
GREG SHATAN: Good morning, everyone, and welcome to the Jurisdiction Subgroup meeting for January 6, 2017.

First, happy New Year to everyone. Secondly, I would ask if anyone has any changes to their Statements of Interest.

Seeing none, I'll ask if anyone other than Jeff Neuman is on the audio only? Hearing nobody, I believe that everyone else is in the Adobe Connect room, and we'll use that as a roll call.

Staff, if you could put up the attachment for Item 2: Expected Standards of Behavior. I felt, given some of the recent communications on the mailing list in particular, that it was worthwhile reminding everyone of ICANN's Expected Standards of Behavior, which are not merely about courtesy but also about approach to the multi-stakeholder process.

We've cited these on the e-mail list. I have cited it on the e-mail list recently, but it did not seem to have had all of its intended effect. So I would like to ask that everyone read these. I do not need to read this out, but [we] really have to ask for standards of civility. I'm not going to cite any particular examples, but we really need to stick to substance in our discussion. Questioning other people's mental competence or their motivations or various accusations and the like are counterproductive.

If you look at the sixth bullet point, listening is very important. Seeking to understand other people's points of view rather than dismissing them out of hand is very important. The one below that, "work to build

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consensus,” [we] need to be flexible and we need to try to find solutions that allow us to move forward.

I think discussions that really relate to our behavior are those that I’d like to keep to a minimum. I’d also like to ask that others keep them to a minimum as well. Somebody a couple of meetings ago predicted this questionnaire would be a significant distraction, and it has been but we haven’t been distracted by that [into] discussions about motivation and about collusion and other sorts of things. I really think it’s important that we bring things back to the types of discussions that we need to have.

I hope that I don’t need to mention this again, but I am going to be very hopeful that I don’t have to, but I will not be shy about doing so. Thank you.

Any questions or comments? I see a couple of comments in the chat, and I thank you for all of those who support. I suppose everyone supports the Expected Standards of Behavior. If not, it has been good knowing you.

Let’s take this down and move on to the next item and the next attachment. Now we’re back to the questionnaire. First, I would like to see if we can resolve what the Preamble will look like. In order to help make decisions, I thought it would be helpful if the various options were laid out side-by-side so that we could make some choices.

As you can see, we have the current Preamble on the left and then each of the alternatives that have been suggested by various participants, the first alternative being to take out the middle paragraphs. The second

alternative is really to take out all mention of the subgroup's focus and direct each participant – that is each participant in the questionnaire, each respondent – to the Final Report. Then alternative three is to add more excerpts to the Preamble so that the Preamble more expressly reflects our mandate from the Final Report.

I would open up the queue to comments. David McAuley?

DAVID MCAULEY:

Thanks, Greg. Thank you for all the work putting all this together. It's a substantial amount of work. I actually have a pre-Preamble comment. I made comment in chat with respect to individual questions, but the point that I'd like to express now is I have developed grave reservations about the questionnaire going out at all in any form.

I was originally against the idea, worried that it wasn't professionally constructed and it would simply gather up opinions and supposition. But Milton convinced me that Questions 1 to 3 could be done in a reasonable fashion and might gather some good information, and so I was going along. But after the last several weeks, I'm no longer convinced. The discussions around Question 4 specifically – which that question to me is an extremely bad idea – but the discussions around it have convinced me that we should instead stick to dispute resolution jurisdiction, which I think is the essential task we were given in the Final Report in Annex 12.

In fact, I have a quote here. This is the very first reference in the Final Report at Paragraph 6. It says this in total about our job, it says that once Work Stream 1 gets past the 12 recommendations, Work Stream 2

will have a commitment to discuss additional accountability enhancements, including “Addressing questions focused on jurisdiction of contracts and dispute settlements.” That’s it. That’s all it says.

So when I go back and look at the discussions around Question 4, which is really a search for opinions, it has caused me to look closer at all the questions. I think what I’ve seen is this isn’t a professional exercise. It can’t be. That’s not a criticism, but we’re not professional survey takers. I think what it is, is a caution. I think it’s all underscored by the small size of the participation in our group – and in all groups across Work Stream 2, frankly.

