

The most important is jurisdiction. I am a TLD, I have a problem, who can take me to the American court? Do I have a choice to have another court or not? I have a choice to have another law or not? These are the things [inaudible]. I don't understand this sort of survey [use of the DNS] and so on and so forth going so top-level and going so general that nobody could answer. Go to the practical, difficult [inaudible] choice of law. Do I have a choice of law, or I am condemned to accept that American law, that's all, or American court and nothing else? Answer this question.

GREG SHATAN:

Okay, let me explain. Excuse me, Kavouss, I think you've made your point. I think first off, there's some misunderstanding here. Let's not use terms that cause people's blood pressure to rise. That's beside the point.

What we're looking for here are not legal opinions or hypothetical discussions. The only idea of the call for inputs was to come up with actual, factual circumstances that already occurred to particular actors, to particular people or entities relating to ICANN's jurisdiction. We can define exactly what jurisdiction we're referring to, but the point is we're not looking for any American lawyer, or any Iranian lawyer, to come up with any particular opinion about what might happen under hypothetical circumstances. We're looking for some history here.

I think it's well within our remit to try to get history for what we're looking at as we go forward. Indeed, doing this in a vacuum or a near vacuum where we're not considering any actual concerns or any actual circumstances that occurred in the past, kind of turns this into an academic exercise and actually encourages hypotheticals and wooly stories about what might happen under highly unlikely circumstances. I think we need to look at issues that have already arisen in many cases.

Clearly, the Empowered Community has not yet been empowered, so that will have to be only a hypothetical, but I think that given all the work done in Work Stream 1 that's probably fairly easy to deal with. So that's all we're looking for here is some actual, factual context to what we're doing and making a simple inquiry out to the community for people to come back with situations that they have already experienced

that might relate to any of the layers of ICANN's jurisdiction that we've identified. So that's the vision here.

I think the questions need to be simple. If we spend a lot of time working on questions, that means we're already getting it wrong because it needs to be just a very simple question: "Tell us your story." We need to be more like Studs Terkel, for those who know him. Just somebody who pulls out the oral history of things that have happened.

KAVOUSS ARASTEH: Can I have a follow up comment?

GREG SHATAN: Yes.

KAVOUSS ARASTEH: Yes, you want to just concentrate on what has happened in the past and try to build on what has happened in the past, the future. That does not [apply]. Not all of the things that have been in the past would apply in the future. Sometimes there have been very, very peculiar and particular places. You know what I mean, and I know what I mean. Would it happen in any other cases? No. It may not happen at all. Why only the past? Yes, it's no problem to study the past, but it could also look into the possible future problems and difficulties that we have but not [inaudible] the past.

If you want to base ourselves on the past, why do you have this accountability? There was no problem in the ICANN at all. Everything

was very [inaudible]. But we look into the future, if this and this and this happens, then we have to take this and this and this. So why do you have to just concentrate on the past? This is my question?

GREG SHATAN:

I think that perhaps you've jumped to a conclusion that wasn't what I said, that we would only look to the past, but rather that we could really benefit from some solid, factual inputs of things that have actually happened in the past and that we would be better off concentrating on practical implications rather than highly unlikely hypothetical implications of things that have never happened.

That's not to exclude that. Clearly, we need to look at that, but I think again even in that case, we need to try to think practically and not come up with highly evolved but very academic hypotheticals. So it's a balanced approach I think, but right now our balance is affected by the fact that so far we've really only – we've spent almost all the time discussing issues on discussing potential hypothetical issues some of which to my mind at least don't even look valid or viable and not based on factually accurate standards and we've spent very little time talking about anything that might actually have happened.

Which perhaps given the change that occurred through the transition, even if it happened one way in the past, it might not necessarily happen the same way in the future. Or given that we have the Empowered Community, it might happen differently in the future. So that's basically where I see it.

Vinay? Your phone might be muted.

VINAY KESARI:

I completely agree with Greg on this point. I just want to add one more point of view, which is that another thing that comes to mind is that with respect to practical issues and facts, as a group we will only be aware of facts which are publicly known, issues that have been publicly reported or which have gone to the point where it has become a dispute situation between two or more parties and has, therefore, been publicly reported.

It's obviously not possible for us to have perfect information when it comes to issues that different stakeholders, whether they're registries, registrars, or [inaudible] registrants [and what] issues that they might have faced which were never publicly reported or which never reached the point where they became a matter of public interest. Reaching out in this way proactively will at least give us the opportunity to find out about some of these issues and factor those in when we are thinking about the possible gaps or issues [created] by ICANN's [interest] in jurisdiction in the context of dispute resolution. So I for one support this.

