
GREG SHATAN:

Thank you. Hello and welcome to Jurisdiction Subgroup Meeting #16 on January 10, 2017.

We'll begin with the agenda Welcome and ask if there are any updates to Statements of Interest.

Seeing none being offered, I'll ask if there is anybody who is on audio only. Okay, it seems that we have nobody who is on audio only, so we will take the Adobe Connect room as the roll call.

Why don't we jump right into the first substantive item on the agenda in the proposed questionnaire, which I am hopeful that we can wrap up in this session today so that we can report to the CCWG Plenary tomorrow.

If I could ask staff to put up the options for Question 4 document, recognizing that there are also a number of other options that have recently been discussed on the list, including David McAuley's option and some variations on that option.

What is important to do here is to see if we can arrive at a version of Question 4 that receives consensus level of support as defined in our charter that would allow it to be part of the questionnaire.

If staff could also have David McAuley's version ready to put up as well, we may want to be looking at that one rather than these alternatives, but I'd like to open up the floor to discussion of any of the alternatives for Question 4 so that we can seek what we can arrive at with regard to

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this call. I ask that we try to all be creative and constructive. Thank you.
Kavouss?

KAVOUSS ARASTEH: Hello?

GREG SHATAN: Yes, Kavouss. Please go ahead.

KAVOUSS ARASTEH: Do you hear me please, Greg?

GREG SHATAN: Yes, I hear you.

KAVOUSS ARASTEH: Good afternoon or good morning. I don't know which text I have to look at. You sent something with red lines [inaudible]. Are we dealing with that, or what we are dealing with please? Thank you.

GREG SHATAN: If you want, we can put up the document that is the second document that I – so staff, why don't we switch over to that. I'll see if I can grab some of the other formulations as well, but most of these came in as I was trying to get a few hours of sleep so bear with me. Please, go ahead, Kavouss.

KAVOUSS ARASTEH: Yes, if you allow me, Greg, I have told several times on this group and other groups that it is not important who is right and who is wrong. The important [thing] is to agree on something. The text that we keep with the question mark, with the red lines or whatever color you have, I think I have read that.

It is not what we wanted, but if other people agree with this text and if we could have a consensus [with] this text, I have no major problem except one, and that is the word or term "Mission" has been deleted. This is very important to be restated because jurisdiction is not [inaudible] accountability mechanism. So we should add the word "Mission." The "Mission" that was deleted, we should bring it back. It is very important. This is the only important point that I have to mention in order that we have an agreement.

I would like to add that we are just raising [inaudible] questions. We are not writing United Nations charter nor the Constitutional Convention of any agreement [inaudible] bylaw, just a simple question. The text that we put in my view addresses the issue with the proviso that could be a benefit of a [inaudible]. Thank you.

GREG SHATAN: Thank you, Kavouss. Anybody else? I'm sure that there are others with an opinion, but since it's the call, we need to do them primarily by oral intervention. David McAuley?

DAVID MCAULEY: Thanks, Greg. With respect to the suggestion that I made, I simply want to state that the reformulation that you did is something I could support on a contingent basis. I continue to believe that the questionnaire is going to take us beyond scope. The scope as I see it is most concisely stated in the first reference made to it in the Final Report in Paragraph 06 where it says that the Jurisdiction group will “[address] questions focused on jurisdiction of contracts and dispute settlements.” I know that there are questions about larger jurisdictions many have. I just think Work Stream 2, this subgroup, is not the place for it. That’s the argument I’ve made, so I continue to believe that. If a question is going to go out, then I would support the reformulation that you’ve done on Question 4 that I suggested. Thank you, Greg.

GREG SHATAN: Thank you, David. I suppose you had also – well, we’ll also discuss some of the other variations on that, I expect. We’ll look at whether any of those gain more support or lose support. So we’ll see. Parminder?

PARMINDER SINGH: Thank you, Greg. Am I audible? Hello. Can you hear me?

GREG SHATAN: Yes. Please go ahead.