If we asked a question – and I tried to take a stab at a question: Are you aware of any material documented instances where ICANN has been unable to pursue its mission because of its jurisdiction? – I might reconsider. But even that, that’s my attempt and I’m not a survey professional. So I’m just concerned about the whole exercise and thought I should speak out early before we got on to specific questions. That’s my position. Thanks, Greg.

GREG SHATAN:

Thank you, David. Thank you for those remarks. We’ll come back to that in a minute, but let’s go to the next in the queue. Kavouss, please go ahead.

KAVOUSS ARASTEH:

Yes, good day to everybody, and good day to David. I think he needs a glass of cold water to a little bit come down. He has [inaudible] himself.

He has spoken very rapidly. I tried to grasp, but unfortunately not all, although he spoke very, very eloquently as usual. But I don't think that helped. That does not help. Although we could take note of his statement, it is better not to go back to square one. We take it from here to proceed to what extent we can make progress. There have been some good proposals for Question 4, and perhaps we could take that one [inaudible] and go together and possibly [inaudible] issue of questions at this meeting and send it to the Plenary on the next Plenary meeting. This is my suggestion. It is not appropriate that we go back to otherwise people taking the same positions. So let us work together. Let us have some collaborations. Not everybody will be happy, but if everybody is equally unhappy, at least is a good start. Thank you.

GREG SHATAN:

Thank you, Kavouss. Let's try to keep to the substance and not make remarks about whether people are calm or not. Steve, please go ahead.

STEVE DELBIANCO:

Thank you, Greg. I believe the Preamble – since that's the topic in front of us – is actually a function of whether we intend to stray into subjective questions like Number 4. So it is appropriate to jump the Preamble to the questions themselves and not just talk about the Preamble as if it's a standalone.

I believe that an opinion-seeking question, like the way Number 4 is designed and most of its alternatives, is completely vulnerable to an orchestrated campaign that would generate a high volume of responses – votes really [inaudible] campaigns and votes. The e-mail discussion of

the past two weeks confirms that's a real risk here. So I would recommend that we stick with evidence-based questions, like 1 through 3, and omit an opinion-seeking question like Number 4. That changes the need for a lot of the clarification we're loading into the Preamble.

Finally, Greg and everyone, I would say that if some form of Question 4 were included, I think we need to agree that when the answers come back that we will assess only unique responses that are supported by unique experience and evidence. This would limit the risk of anyone trying to manipulate this whole exercise through an organized and orchestrated voting campaign of opinions that come in on Number 4. Thank you.

GREG SHATAN:

Thank you, Steve. I'll note just briefly before turning to Milton that I added very late last night a stab, an attempt an Alternative 7 to Question 4 to try to make it evidence-based. I don't have any pride of drafting, but I did add the beginning "'Based on your own experiences,' what are the advantages or disadvantages, if any, relating to ICANN's jurisdiction?"

STEVE DELBIANCO:

Greg, I noted that. Just to follow up, I noted that in this morning's distribution with 7. That is why I added at the end of my intervention just now that if that alternative on Question 4 were included, that if 5,000 people expressed the same opinion and cited the same evidence, that amounts to one element of evidence, not 5,000.

That is what I meant by suggesting that however we phrase Number 4 to make it invulnerable to the risk of manipulation we look at only unique elements of evidence, which is what we're already doing with 1 through 3 and comports with the entire mission of this subgroup which is to understand whether there are actual evidence-based reasons to consider jurisdictional changes that enhance ICANN's accountability.

So even if you used your alternative, we still have to add an understanding of how the answers would be weighed and considered if there's an orchestrated campaign that's designed to sway the answer. Thank you.

GREG SHATAN:

Thank you, Steve. I appreciate you're having noticed that, and I think the point is that Questions 1 and 2 try to ask for actual past experiences of the respondent and Question 3 asks for actual past experiences that another party has publicly reported or has [been publicly] recorded in a news report or otherwise. Question 4 does not ask for actual past experiences, and that I think is the flaw in Question 4, or the extra flaw in Question 4 since the whole thing is perhaps flawed from the point of view of being an actual survey. Milton?

MILTON MUELLER:

Hello. Can everybody hear me? I've been having some audio problems.

