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GREG SHATAN: Hello, and welcome to the Jurisdiction Subgroup meeting #17 on January 20, 2017 at 19:00 UTC. Apologies that this is Friday night, or even Saturday morning for a number of our participants, but there are only so many slots available, and this week was a challenging week in terms of slots, and here we are.

In any event, let's first ask if anybody has any changes to their statements of interest? We have a very stable bunch, at least in terms of their interests.

And I'll also ask if anybody is on audio only? It appears not. I see that Kavouss is actually not on audio. He has been disconnected and is being redialed. So hopefully, we'll have Kavouss back very shortly.

But we might as well get into the first item on our agenda, which is, now that we have the questionnaire in final form, what do we do next? And so, where it should be published, how it should be published, how it should be announced. Any thoughts all three of those formats, other than having it just laid out on a website and having it—people respond in PDFs or emails?

So, there has been some exchange on the list. Based on the list, I would say that there was no real support for having it done in any kind of survey or fill out the box type of form, and that whatever method we use for publishing the survey, that we should expect responses to come

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back in emails and in Word documents, and PDFs and whatever, probably sent into an email address.

So, that would be the format for that. Then there's the question of where it should be published and where it should be announced. And there, there were a few different opinions, and I didn't get a final sense on that point. But we might as well continue the discussion here. And I see a hand from Kavouss.

KAVOUSS ARASTEH:

Hello, Jeff. Hello, everybody. Yes, I am very concerned, seriously concerned about your behavior with respect to the question raised by Farzaneh. This morning, you sent us a long statement quoting something from this discussion, and then from Joe Biden, saying that we should be brief and eloquent.

In respect to the Farzaneh question, you wrote a long passage, starting giving your own views. I totally disagree with that. You are not God, and you have no right to judge on something, on anything at all, nor the co-chairs are judge. This is very rude to continue, and this is untrue.

The people who raises the question, including me, to say "We agree or we disagree." I don't understand. On one hand, you advised us to be brief. On the other hand, you start to write pages. I don't want to open another accusation, as your colleague, another application of your colleague, another implication of your colleagues, etcetera, but I think that it is true, that Farzaneh's question needs to be answered.

The answer is that [INAUDIBLE], in response to the questionnaire, which is in the general construct of the question, but it is not in the letter of the question, that is valid. And I don't agree with your statement. I don't give you any advance to come and governance us and guide us. Please, can we be totally equal? Thank you.

GREG SHATAN:

Thank you, Kavouss. I thought the question had been asked to me and then referred to the co-chairs for them to answer as well. So, I'm a little surprised at your statement that somehow, I wasn't supposed to answer it. And this answer was sent out only after consultation and agreement with the co-chairs.

It's not my idea alone, and I thought you were waiting for us to respond. You may disagree with the answer, but I expected that we were at least responding in good faith. And it's not just me; it's the co-chairs as well. So, that should be taken into account.

And in terms of order and in terms of maintaining the scope of the work that we do, that does fall squarely into the rapporteur's bailey wick. So, I feel that that's true. Now obviously, we can discuss this further and see if there are other opinions, but that was the opinion of the co-chairs and myself.

So, in terms of brevity, I felt that this was actually relatively short and to the point. Brevity is all relative. And I'll stop there for that purpose. I will turn to—

KAVOUSS ARASTEH: Can I add something please?

GREG SHATAN: Christopher Wilkinson has his and up, and then you're next after that. Christopher?

CHRISTOPHER WILKINSON: Good evening, everybody. I've been driving around the country most of today, so I've missed half the stuff that's transpired. Just to recall, I sent a few suggestions to the list. First of all, the questionnaire really needs to be translated into the ICANN working language.

We want to address these questions to a wide range of people, and those constituents and companies are worldwide. Secondly, we need to be able to reach directly a wide number of ICANN participants. I don't know how that should be done.