PARMINDER SINGH: Yeah, okay, thanks. I would think that we should go with the options that have already been discussed in the [other] call. If you want to put

this option along with Seun's modification as an alternative, that should be put, but it's not okay to leave all the options that we were working with on which alterations have been made and they have been subject to some kind of discussions.

Among the ones that you listed which is the original plus seven alternatives, I'm ready to go with almost all except Number 7 because I'm happy to have anything which does not constrain the responses about facts. And anything which allows the whole [inaudible] facts to be given is okay with me. So I'm talking about your table with the original formulation plus seven alternatives. Other than the seventh alternative, I'm happy with all of them.

I think David's being another alternative, probably the eighth one, I would go with the changes which Seun made but replacing "instances" which is always only [about activities or occurrences] which have happened and not facts. I would change "instances" with "facts" because fact is, as I discussed in the e-mail, also a law which may not have had an instance but is a fact.

If the [inaudible] formulation, which I hope you can capture on the screen, with some grammatical changes because it was probably drafted in a hurry, could be okay with "facts" instead of "instances." And I would like all the other [inaudible] alternatives to be still considered. Thank you.

GREG SHATAN:

Thank you, Parminder. Anybody else with comments would be appreciated. Steve DelBianco?

STEVE DELBIANCO:

Thank you, Greg. Steve DelBianco with the Commercial Stakeholders group. I did not support the proposal for Q4 or any of the seven alternatives that were presented, but in the interest of compromise I would support David McAuley's formulation or Greg's reformulation.

I do believe we ought to start with that and begin to move forward to see whether we can gain consensus. And if we cannot have a strong consensus similar to the 29-2 consensus we got on the first three questions, then I believe we should proceed to the CCWG Plenary with our three consensus questions and inform them that we are continuing to work on a fourth or potentially other questions but have no consensus yet. So it's an effort to do that data gathering, the information gathering we wish to achieve, because I fear we are continuing to let this get in our way.

So all of this to bring some urgency to those who have been, I guess, sticking to one form or another, this would be a great opportunity for us to capture a compromise in time to get it in front of the Plenary this week. So going through each and every one of the alternatives will consume this call without really getting us any closer to consensus. Let's try to seize the consensus that seems to be presented with what David and Greg have reformulated. Thank you.

GREG SHATAN:

Thank you, Steve. Appreciate that, and I'll turn to Jonathan Zuck.

JONATHAN ZUCK: Thanks, Greg. I guess I was going to say something pretty similar to Steve, which is that there seems to be some [gathering] consensus around this. I think I really appreciate the simplicity of this construction as well. It feels less like a tongue-twister and written by committee the way that the other versions of questions appear.

I guess I also disagree with Parminder inviting a bunch of hypotheticals. Nineteen years feels like enough of a sample size to require instances of people in the past so that we should have something we're fixing that's demonstrated that have been problems.

GREG SHATAN: Thank you, Jonathan. Kavouss?

KAVOUSS ARASTEH: Greg, I don't believe that we can go and discuss seven or six or five alternatives. That would not be productive [at all]. Hello? Do you hear me?

GREG SHATAN: Yes, yes. Please go ahead.

KAVOUSS ARASTEH: Yes, I repeat. I don't believe that it is productive to go and study or discuss seven alternatives, irrespective which one is right and which one is not right. [inaudible] text. I just added one simple word to reinsert "Mission." And Mathieu's proposal that this should be put to the view

of the people whether there is any objection. I think not going to the alternatives. There's [inaudible] to go to that. It is very, very difficult if you want to have any [inaudible]. So please [inaudible] we consider the possibly to reinsert "Mission" in the text. Thank you.

GREG SHATAN:

Thank you, Kavouss. To reiterate Kavouss' suggestion, it is to put "Mission" back in, in addition to the insertion. So the first question would read, for instance, "Are you aware of any material, documented instance(s) where ICANN has been unable to pursue its Mission, the actual operation of its policies and its accountability mechanisms because of ICANN's jurisdiction? If so, please provide documentation, including specific examples and references to specific laws." That is the proposed addition. And the second part of the question would track as well.