GREG SHATAN:

[We can hear you.]

MILTON MUELLER:

Okay, good. Yes, I do think it is emerging very clearly from this discussion today that the source of the problems is Question 4 and that no one has any particular objection to the first two very simple questions.

One point I would like to make in response to David is that I understand his concerns very well, and indeed it may be that rather than continuing this it's certainly worth considering whether to call off the whole fact-finding exercise, which I think would be a tragedy but it might be better than what we're doing now. But the idea that we are not professional survey designers, I don't agree that should prevent us from doing this.

For one thing, this is not a survey. We are not doing opinion research and trying to get statistical validity. We are doing fact-finding, and I think that the first three questions do a perfectly good job of that. I'm a Social Sciences, an academic. I have designed surveys. I have read literature about the validity of surveys and how they can be done.

But I think the first three questions are basically quite simple in their request for facts, and we do need to collect facts. So I'm reiterating the idea that I've been pushing for some time, which is that we really have to disconnect Question 4 and the very broad issues that it raises from the first three questions.

I think we could have gotten out the first three questions and actually gotten some useful information back by now if we hadn't gotten stalled on Question 4. Some of us are getting very impatient with this, and I think that accounts for a lot of the problems we've been having. So

what is it exactly that's preventing us from disconnecting these two things? That's what I'd like to know.

GREG SHATAN:

Thank you, Milton. I think that's a good point. This is not a survey, although Tatiana notes that a questionnaire can be even harder to manage than a survey and that whatever we get in is just going to be grist for our mill. It's not going to be a vote. It's not a poll. It's not anything other than raw data and hopefully not [inaudible] data, and that is something that we would just consider [inaudible], not for the intent of persuasion of the group. Jean-Jacques, please go ahead.

JEAN-JACQUES SUBRENAT:

Thank you, Greg. Can you hear me? Hello. Can you hear me?

GREG SHATAN:

Yes, I can hear you. Yes, we can hear you. I can hear you.

JEAN-JACQUES SUBRENAT:

Okay, good. Thank you because I have the flu, so maybe my voice is a bit more weak, but I'll go ahead.

A few remarks. First, to put this in historical context, the idea of examining jurisdiction of ICANN goes back many years. When I was on the Board, 2007-2010, it was already under discussion and it was felt by the Board that it was not appropriate to tamper with that at that time.

[inaudible] the exercise which gave rise to the publication of the Improving Institutional Confidence report of which I was a co-author in 2009, there was a recognition that although we would not touch the idea of changing the actual location and therefore the central jurisdiction of ICANN, it was a legitimate question [on some other counts].

My second remark is that the whole exercise, which has been conducted now in ICANN for years and years under the overall title of (toward the end) that we would concentrate on accountability and transparency, but that jurisdiction was a valid second phase. Now we are there. We are in that second phase. That's why our subgroup is called [second phase].

My third remark is just to bring support to Milton's very good remarks about surveys. We are not into surveying, and therefore we don't need to bring our credentials as professional surveyors, whatever has been said to the contrary.

My last remark is to point out that I am in support of Alternative 7 which, Greg, you have pointed us to and which I think is a fair enough presentation which puts the question clearly but does not give too many guidelines on what to do or not to do. I think we can count on people's natural intelligence and dedication to the public good. Thank you.

GREG SHATAN:

Thank you very much, Jean-Jacques. Parminder?

PARMINDER SINGH: Thank you, Greg. [inaudible]

GREG SHATAN: We can't really hear what you're saying. It sounds like you're [inaudible].

PARMINDER SINGH: [inaudible]

GREG SHATAN: I'm sorry. We can't make out what you're saying. Hopefully, it's not a general infrastructure problem but something particular with your setup. Okay, it seems that we've been able to mute Parminder's line which was causing that interference. Christopher Wilkinson?

CHRISTOPHER WILKINSON: Good afternoon. Hello. Okay, first of all as a co-author and modestly speaking, I agree with Milton about the merits of Questions 1 to 3 as proposed. [Regarding] Question 4, I think politically speaking and in view of the sentiments and [things] that have been expressed, we will finish up with a version of Question 4 [inaudible]. I'm not opposed to the idea of addressing these matters [inaudible] Question 4 in a separate survey.