GREG SHATAN:

Okay, it seems like I think we've had a pretty broad discussion of this. I just want to take a temperature of the room as to whether this sort of brief request for inputs for past situations that have been experienced by members of the community is a good idea. If you could give us a green check if you think it's a good idea, and if you don't think it's a good idea, give us a red X. Green checks can stay up. I see a good

amount of green checks and I see no red Xs. Last call for checks or Xs. Okay, if you want us to speed up, you can give us a rabbit. In any case, thanks. Please, take down your checks and Xs.

Next, since I think this is a relatively simple exercise but not something we can do on a call – thank you for your rabbit, Milton – we need a small design team. I don't mean to dignify it with such a wonderful name as "design team," but a few people to volunteer to put these questions together, simple, quick, short questions. If you would like to, can you please volunteer in the chat?

The idea would be to get these done by, say, Monday, if not before. This is something that could be sent out to the stakeholder groups and constituencies for further dissemination. I see a volunteer from Christopher Wilkinson, Milton Mueller "as long as it doesn't involve a new e-mail list, a new password, user ID, or another Adobe Connect." No. At most, it might involve a Google Doc but, frankly, I'm hoping the question is short and straightforward enough that exchange of e-mails would be enough. So we have Milton and CW. Anybody else?

The questions will come back to the group for review before they go out. Let's leave it with Milton and Christopher. Smaller groups are more nimble. It will come back to us anyway. It's always exponentially harder to get larger groups of people together, especially. So we have that. Please, take down your checks if you haven't already done so. Thank you all for that, and thank you in particular to Milton and Christopher for volunteering.

Kavouss, is that a new hand? I'll take it that that's an old hand and move on. Next, and we only have about ten minutes, but let's discuss quickly what is going on here. I think we've touched generally on our document. First, can you hear me? I see David can't hear. Okay, Jorge can hear. Okay. Oh, I couldn't hear you, Kavouss. I didn't know. Okay, thank you.

So what we need to do is this questionnaire/request for inputs will go on in the background as to continue with our other work. What we need to do in the coming days is to go back to the Google Docs, particularly the one that's listed here in Number 4: "The Influence of ICANN's Existing Jurisdictions." If you look in the footnote of this document, you'll have the link to go and work on the document.

I've started making a few notes myself in response. There were some initial possible hypotheticals put in there by Parminder and I've put in some questions with regard to those hypotheticals. But we need more commentary in there from people and I would ask people to weigh in on the documents. That is really the most useful way to get input here, I think. First, the documents; second, the e-mail list; and maybe only thirdly, these calls. Although, obviously, calls are good for back and forth discussion.

So that document, "The Influence of ICANN's Existing Jurisdictions Relating to Resolution of Disputes," Vinay has put it in the chat and it's also footnoted at the bottom of the agenda. Rather than go through the document in detail given the short amount of time we have here, I'll just indicate that where the document really needs work is on listing what the potential influences are of especially the choice of law or governing

law and the venue potentially, the location and type of proceeding, on the accountability mechanisms.

For that, while it's going to be somewhat hypothetical, we can look back at Work Stream 1 and particularly ask anybody who was involved in Work Stream 1 to respond on that point. Then also on the operation and policy of ICANN, I think we need to be as specific as possible.

Lastly, even though it's number one here under 4A, the effect actually on disputes involving ICANN. Anybody who has been involved in any kind of a dispute, formal or informal, that has had a jurisdictional effect should be listing them here. Obviously, the point of our questionnaire is to move beyond those on this call for those kinds of inputs, but it would be good to have these.

Remember, influences can be positive as well as negative. So we're not just looking for bad issues. We're also looking for things that potentially are right, if you will, because of the current jurisdiction or jurisdictions, such as accountability or the application of rule of law or predictability or use of established principles or offering an opportunity for redress. Those are perhaps some positives from the current jurisdictional setup, so we're not here only to poke holes.

We also have, as indicated under B, we have the possible use of – I'm not going to even say the words, we'll figure out something else – “case studies.” So we'll get some case studies from our questionnaire and we'll have some cases that people maybe can supply themselves. That's 4B, possible use of case studies, very short case studies.

Number 5, the “Multiple Layers of Jurisdiction,” as well that document needs some further review and comment. I particularly invite those who have not yet commented on either of these documents to do so. Without making too strong a point of it, signing up for this group as a participant was basically a promise to contribute to the work of the group, and the work of the group is really these documents. So please do go into the documents and make contributions, suggested text, marginal comments, whatever it may be.