So I'll take comments on that. I see a comment in the chat. David McAuley: "By adding Mission and leaving other reformulated wording, we risk confusion again." On the other hand, David says, "I could support Greg's reformulation but prefer the original reference to Mission. That is what matters." I will just note that in terms of our mandate that looking at "the actual operation of policies and accountability mechanisms" tracks most closely with what our mandate is. On the other hand, I do appreciate that simpler is better, as Milton says.

We could also say "unable to pursue its Mission, including the actual operation of its policies and accountability mechanisms" to make it

clear that pursuing its policies and accountability mechanisms are part of the Mission. So that's perhaps another alternative. I'll try to see if I can get these on the screen, but there's only one of me. Jonathan Zuck?

JONATHAN ZUCK: Sorry. Old hand.

GREG SHATAN: Thank you, Jonathan. Kavouss?

KAVOUSS ARASTEH: Yes, Greg. If David can convince me why "Mission" would add confusion. Why he is afraid of putting "Mission"? Jurisdiction is not only accountability. Before having this accountability as we are working, we had this Mission to [be followed] [inaudible].

So what I suggest is the following. Take the text that you proposed, put the "Mission" that I proposed to be reinserted but put that in square brackets and send it to the CCWG Plenary. We will discuss [that], but at least you have your text that I hope you have a consensus – whatever you call the consensus – and then the "Mission" really something that I proposed but put it in square brackets. We will discuss it at CCWG Plenary. Either people agree with that or disagree with that. If they disagree, then we delete it. If they agree, then we will reinsert [in the statement].

I don't want to go back again and put everything into the basket. You made a lot of effort and we thank you very much [and thank others]. So

let's take the text and take Mathieu's proposal to put it into the full view of the people with that addition of "Mission" in square brackets and send it to the Plenary as Question 4 together with three other questions. That is a formal proposal. Thank you.

GREG SHATAN: Thank you, Kavouss. Parminder?

PARMINDER SINGH: Yes, Greg, I raise strong objection to the fact that alternatives to David's proposals are not being put up. I thought that the other alternatives in the last call should be our starting point, but it seems that still David's text is the starting point. But in that case, the least I have been asking for is to [inaudible] my changes to it on the screen. But I am not able to understand why it is being insisted that David's formulation is what we should keep working with. Thank you.

GREG SHATAN: Okay, thank you, Parminder. I think it seems – if anybody wants to put these in a Word document and e-mail it to me, that would be appreciated. Otherwise, frankly, for some reason I'm not finding them in e-mail right now, so understand there are technical limitations. David McAuley?

DAVID MCAULEY: Greg, thanks. I'll be very brief since it's my second time. I just wanted to respond to Kavouss. My concern is that if you have "Mission" plus the

other wording, it could become confusing and one of my concerns is confusion. I think that Milton recently stated it well. We know what Mission means now after Work Stream 1. My strong preference is for Mission, and that's why I made the comment I did so. I just wanted to respond to Kavouss. Thank you, Greg.

GREG SHATAN: Thank you, David. John Laprise? We don't seem to have John, and his hand is down. So I'll go to Ghislain de Salins.

GHISLAIN DE SALINS: Hello. Can you hear me?

GREG SHATAN: Yes, we can hear you. There perhaps is one other open line, so please make sure to mute if you're not speaking. Please go ahead.

GHISLAIN DE SALINS: Sure. It seems better like that. Thank you. I'd like to thank David for the proposal. Actually, I have just one question. When you compare David's proposal with the other seven alternatives that were in your previous document, it was a little bit hard to compare them since they are on two different documents.

But my question would be, what happens to the issue of alternative jurisdiction, which was one of the components of Question 4 initially and I don't see it at all in David's proposal. I might support David's

proposal, but maybe we can add another paragraph that would be 4b or maybe even another question if you will to add the question that was in Question 4 about what alternative jurisdiction might solve the problems that [would be identified]. It would be my only question and suggestion. Thank you.

GREG SHATAN: Thank you, Ghislain. Can you just explain why you think that the second part of David's formulation or its alternatives does not cover alternative jurisdiction.