I think the ICANN staff could give us some advice and information on that, and I refer to the opposite experience of inquiry and collection of specifics, which was conducted by the operation on consumer trust project last year, and I think there must be some good databases and addresses in that context.

As to the exact way in which the survey is presented and answers are received, I have no strong opinion. I think there are those who have more experience with this than certainly I have, so I would be standing by. Thank you.

GREG SHATAN:

Thank you, Christopher. I think those are all good suggestions. I think we can ask staff to have the questionnaire, which is not too long, translated. We'll need to find out how long the translations will take, and see what ICANN's capacity is to do that translation.

Otherwise, we might need to consider how to deal with that. And Farzaneh raises a good point, that we will receive answers in six languages, and then we'll need to translate them back. I guess that in a sense, is the—we might have to turn to ICANN staff for that again, because we simply don't have many speakers, or the most smooth speakers, who would be willing to translate them back, for them. In any case, we have—Kavouss' hand is up again.

KAVOUSS ARASTEH:

Yes. I think the question was raised to the co-chairs. You said that it is outside your mandate, outside the mandate of this group, so I don't think we need to discuss it in this group. The question is for the co-chair, and the co-chairs are respectfully requested to formally reply to the question list, but not to me.

You have email, and they can put it on the CCWG to reply to the questions. And now, according to the David, I think David says that it is abstract. To David, this is not abstract. These questions are abstract. That is the reality. It is a fact. I don't think it is abstract. You said that this is a request to the answers come.

The answers come to you and your colleagues, are objecting to that you are immobilize people, and as soon as any questions, any answers come, if you do not like it you can disregard it totally. And I cannot

compete with you. I am one person. That's all. You are the two people who organize or just take it, and so on so forth.

This is not the group to discuss the matter. The question is very valid, and any people could comment on anything related to the substance of the question or not to the letter of the question. That is not of this group, you and your colleagues to reject it, or so on so forth. I'm very, very sorry.

This is important for us to have reflect that, and I apologize, and I am not in agreement with the co-chair that communicates the group to the chairman of this subgroup. You have to ask the question, and you have to directly put the answer a CCWG mailing list. Then I'll have the right to agree or not agree with that at ICANN meeting 58 in Copenhagen. Thank you.

GREG SHATAN:

Kavouss, this answer was endorsed by the co-chairs, and the method of responding was endorsed by the co-chairs. I suggest you ask the co-chairs to handle it differently if you disagree with their decision and mine. So, I appreciate that.

And I think that all that David was saying was that it's hard to answer a question about how we want to handle answers without having any answers in front of us. That's what's abstract in this situation. Whatever we might anticipate, we don't know what we will actually find once the responses are in. Cheryl?

CHERYL LANGDON-ORR: Thank you. Cheryl Langdon-Orr, for the record. I thought I might respond to the questions we were dealing with in the agenda at this time. And specifically, Kavouss it would be my pleasure, and specifically as someone who has I dare, declared, even though I don't even speak English, I speak Australian.

I have extensive experience within the world of ICANN, and actually, believe it or not, beyond in the multilingual approaches to things. I think if we just ask that when the organization is being done for the translation of the questions document into the—I remember we can use 60 learned languages, and in the world of At-Large, we also occasionally use a couple others.

The language services of ICANN is a highly professional, excellent and very efficient team. And so, if you wish, you could have 60 learned languages in Portuguese or some such combination. But we can also arrange to have very prompt and efficient reverse back from a language given to us done by that expert team.

So, in my view, yes, there are some small, actually relatively small in the scheme of things, cost issues, but compared to—and I'm not thinking on the grid, the cost below. We're not going to be breaking the bank or anything like that with the language services.

The purpose that they had grown and evolved to be a very professional unit. I would suggest going that way, and by the time our group sees the responses that come in in other languages, we should have originating language and the translation thereof, and anyone in our group can do their own diligence with them. Thank you.