I don't agree with the [nuance] that is emerging that there is a risk of concerted campaigning. I'm [inaudible] to say that...

GREG SHATAN: Christopher, could you try to back off your microphone a little more softly? You're actually causing a lot of distortion in your own audio. Thank you.

CHRISTOPHER WILKINSON: Okay, this is one of the microphones attached to a [inaudible]. I'll try and use the [inaudible] microphone and not the headphone microphone. Regarding Question 4, I think we need something like that in view of the debate that has taken place. I would accept a solution along the lines of conducting that inquiry as a separate exercise and not necessarily linking it to the more factual questions that precede it.

My [inaudible] that U.S. jurisdiction of ICANN was circumstantial. I don't need to go into the circumstances. You know them well. This is not comfortable for many countries as a permanent solution. [inaudible] again that U.S. jurisdiction should be enshrined in a special article in the Articles of Incorporation, I think that's unduly provocative. I made the point months ago and I maintain it that U.S. jurisdiction in this case is provisional and we should [say so]. Provisional jurisdiction sometimes lasts a long time. I don't [inaudible] solution, but I think it is politically wise to leave that door open in the longer term.

Personally, I do not agree with the incorporation of ICANN in any national jurisdiction. I personally think it is necessary that the international community create a global [version] of the not-for-profit incorporation, but that may take a decade. I don't mind things taking a decade. After all, the transition took two decades. So let's [inaudible]

and above all do not create the threat to the rest of the world that through circumstantial majority which we no doubt have in the ICANN community at present regarding U.S. jurisdiction that this majority should be in some sense used to enshrine this solution as a permanent basis.

I speak with some experience. I forget the dates, but you all think that [Brussels] is the capital of Europe. Well, let me tell you that for at least a decade, Brussels was the [inaudible] capital of Europe [inaudible] perfectly well until finally a political solution was found to that particular problem. Don't prejudice what this community will want to do in 10 years' or 20 years' time. Thank you.

GREG SHATAN:

Thank you, Christopher. Parminder, I don't know if want to try your audio again or if you have made your point in the chat. Parminder says, "It is fine. I don't need to talk," but I encourage everyone to read Parminder's – I'll read Parminder's comments out so that they're on the record.

Parminder says, "David McAuley is making two points which should be taken separately: whether only choice of law (private law) is in our mandate and the more formal issue of whether Question 4 is properly worded to get appropriate info. Let's not mix the two very different things. If indeed the mandate is under question, let us elave" – I don't know that word – "everything and first discuss and agree on it. It is troublesome that we keep this keeps coming back. We can't work in this manner, so let's please be first clear about the mandate." Lastly saying,

“Next, when Milton says there is no opposition to Questions 1 to 3 to go out, no. I oppose it because without Question 4, it puts a question on the nature of remit/mandate of CCWG.”

Those are Parminder’s remarks. David McAuley, please, again briefly.

DAVID MCAULEY:

Yes, briefly. It’s my second intervention. I just wanted to reply to two points. First, with respect to Milton and Questions 1 through 3, I believe that if a questionnaire went out in any form, we would need to engage the services of a professional survey taker.

Let me illustrate it this way. Question 1 asks under the proposed question about the “ability to use or purchase DNS-related services.” Alternative 1: the “ability to use or purchase domain name-related services.” In Alternative 2: “ability to use domain name-related services.” A survey taker would ask us, are we sure that will solicit replies? Does that ask for information that is within ICANN’s mission only? I think Jeff Neuman made the point about domain name-related services being a very broad characterization.

Then secondly with respect to Christopher’s point, I would simply note that if we stick to our knitting on dispute resolution settlement related jurisdiction, that would include jurisdiction in California, Singapore, Turkey, China, Belgium, Uruguay at least and probably far beyond. I do agree the incorporation jurisdiction is in California. Thank you, Greg.

GREG SHATAN:

Thank you, David. Mathieu?

MATHIEU WEILL: Thank you, Greg. Are you hearing me all right? Not too loud [inaudible]?