GHISLAIN DE SALINS: Maybe my statement wasn't clear. There's no mention of alternative jurisdiction in David's proposal, but if you go back to Question 4 initially the initial Question 4 was three paragraphs and the last one was about possible alternative jurisdictions that would solve the problem that we've identified. I don't see any mention of that in David's proposal. So that's all.

GREG SHATAN: The second part of David's proposal is: "Are you aware of and able to document the existence of an alternative jurisdiction where ICANN would not be so prevented from pursuing its Mission? If so, please provide documentation."

GHISLAIN DE SALINS: All right. So maybe I got a little bit confused with all the different alternatives. Sorry. All right, it's okay then.

GREG SHATAN: Ty, Ghislain. Milton?

MILTON MUELLER: Yes. So I think one of my first comments in this meeting was that we should separate Question 4 from the other questions and move ahead without it because we were never going to reach consensus, and I'm happy to say that it looks like I'm progressively being proven wrong on that assertion this morning.

My point here is that most of the wordsmithing we're hearing now is really pretty minor, very minor indeed. For David, who has strongly opposed Question 4 at all, to come up with a formulation of it that I think is extremely well-phrased and opens up the door to discussion of all the questions that the people who advocated Question 4 said they wanted to discuss, for David to say that we could do this means that we are very close to consensus.

And I would urge people not to trip over minor details – for example, “instances” versus “facts” or other kinds of shades of meaning that are only probably meaningful in the mind of the person. I would also urge us to, for the sake of the people who have to answer this question, be as simple as possible. Because [ICANN] is about pursuing its Mission and we have just gone through a major discussion of what that Mission is and rewritten it, I think that's much clearer and also broader than any of

these other formulations. When I read [through] some of these other formulations, they're really a mouthful and they are, I think, really just dragging us into the mire. I think everything that the advocates have questioned for say they want is now present in David's original formulation and if that's acceptable to you, and it bloody well should be, then let's [inaudible].

GREG SHATAN: Thank you, Milton. Perhaps the last word or two got clipped there. Parminder?

PARMINDER SINGH: Thanks, Greg. Do I see somebody else in the queue before me? Okay, I'll go ahead. Can you hear me? Hello.

GREG SHATAN: Yes, please go ahead.

PARMINDER SINGH: Hello. Okay, thanks. I don't know. The staff seems to be trying to locate Seun, and you have been saying that you cannot find Seun's and Parminder's formulations on the [e-mail list] which have been there in four or five e-mails. I have [pasted] it twice on the chat window. I think one person is saying [inaudible] please put it up, but I'm not sure why it has not been put up. Thank you. That's all I want to say.

GREG SHATAN: Thank you. Kavouss?

KAVOUSS ARASTEH: Yes, Greg, I think we are turning around ourselves. So in the chat I mentioned that if the addition of "Mission" causes so much problem that David explained, which I don't believe, but in the spirit of getting a consensus, put the version that you have provided into the views of colleagues, but at the same time formally reply to Farzaneh's question. To raise a very important question, you need as the chair of this group reply to that.

Now two issues. One, put your text into the views of the people against and for, and then formally reply to Farzaneh's question. It is very, very important and crucial. Thank you.

GREG SHATAN: Thank you, Kavouss. Parminder, is that an old hand?

PARMINDER SINGH: It's a new one, Greg. Can I go ahead?

GREG SHATAN: Yes, please go ahead.

PARMINDER SINGH: Hello. May I go ahead, Greg?

GREG SHATAN: Yes.

PARMINDER SINGH: Yes, Greg, I'm asking you a specific question, so please respond to the question about why you are not putting up that text? Thanks.

GREG SHATAN: I'm trying. Ghislain, can you close your line if you're not speaking? Thank you. I see what Vidushi has sent me here in the chat, and I'm trying to use that to add to the other alternatives here. But I think we will try to cut this down [soon].

BRENDA BREWER: Greg, I have the question from Seun and Parminder on screen if that's helpful.