GREG SHATAN: Thank you, Cheryl. I think that makes sense. I will say the price of this lawyer for the time of this call is zero. So, it is, at this moment, a good deal. But I agree that there will be some small costs with language service, but I think it's money well spent. The intent here is to distribute this widely, and with as few barriers as possible. And I think that that translation comports with that desire. In terms of where to publish this, I see Bernie actually has a hand up.

BERNARD TURCOTTE: Thank you, Greg. Just a quick note. Expense requests have to go through the co-chairs. So, if the group is agreeing that translation is required, I'm not seeing this as a huge cost, but just to follow procedure, if as rapporteur you could send in a request to the co-chairs, that would be good and we could get on with that. Thank you.

GREG SHATAN: Thank you, Bernie. I appreciate that, the protocol for everything. I see as far as we can translate these questions, whether or not a UN language, and I guess the answer to that is if we—as Cheryl noted, At-Large sometimes translates into additional languages or has additional languages translated.

We can translate into as many languages, certainly as the language service translates into, and if there is anybody here who wants to undertake a translation into another language, then we can have that as well. We certainly have no reason not to, assuming obviously, all the

translations have to be faithful and have to be understandable for the recipients.

So, if there are specific other languages. But I think going to the six languages that ICANN uses is our baseline there. Anything else on the publishing and announcing of the questionnaire? I think the other question is where it should be published, in the ICANN site, or a couple of different suggestions.

One was to publish it as if it were a public comment, although it is not a public comment, but to publish it on a page that is linked to the public comment page where all the public comments are announced, and to have it announced on that public comment page.

Another suggestion, which was my suggestion, was to have it published on the home page of the accountability section of the ICANN website, or we could have it announced there. And if you want to be on the page, that's part of the accountability section of the website, and not the public comment page.

And a third suggestion was that we have it on the subgroup's Wiki and have that linked. So, those are the alternatives. So, any thoughts on those? Kavouss?

KAVOUSS ARASTEH:

Yes, Greg, thank you. First, please reply to the statement I have made in the chat, that you are kindly requested to ask the co-chairs to formally reply. I don't think that we need to have it slide to you, and that is they

should be signed by one of the co-chairs on behalf the other, because we need that fixed. Number one.

Number two, with respect to the publishing, I have no problems, six language is okay. If there is another language in addition to that, I have no problem. I don't speak another language than those six.

However, with respect to the timing of the deadline. As I've mentioned this several times, for some SOs and ACs it will be difficult without having a physical meeting to further discuss and debate the issue to supply answers. For the GAC meeting, it would be in Copenhagen, after 16 February—sorry, after March.

Therefore, it should be one month minimum after that date. We should not rush. This is an important question. The government, there is a public policy issue involved with that, and we should not rush. I know that the government will not have the same kind of facility as the private sector. They don't have such support. They don't have such legal support and so on so forth. They have a difficult efficiency problem. So, please can we not deprive them? So, one month after the—

OPERATOR: The host has left the meeting to speak with meeting support and will rejoin soon.

KAVOUSS ARASTEH: Excuse me, I do not understand. What can I do?

CHERYL LANGDON-ORR: Keep going, Kavouss. Just keep going, Kavouss. It's Cheryl here. It's just a system message. Keep going.

KAVOUSS ARASTEH: Do you hear me correct?

GREG SHATAN: Yes, go ahead.

KAVOUSS ARASTEH: One month after the ICANN meeting in Copenhagen for these guys, but not less than that, please. Currently, do not deprive some constituency not to have any opportunity to answer. Thank you very much. And I don't want anyone to come and intervene when I am speaking. It is not good. It is not funny. I do not need any intervention of anybody. I do not need any such advisor. You are the chair and you are the only one you can intervene. I do not understand that specific person who intervened in my intervention. Thank you.

GREG SHATAN: Thank you, Kavouss. I've got to ask that you request that of the co-chairs. I don't think it's my place to make that request. So, if you could do that, that would be appreciated. With regard to the contrary, that's number three on the agenda. We're still on number two, but your suggestion that it be 30 days after Copenhagen is noted.