GREG SHATAN: You're a little low. If you could bring yourself up a bit, that would be helpful. I think the situation we're in is quite confusing to me because I thought the questionnaire principle was agree and I'm seeing some feedback that it's really not a good idea. But I'm still hearing a consensus that we need to do some fact-finding exercise, and that's good.

I think [inaudible] going as well on the discussion on the scope and priorities. I would have hoped we had settled the fact that we had agreed to disagree. It's clear and we need to hold me as co-chair accountable for the lack of clarity in Work Stream 1 that we don't have a mandate that everyone shares where the priorities and the scope is. I really urge us to move on from that, and the fact-finding exercise is probably a good way to reset the expectations and make sure we work on priorities.

Of course, we [inaudible] mandate that as we see in the mandate is subject to interpretation. I'm really doubtful that there's much we can do. I have some ideas, but except from the questionnaire to get input about what people expect. Remember, we're not working for our own ideas; we're working for the community. There was consensus in the community and beyond in Work Stream 1 to investigate on the jurisdiction issue.

There are some very, very strong expectations around this subgroup inside as well as outside ICANN. We cannot afford to give the impression that we are putting hurdles in front of the progress of this group. It's our mission [through] the bylaws. We're supposed to finish by mid this year, remember? We're accountable for this, and we are the first [high stakes] group working post-transition. People are looking at us to see whether the post-transition ICANN is a serious multi-stakeholder method or whether it can be captured or whether it can be blocked [from inside].

So I really urge us to consider the way forward with fact-finding [spirit]. If we're not comfortable with the questionnaire, how do we find facts to start or initiate our process? But let's not get stuck on the disagreements. We'll have disagreements. Let's put them aside. What we want is a way to find facts on the way forward, and we need them fast now because we are really running late and we have to report sooner or later that we are running late and we're not [inaudible]. Thank you very much.

GREG SHATAN:

Thank you, Mathieu, for those important words. Not to say that everyone else's words aren't equally important, but it's good to hear from one of our co-chairs and to have a broader perspective on our work. Kavouss?

KAVOUSS ARASTEH:

Yes. I think we hear quite strange and unexpected proposal from some people. They were in agreement with Question 1, 2, and 3 and

disagreement with Question 4. But now they propose some sort of argument, and that is a very well [inaudible] and organized [inaudible]. Let us [inaudible] Question 1, 2, 3, and 4. And finally, the people are in favor of Question 1, 2, and 3, they agree with that and then Question 4 will be [dropped].

Let us mention clearly that about a week or ten days ago Phil Corwin put an alternative to Question 4. It has some – I don't know whether great or majority or what – support. I think that is the point of the [policy] that we have to take up and we have to develop that. It is pointless that we drop Question 4 as some people want and [inaudible] Question 1, 2, and 3. It also would be very [inaudible] questions.

So I suggest you, Greg as the chairman or as the rapporteur or whatever leader of this group, take [inaudible] proposal – I'm sorry to mispronounce it – the alternative which is supported by some people and see to what extent we could [inaudible] refine that and keep Question 4 rather than going through all of those alternatives. Take the alternative that he proposed and there was support.

I'm very uncomfortable if you continue, or if people continue to push that Question 4 should be dropped. It is important for some people. That problem that some people they have, they may not be the problem that other people will have. Therefore, those other people, they don't need Question 4. But those people who have problems, they need [it]. [If you prejudge] the replies from Question 4, you may reply and she may reply. That's all. To neither of the questions. Let us not prejudge those things. We leave the question and see what will happen.

That is the issue that once again [only] would not agree that Question 4 will be dropped. Thank you.

GREG SHATAN:

Thank you, Kavouss. I think that's an old hand from Christopher Wilkinson, which brings us to the end of the queue. To try to bring this all together and find a way forward, first, I think that we shouldn't let the perfect be the enemy of the good with regard to the questionnaire. I think that the cautions about the quality, if you will, of the question and about what responses we will get regardless of how good the questions are, are all well taken. But nonetheless, understanding the concerns that folks have mentioned, we should still put this out. I think we need to review the responses for what they are: helpful. We'll see what they are, but I think we can't try to overmanage the beginning.