We need to move forward, and we really need the breadth of views and experience in this group. I’m sure you’re tired of hearing my voice, and there are probably some other voices that, while you may not be tired of them, you are family with them. So maybe we can get more comments.

The “Multiple Layers of Jurisdiction” document has been somewhat cleaned up for Hyderabad, so the marginal comments have all been taken down into footnotes. But we still need to deal with the footnotes. On one of the documents, I think we only had Jorge and Parminder commenting in any depth on “The Influence of ICANN’s Existing Jurisdictions” document. There have been a number of others but not close to the number we have, say, on this call of 30, much less the number we have on our list. So [inaudible] any further encourage written contributions, especially from those who have put in some good things on this list or other lists. So I know they’re already thinking good thoughts, and we’d like to get those into the documents.

Just moving quickly, as we only have five minutes, I’d like to float a suggestion to the group. We’ve had a few different or a couple of

different documents suggested for reading. So we would like to perhaps set up on our wiki a reading list. So if you have documents, we can take the documents that have already been suggested as reading or background or bibliography for this group and we'll put those there. I'll ask staff to do that. If there are any additional documents, they can be put in.

Kavouss, I don't know. Is that a new hand or an old hand? I'm assuming an old hand, but we have a new hand from Andreea Brambilla. Andreea?

ANDREEA BRAMBILLA: Thanks very much, Greg. Can you hear me well?

GREG SHATAN: Yes.

ANDREEA BRAMBILLA: Thanks very much. It's Andreea Brambilla, government of Canada, for the record. I think the request for inputs or anecdotes seems to provide a good way to move our discussion forward in the near term.

I just wanted to echo some of the comments made earlier on the call. I think this is also relevant in terms of collecting and reviewing the inputs that we will eventually receive. I think it's important not to lose sight of the fact that ICANN's existing multilayer jurisdictions is the foundation underpinning the post-transition accountability framework and to move

away from it could risk undermining the accountability enhancements from Work Stream 1.

I think the CCWG co-chairs made a valid suggestion in Hyderabad that we need to focus our work on a discussion of issues as a first priority and solutions second. I think broadly speaking from our perspective, our approach should reinforce the accountability enhancements from Work Stream 1; prioritize the security, stability, and resiliency of the DNS; and avoid disruptions to ICANN's operational stability. Thanks very much.

GREG SHATAN:

Thank you, Andreea. I think that certainly is consistent with other comments we've seen here in the chat and elsewhere.

I see a question from Kavouss, "Can you explain what you mean by 'influence of ICANN jurisdiction'? Yes. That's kind of what we've been discussing for the last three months.

KAVOUSS ARASTEH:

Yes, please. In a recent matter, but not verbally. Please, write down what do you mean by "influence of ICANN jurisdiction." Does ICANN have the jurisdiction or is jurisdiction governing ICANN? [What I] don't understand. And what do you mean by "influence"? Thank you.

GREG SHATAN:

Positive or negative effects coming from the various layers of jurisdiction and the specific jurisdictions, states that apply to each of those layers. That's how I would define it.

Last point, and I'll mention it here, possible use of experts. I think this also relates to use of legal, both ICANN Legal and other legal that we may get either [way through] the legal committee. So if we have questions we want to ask to legal experts, we would want to submit those to the legal committee for consideration. Let's keep that in mind. I don't think we're quite there yet, but I think we're going to get there pretty quickly.

And they may involve experts that we have not yet dealt with, perhaps experts in international law. And we may also want to look back to the Work Stream 1 advisors if they're still on the hook. I saw [Jan Scholte], but I'm not sure about the others. But if they are around, they may be helpful. Thank you, Paul. Yes, as I mentioned, we'll go back to the legal committee. Leon is chairing. I'm a member of that.

I think that brings us up to all other business. Do we have any other business? Any other business other than that? Seeing no other business, I think before we adjourn just to note the action items. First, are for Milton and Christopher to come up with a few very simple questions that will elicit facts about past issues that have arisen or considerations, things that took place relating to ICANN's various levels of jurisdiction so we can have some facts.

Secondly, for everyone to go to our documents and work in those documents, especially those of us who have not been in those documents much. Please go there. Certainly, I think everything that has been discussed on this call is something that's fair game to put into those documents. Obviously, not the discussion of the questionnaire, but the other stuff. So I invite you to do that.

So I will wish all of those who are celebrating Thanksgiving in America a good Thanksgiving. I will note that Canadian Thanksgiving has already taken place, so hope you all had a good Thanksgiving if you are Canadian.

Our next meeting is November 29, 13:00 UTC. With that, I will adjourn the call and thank you all.

[END OF TRANSCRIPTION]