GREG SHATAN: Oh, okay. Thank you. That's helpful. As alternatives to what has been – let's see. Seun's suggestion adds "or will be" before "unable to pursue." Parminder's additions are in bold. I'd like to see if there is support for either of these alternatives. Obviously, I expect Seun – well, we're having some technical difficulties – would support his alternative and maybe others and Parminder, his. Let's see if there is other support, and I'll try to see if I can get these into a document along with the earlier proposals. Any comments on these two proposals? Kavouss, please go ahead.

KAVOUSS ARASTEH: Greg, I have no opposition. I again want to discuss many alternatives, but the only way within this 20 minutes that you have is to put the initial proposal you made, to get the temperature, then you put Seun's proposal to get the temperature, and you get Parminder's proposal to get the temperature, and then go ahead. Because if you try to go [inaudible] still you have some distinguished colleagues opposing or [proposing], we won't get anywhere. So just get the temperature of the [35] people that are [inaudible]. Thank you.

GREG SHATAN: Thank you, Kavouss. Any other comments? Let us take some temperatures here. Jeff, when you say "the three," which three are you considering? "David's language and these two." Okay, there are those who support adding the word "Mission" to these as well. I guess David's original has "Mission" in it.

Why don't we do a poll here if we can, trying to keep in mind David's original and these two. If you support David's original version, please put up a green check. Okay, let me count the checks: 12 checks. If there are any objections to this formulation, please put up a red X.

UNIDENTIFIED MALE: Can you repeat the question please?

GREG SHATAN:

If you object to David's original formulation, please put up a red X. Keep your green checks up please. Now we seem to have lost the checks. Anyway, let's get checks and crosses up please. If you object to David's formulation, a cross; if you support, have a check. I'll have to learn how to set the [ability to view] to sort and count the checks. Maybe that's the Attendee Status View? Yes, there we go. I figured it out. Okay, please keep your checks and crosses up. Right now I have 12 checks and 3 crosses for Option 1. Steve says we got to 13. Somebody may not be putting their check up. So we'll say that's 13 to 3.

Let's go to Seun's option. Please clear your checks and crosses. Okay. If you support Seun's formulation, please provide a check. If you object to Seun's formulation, please provide a red X. Okay, we have 3 checks plus I'll count Seun in absentia, 4 checks for Seun's option. Thank you, staff, for preparing this. We have 3 agreeing with this option plus Seun for 4 and 11 objecting to this option.

Last, let's clear checks and crosses. Those who support Parminder's option, please put up a green check. And if you do not support, put up a red X. We have 2 in support and 11 indicating that they do not support this option.

It appears to me only David's original option got far more support than nonsupport. The others received much more nonsupport than support.

KAVOUSS ARASTEH:

Greg?

GREG SHATAN: Yes? Please clear your checks and crosses.

KAVOUSS ARASTEH: Excuse me. You misunderstood me. Excuse me, Greg. You misunderstood my proposal. I did not ask that David's proposal took the vote. I asked that your proposal to be put to the vote but not David's. I did not propose that, and Mathieu did not propose that either. So why did you go back to David's proposal. Steve DelBianco and even David himself agreed with your proposal. Why you did not put your proposal to the vote? Thank you.

GREG SHATAN: Okay, well, we can put my proposal to a vote as well. That is the last one listed, although it is a little messed up because the "its Mission" should be crossed out in the last one that says "Alternative combining this with elements of prior alternatives." Please take down your – well, okay. If you support this proposal, please put up a green check. And if you don't put up...

MILTON MUELLER: Greg, I have no idea what we're voting on now. I have no idea what we're voting on.

GREG SHATAN: This is the last alternative listed at the bottom of the page in the screen, which is also the alternative I suggested last night. But ignore the words "its Mission" in the last one. Those should be crossed out. The one that

says “Alternative combining this with elements of prior alternatives.” If you support, put up a green [check]. If you do not support, please put up a red X. Most people now seem to be abstaining on this one. We have 2 in support and 6 that do not support, so there doesn’t seem to be support for this last.

So I think that, again, the only option that has gotten strong support – and now it is up to 8 that do not support this option – so we have the only one that has emerged with more support than nonsupport is David’s original proposition. So if we could clear our Xs and checks.