Let us try to decide what the questions are. I think we'll get the responses we'll get, and we'll deal with them. I think we will need to figure out exactly how to deal with Question 4. We may need to go back. We need to try to discuss briefly in the brief time we have left what the purpose of Question 4 actually is so that we make sure we understand that purpose and can send it out knowing that it's there.

I think that it would be unfortunate for us to delay everything much further, but if we can find a solution, then I think we can proceed from there. I note that our next meeting is relatively quickly coming after this one. It's Tuesday at the same time as this. So given that, I think we can look for a solution between now and then, not try to make a definitive decision on this call about whether Question 4 is separated and sent out

separately. Actually, we're not sending this out. We're just going to post it. Maybe it can be set apart from the other questions in some fashion or maybe we can cast it in such a way that it is also asking for facts and experiences. But in any case, we're going to get what we get, and we'll deal with it when we get it. So let us try to see if we can decide on the form of the document as much as possible and try to finalize this on Tuesday's call.

Let us go back to where we started, which is with the Preamble. What I'd like to see is if we have strong support for any one formulation of this. If I could ask for any comments specifically on the Preamble. I note that there were concerns about the length of the Preamble, which is not very long, but in any case concerns about what was being stated. But as David notes, everything that is in the paragraphs crossed out in Alternative 1 is in fact in the Final Report. Alternative 3 adds in the remaining portions of the Final Report and Annex that actively give us our mandate.

Parminder, I'm not sure why you don't support Alternative 3 because it states in totality what our mandate is, taken from the Annex 12 and from the main report. So if you don't support [Alternative] 3, I'm concerned you don't support our mandate.

So let's, again, any specific comments on the Preamble? Kavouss? Kavouss, we're not hearing you.

KAVOUSS ARASTEH:

Do you hear me now?

GREG SHATAN: Yes, I hear you now.

KAVOUSS ARASTEH: I said I'm sorry, I said that Preamble should be high-level, precise, concise, and short. All questions would be 5 or 6 or 10 lines maximum; Preamble should not have 12 lines. We don't need to repeat the bylaw or the report of the first work stream. You can cross reference as I mentioned, but make it as short as possible. Thank you.

GREG SHATAN: Thank you, Kavouss. I see you're supporting Alternative 1? Or which of the specific alternatives? Or are all of them short enough for you? Kavouss, go ahead, please.

KAVOUSS ARASTEH: I can support the shortest alternative. Thank you.

GREG SHATAN: Thank you, Kavouss. Any other comments on the Preamble? It's not up to me to decide which of these four alternatives to pick. Parminder says, "To answer, Greg, I do not support Alternative 3 because it quotes the mandate selectively." In fact, it quotes everything in the report that sets out what this group is supposed to be. So that is our mandate. All that's left out is the portions of Annex 12 that set the stage for the final paragraph, Paragraph 30, which sets our mandate out.

I encourage everyone to go back and read Annex 12 and the Final Report to see what we're actually supposed to be doing here. I see support for Alternative 1 building. I'd like to break this down into a – first let's get some checkmarks for support for Alternative 1. Give me green checks even if you've made remarks in the chat that you're in support of it, support of Alternative 1.

Kavouss remarks that people may not pay a lot of attention to the Preamble. We would like them to know what they are responding about, not just going off on whatever they think ICANN's jurisdiction means to them, not a free-form essay.

Christopher Wilkinson opposed. Anyone opposed to Alternative 1? Does not believe it is our best choice? Believes there is a better choice among this, please put a red X. Okay, I note two red Xs and six green checks. Please take down your Xs and checks.

Taking down your Xs and checks, if there's anybody who supports Alternative 2 as the best choice, please put a green check. I see a green check for Christopher Wilkinson. Phil and Seun, are those checks for Alternative 2? I see Phil has taken it down, Seun is up, so I will believe that is two green checks for Alternative 2.

Finally, Alternative 3, any support for Alternative 3? I see an X from Parminder, a continuing check from Seun that may be for this, and Avri and Christopher, checks for Alternative 3. So I think that's 3 and 1.

Last, anyone who supports the current Preamble as it is and going ahead with it as it is, please put up a check. Or if you oppose that,

please put up an X. Christopher, go ahead. Christopher, we're not hearing you. In any case, Parminder noted...