Third, the voice that came on is a recording that happens when the staff member who is designated as the host of the call logs off or puts the call on hold, and that's an automated recorded message, not an actual human being. So, those are the three.

So, in terms of—Farzaneh's question was answered by me and the co-chairs in the way that we chose to answer it. So, anything further, you should take up with the co-chairs. We can discuss this further in AOB. So, in terms of the submission of answers, I see Farzaneh's question in the chat.

We had agreed on 60 days, but the concern was if we did 60 days that it might come too close to the end of the Copenhagen meeting to allow for answers to be finalized after the meeting. And perhaps, in particular in the case of the GAC, which most of work at with ICANN, to formulate an answer, although I don't see that there is any answer on those questionnaires asking from the GAC or from any SO or AC, actually.

It's asking for actual circumstances, except for question three, to the respondent specifically. So, I think this concern about the SO and AC responses may be misplaced. And I recall a couple of other—one of the GAC members suggesting that two weeks after the end of Copenhagen would be sufficient in any event.

And I think first we have to see about the translation and how long that will take, and we need to decide if this translation's going to take more than a short period of time, do we want to put the questionnaire up in English first and then have the translations appear afterwards?

We can cross that bridge when we come to it, but that has been the case in the past. Of course, we would still need to hold the questionnaires open to allow for enough time after the translation. So, that is the question there. So, any other thoughts on where this should be published, any of the alternatives that were offered up?

And before we move to timing completely. I don't want to just make this up myself. We can certainly continue to go with it on the list. I would say that there were some arguments that would be, practically speaking, the best place to put it was to have it announced on the public comment page and then to have it—that short announcement appears on the public comment page, in among the other public comments, and would lead to the questionnaire.

We don't have to have the rest of the things that accompany a public comment on that page, a lot of that other text. A lot of that's prepared around an actual public comment. We won't need that. But we should at least have an announcement on the public comment page because that's the place where we've all been trained to look for and put things to comment on.

And the general public would probably look there as well. There are not a lot of places where comments actually do come up, and there's a reference to those original locations on the public comment page. But those are more obscure. So, I think that I would suggest that publishing the short—the announcement on it on the public comment page, is practically speaking, the thing to do, but if there are objections to that, I'd like to know.

I clause, I object based on entirely on formalistic fact, that the public comment page is supposed to be for comments on proposals and outputs of the community. But form over substance is not always the way to go. So, that's what I said.

And I see Christopher has said "I have seen that precedence of publishing English first and then other languages shortly afterwards, as more translations are available," and I think that makes sense as well. We might as well get the ball rolling, and I think we should see what our actual publication date is likely to be, and we can make the final decision on time.

But let's turn to number three, the time period for responses to the questionnaire, and see if there are any other comments from Kavouss, like he had said the deadline should be 39 days after the ICANN meeting in Copenhagen.

KAVOUSS ARASTEH: 30 days.

GREG SHATAN: Okay. I guess the 9 and the 0 are next to each other on the keyboard. So, 30 days. Any other thoughts on that, whether it should be shorter, longer, doesn't matter? I'm keeping the microphone open for somebody. There are people on this call who are often full of opinions.

And we have not heard from them. So, the question is, do we need to wait a full 30 days after Copenhagen? This would put this into mid-April.

Or whether some shorter period of time is just as appropriate? And get us moving on to our next items faster.

As long as it's at least 60 days that was agreed or suggested by our co-chair. 60 days is basically the shortest we'll take, and the question is whether to extend that 60 days any further based on the distance on that date from Copenhagen. David McAuley?

DAVID MCAULEY:

Thank you, Greg. David McAuley for the transcript. My suggestion would be we come up with the number of days we think it should be posted and use that number of days from the posting rather than have it a number of days following a certain date on the calendar, like the end of ICANN58. Just because we don't know when we're going to post it, and we don't know how long translations will take. Thank you.

GREG SHATAN:

Thank you, David. Philip Corwin?