It has been suggested as a last question now that everyone has cleared their – okay, we have a couple of hands, so let me take the hands before I ask the last question. Parminder, please go ahead. The hand is down. Kavouss?

KAVOUSS ARASTEH:

Yes, I think you have done whatever you should have done. You have the results. It is the democratic way, and we have to abide on that. I request you to report to the Plenary that you tried several alternatives and the alternative on which you have the most support or likely to build consensus in CCWG is the one that you have more in favor and report it and the business is finished. You have four questions. Send it to the Plenary, and when you present that you discuss that with respect to Question 4 that was the issue. You tried everything that you have tried, and the result is that is the democratic way. That’s all. And then the business is finished. Thank you.

GREG SHATAN:

Thank you, Kavouss. It certainly does feel that we have arrived at an alternative that has gotten support to move ahead with after various alternatives were bounced against it and did not get sufficient support. I'm almost afraid to ask, but I will anyway, if there is anybody who feels that they cannot support sending this question out and would want to only proceed with Questions 1 to 3. But I feel that we have arrived at a level of support for this and would hope that the various oppositions to earlier versions of the question can be understood as something that happens in the process of trying to build consensus.

But I would say that we have broad support or rough consensus for David's version. I see Milton and Mathieu are saying that as well. So I think that unless anybody wants to assert that this is not a consensus choice of this call, we should go forward with a poll that includes David's original formulation in front of us. Kavouss, is that a new hand?

KAVOUSS ARASTEH:

Yes, it's a new one. Greg, I don't believe that you need to go back to whether you have three questions or four questions. Now we have four questions with alternatives proposed by David initially, and that has more support. So that was the conclusion of this issue. We do not re-discuss [any time] at any forum that whether you have three or you have four. You have concluded that you have four, and this is the way that we should proceed. We cannot go back again. Thank you.

GREG SHATAN:

Thank you, Kavouss. I agree with what we've had, but in the [inaudible] to be liberal in what I receive in terms of information, I wanted to put

that option out there. But nobody took the invitation to support that option, so I feel a little more comfortable that those who have earlier supported that option have joined the consensus around David's question. So that is why I've asked and feel that we have a result. Parminder?

PARMINDER SINGH:

Yeah, Greg, your question was whether somebody, anyone here thinks that this is not the consensus position. I will not go into judging the consensus because I do not know the rules of reading consensus here, but I just state my disagreement with the formulations as they are now.

GREG SHATAN:

Thank you, Parminder. I think the definition of consensus is in our charter, and it's where a – I don't have the charter in front of me – but it's basically where a large number support and only a small number disagree. So as Avri says, consensus is not [inaudible] when enough people object to calling it consensus. If there is anyone other than Parminder who objects to calling the position around David's consensus, please put up a turtle. Anybody have a turtle to put up if you don't want to call it consensus? Nigel, you seem to have beeping on the line. I see no turtle, so other than Parminder, I would say that there are no objections to calling this consensus. So I think we'll go ahead. Staff, could you try to get rid of this? I think that's Nigel's line. Kavouss, please go ahead.

KAVOUSS ARASTEH: Can I talk?

GREG SHATAN: Yes, Kavouss. Please try to go ahead.

KAVOUSS ARASTEH: Yes, excuse me. I'm very sorry, and I apologize to Steve DelBianco. Point of order: the question is raised [inaudible] of any discussion of any type of [inaudible]. You put Question 4 and you do not quantify what is sufficient consensus, what is insufficient consensus. You refer to the consensus which is in the charter. You put it in your document. You have looked at that one. Some people are not happy, [inaudible] myself. But I don't want to raise it now. Your [inaudible] was a consensus, more support for David McAuley's formulation. That's all. But you do not qualify that consensus. That really [inaudible] sufficient or insufficient consensus. [This is not helping.] I'm sorry, [Steve]. Please [kindly] help us. Please, [kindly] help us. You help us in the [inaudible]. Please [kindly] help us and don't go back to this again. Thank you.