CHRISTOPHER WILKINSON: I didn't ask for the floor. That's the one [click].

GREG SHATAN: Yes? Sorry, Christopher, I couldn't make out what you said.

CHRISTOPHER WILKINSON: I said I did not ask for the floor.

GREG SHATAN: Oh, I'm sorry. Your hand was up at one point.

CHRISTOPHER WILKINSON: I tried to delete a check.

GREG SHATAN: Okay, no problem. Understood. Kavouss?

KAVOUSS ARASTEH: Yes, Parminder says that for him Alternative 3 is the best, but we are not looking the best [in the group]. Could we also leave with Alternative 1 which I think are more support? So could you put Alternative 1 for final [inaudible]? Thank you.

GREG SHATAN:

Thank you. Parminder mentioned that there was one other suggested change to the document. If you look at Alternative 3, the second paragraph adds “and the actual operation of policies” to the end of Alternative 3’s second paragraph. That reflects how we have been phrasing questions and reflects some of the phrasing that is in Annex 12. You’ll note in the quoted language in Alternative 3 says that we are looking at the influence that ICANN’s existing jurisdiction may have on the actual operation of policies and accountability mechanisms.

Let’s ask first those who support Alternative 1 without adding “and the actual operation of policies” to the end of the second paragraph, please put up a green check. Steve, go ahead. Okay, that was I see another hand-to-check conversion, and Tatiana as well.

Those who support Alternative 1 with the addition of “and the actual operation of policies,” please put up a green check. If you can live with either one, you can leave your green check up for this second version of Alternative 1 which would add “and the actual operation of policies” to the end of Paragraph 2. For this, I see six green checks, no red Xs. In the interest of time, I think that Alternative 1 with the addition, this should be our preferred alternative. We can put this out on the list, confirm this on our Tuesday call, but I think that is our best alternative.

With five minutes left, let’s at least take a look at Question 1. We are not going to get to Question 4 on this call, but I ask that we discuss Question 4 on the list, including what people think is the purpose of Question 4. If we understand the purpose, then we will perhaps have a

better idea of how to phrase it and understanding again that there are a substantial range of opinions and perspectives in this group.

Question 1's first alternative is to change "DNS" to "domain name" and make no other changes. Those who support Alternative – oh, sorry. Before we do that, Alternative 2 is to take out the reference to "business, your privacy" and also to purchasing domains so that it simply says, "Has your ability to use domain name-related services been affected by ICANN's jurisdiction in any way?"

So those who support Alternative 1, which had prior support, please put up a green check. I see several, four green checks. Any opposition? Any red Xs for this one? I see none. Let's move on to Alternative 2. Those who prefer Alternative 2, please put up a green check. Take your checks down if you prefer Alternative 1. If you can live with both, leave it up. This is Alternative 2, support for Alternative 2. Any opposition, please put up a red X. I see for this one three red Xs, two green checks. So I think that our alternative to be posted to the list for final approval would be Alternative 1.

It's now 8:58, and we can discuss the last – Jean-Jacques, can you go on mute? We hear your typing. Since it's now 8:59 New York time – apologies for being time-zone specific – it's time for us to wrap this call. We will get to Question 4 on Tuesday's call, but I ask specifically and I will ask on the list for us to discuss the alternatives to Question 4 and the purpose of Question 4 and how best to handle Question 4.

With that, I'll ask if there are any final remarks from any of our participants. Seeing none, I want to thank you all. I think this was a good

discussion. I think that does point out certain ongoing challenges that we have that we will continue to deal with. Once we get past this questionnaire, we will be dealing with them. I also encourage everyone to go back and look at the Effect of ICANN's Existing Jurisdiction document that was circulated that really should have been the focus of our work, but please do continue to focus on that.

Again, we have our next call in just a few days. Let's try to wrap this questionnaire up and move on. I am fine with Kavouss calling me "Grec" instead of Greg. It is part of the multi-stakeholder model. So I thank you all for attending, and we shall now adjourn this call [inaudible] want to give me grief or "gref." In any case, I thank you all for this. Let us now stop the recording, and I will speak to you all on Tuesday and hear from you all on Tuesday and on the list. Thank you and goodbye.

[END OF TRANSCRIPTION]