PHILIP CORWIN:

Yes, Greg. I don't have a set position on this other than we should, while giving the opportunity for translation and informed comment, we should try to be as expeditious as possible. I'm just concerned. We've got a situation where it took seven sessions to agree on four questions, and now we're talking about leaving the comment period open until—

We're here in mid-January, and we're talking about a comment period that doesn't close until mid-April, which is three months away before

we even have answers for the questions. And that concerns me somewhat in terms of getting this work—the work of this group done in a reasonable, expeditious manner. Thank you.

GREG SHATAN: Thank you, Phil. That is quite a way away, while obviously, there's other work that we can and should be doing while awaiting the questionnaire. Kavouss?

KAVOUSS ARASTEH: Yes. I think the two questions—many weeks, many weeks to draft the questions. Why we hurry up and do not allow the people to have sufficient time to reply? And I mention that for some group in the ICANN constituency, they're still having difficulty. It's absolutely difficult to answer.

For some it is okay, but for others it is not. GAC is one of those. Many questions, many issues, we discuss it physically, we'll reply to that more easily. So, please can we—and I feel someone else, Jose also, at legal staff or supportive staff, we should have sufficient time after return from Copenhagen so we can do that. Others still want to exclude one SO, or several SO, or AC to reply. If that is the focus, that is another issue. Thank you.

GREG SHATAN: Kavouss, let me ask you a question. Which of the questions do you expect would be answered by the GAC, or are you just talking about answers that might come from individual GAC members?

KAVOUSS ARASTEH: No, in the GAC, there are very, very few people who are participating in your group. We have some internal messages. Some people say that they don't have the level in their ministry, any expert to investigate the situation. So, they have to consult other ministries.

However, in a GAC physical meeting, with the help of others, because you will also come to that meeting. We explain the situation and GAC has put some time to discuss all of the issues faced, perhaps they would be in a position to hopefully reply to the questions. So, what I said is 30 days after end of the GAC meeting in Copenhagen. Thank you.

GREG SHATAN: That was not my question. I did not expect—I do not see questions on here that I would think would be answered by any SO or AC. So, I was asking which of the questions. If you want, you can put the questions that would actually be answered by an SO or AC.

KAVOUSS ARASTEH: Sorry, you misunderstood me. Individual respondents, these on the discussions in GAC meeting that we translate information to all countries and so on so forth, and individuals, private sector in those countries, whatever constituency, then based on that explanation, they will reply to the questions.

Not all of them, or many of them, or some of them read your documents, and they are not submitting. And if you want, I can

transcript you some of the replies received that there is no expertise in the government in regard to those questions.

So, they need a debate. They need analysis. They need explanation. They need examination. They need something, perhaps help of the people in the GAC, your people, or others, or whoever, where we discuss and then we will have something in the community and then added to that, [INAUDIBLE] not the GAC. I don't think that GAC will reply to your questions. Individual countries, individual participants, individual persons in regard to that question in the time, and that time will be 30 days after the Copenhagen meeting. Thank you.

GREG SHATAN:

Okay, I think I understand now. You're expecting that some GAC members may wish to respond, but would not feel capable of responding until after the Copenhagen meeting, and after they essentially get some learning and guidance in the course of the Copenhagen meeting that would allow them to respond. I guess that is a possible turn of events. Cheryl, I think you had your hand up?

CHERYL LANGDON-ORR:

I did, Greg. Thanks for noting that. I did put it back again, but I'll grab it now that you've noted me. Cheryl Langdon-Orr, for the record. The reason that I had my hand up, Kavouss is saying that it is a situation he's outlining, which I understand very well and is not limited to how close in attention the GAC representatives, in some cases, are paying to this even.

I work along with a number of other people in countries very closely with our GAC representatives. And quite often it is their reporting coming back from a meeting which allows things to get on a wider departmental agenda. And so, to that end, allowing actually the time. Frankly, in my view I don't give a damn how much, as long as it is sufficient, be it however many days, as long as there's enough days for them to have those deliberations, get direction and get back to us.