GREG SHATAN: Thank you, Kavouss. I don't think Steve actually disagrees with what you're saying. He just was saying that if there were those who believe that there was no consensus around us, then we would have to move on without it. So I think other than Parminder, no one else felt that there was not consensus around us. So I think that again brings us back to consensus on David's question, which leads to a conclusion that we should go forward to the Plenary with these our supported [ideas]. I see

Avri's note in the chat, and I understand the sentiment. I think we do have consensus around this. Steve DelBianco?

STEVE DELBIANCO:

Thank you, Greg. You're right about what I was remarking in the chat, and I think Kavouss may have misunderstood. I'm suggesting that if there are enough on this call who believe we lack a deemed consensus on McAuley's formulation, it's clear that it's a strong majority, but if there are those who would wish to stop it by saying it isn't consensus, you are free to do so. But I believe that leaves us with just three questions and the fourth one suspended in limbo somewhere for future consideration. So, Kavouss, I am suggesting that if you want to stop a strong majority here by saying it isn't consensus, then we don't have a fourth question at all at this point. So this is an opportunity to move forward.

GREG SHATAN:

I don't think Kavouss [wants to say that]. Steve, I hate to cut you off, but we have three minutes and I actually have a hard stop at 9:00. So I think we have consensus on the four questions to go out. If anybody believes that is not the case, I see Parminder says there's no consensus on 1 to 3 either. But I think we have consensus on all four, including this one going together unless anyone wants to state an objection to that conclusion. Mathieu?

MATHIEU WEILL: Thank you, Greg. I just want to say that I don't think it's necessary to reopen the debate over and over again. I [think we've] done a great job at actually putting us back into a compromise position that everyone can live with. I welcome and congratulate and thank everyone who really made a step toward compromise in the way to this meeting and during this meeting. It's a remarkable achievement. We can report to the Plenary now and congratulations, Greg, for all your efforts on this. Thank you.

GREG SHATAN: Thank you, Mathieu. I appreciate those remarks. So I think we are good. As Farzaneh asks, 1 to 4 will be sent to the Plenary for approval tomorrow. So that is the end result here. Now that Kavouss had a position that the footnoted asterisk definition of ICANN's jurisdiction should be changed, I would want to see whether Kavouss wants to continue with that or whether we can send it as is, noting that we are talking about ICANN's jurisdiction. Kavouss?

KAVOUSS ARASTEH: Yes, Greg, two things. First, I would like to express my appreciation, and I hope others also may join me, for the efforts that you have made during these many sessions, 18 sessions I think, to put this [inaudible] everybody agreed but it's something that everybody could be equally unhappy. So that is that. So thank you very much for the job you have done.

Second, in light of the consensus that we have reached, I do not proceed with amendment to the asterisk. Leave it as it is and go with

that, four questions with the asterisk that initially you have drafted. But you [inaudible] the meeting [inaudible] raise the question. We need as a chair of this group to formally, although we don't have any records, reply to her question to be recorded in the transcript or in the notes of this meeting. Please can we either look at the question that she raised or ask her to raise her question again? It is very, very important. Thank you.

UNIDENTIFIED MALE: Greg, we're not hearing you if you're speaking.

GREG SHATAN: Sorry. I was on mute. I don't know what the other question, what the question was that Kavouss mentioned to be honest, but I think I will restate the end result here which is that we have consensus to go out with Questions 1 through 4, with Question 4 being the David McAuley reference and with the footnoted asterisk as is. And I appreciate Kavouss' effort in that. Kavouss, is that a hand? We are two minutes past the hour.

KAVOUSS ARASTEH: Yes, no problem with the formulation of four questions, but I want to raise another issue related to this questionnaire. If you don't have time to do it now, please reply to her question in a mail or to the CCWG. It is a question [inaudible] but not directly has any impact on whatever conclusion you have. You had a conclusion, and that's all. But just look

at her question and reply to that in one way or other. That is important.
Thank you.

GREG SHATAN:

Okay, well, we'll deal with that on the list, but I think we've moved forward on this proposal. I thank everyone for their multi-stakeholder spirit in moving forward, and this call is now adjourned. Goodbye.

[END OF TRANSCRIPTION]