Remembering, of course, that those people, when they work within department, and not all of our GAC representatives do, of course, those who are effectively outside actual governments might need to necessarily take longer or have different mechanisms to get actual government input into their responses.

But a given period of time, which obviously would be smart if we allowed for. Now of course, we can also allow for the fact that if GAC member x from country Y says they need another 14 days, we can do so. Thanks.

GREG SHATAN:

Thank you, Cheryl. I think in terms of the calendar, we're looking at if we were to put this out, let's say the middle of next week but not necessarily get translations done for a few days, essentially from the time translations came out might be the beginning of the following week, which is essentially February, almost February 1, January 27.

So, that would take us on a 60-day calendar to roughly March 29, February being a short month. And 30 days after Copenhagen takes us to Friday, February 13. So, we're really only talking about two weeks

here. So, certainly people are capable of submitting things early, and we can start dealing with them early, and we can encourage people to submit them earlier if they can.

But I don't see any huge downside in having it open until the 13th. So, that's a next step, my thinking on this, but does anybody have any other thoughts on that? The difference between essentially April 1 and April 13, give or take? Then I think we can certainly err a little bit on the side of keeping it open longer, but again, recognizing this whole thing, encourage people to respond sooner if they can.

And we can begin our deliberations sooner if we do, because we are looking at firstly, our discreet instances we'll have, and we can begin to compile. So, anything else? I'd like to see what people want. Kavouss, your hand is up?

KAVOUSS ARASTEH:

Yes, you mentioned quite rightly, you put in the [INAUDIBLE] letter answers are expected within 30 days. [INAUDIBLE] But 30 days, if people can reply less than that. So, within 30 days is something you legally put in all texts are required. It's just a matter of proper wording. Thank you.

GREG SHATAN:

Thank you, Kavouss. I'd just like to see some green ticks for an April 13th closing date for the questionnaire, and red x's for those who think that's too long. If it's too short, you can put up a turtle. I see one green check. I see no—I see one red x, and no turtles.

Two red x's. Just so we have opinions registered, let's take down the x's and checks and see what people think of the date two weeks after the end of the meeting in Copenhagen, which essentially would be April 1st, or if we run it through the weekend, April the 3rd.

If you think this is the appropriate date, please come up with green checks. And if you object to this date, put up a red x. And remember, if you have a hand up, I can't see your check or x. Well, we have three green checks and that's April the 3rd rather than the 13th should be the date.

And one red x, two red x's, thinking that the date is too short. If anyone thinks the date is too long, they can put up a rabbit. I see no animals. I see, I think another—I have three checks and two x's there. I think it's not quite as positive, we can put this up on the list.

I think the other thing to not is that typically, these deadlines are not hard deadlines in terms of submissions to public comment periods. If they get in a day or two or three late, they are considered just as fully as if they come in on time.

It's really only when they miss the window of opportunity for getting put into any kind of an analysis system or report or meetings that they really become too late. And I will note that the ITC response to the SO/AC subgroup questionnaire was several weeks late, and is being submitted not today or over the weekend.

Being on the SO/AC subgroup as well, this one I know that it's going to be too late if we don't get it in now. So, we can either say the 3rd with the understanding that we're not going to cut off late responses, or say

the 13th and really try to discourage late responses, because at that point it's getting kind of ridiculous to get responses in late April. So, why don't we take this to the list, since I don't think we have a really dispositive answer here? Kavouss, your hand is up?

KAVOUSS: No, sorry. It was old hand. Sorry.

GREG SHATAN: Okay. As I said, we'll take this to the list. And why don't we go to number four here on the agenda? It's been suggested by a couple of participants, including our esteemed co-chair [INAUDIBLE], that in our seemingly interminable attempt to finish the document number 5, The Influence of ICANN's Jurisdiction on The Revolution of Disputes, that it would be a good project, and also a fairly, obviously a comprehensive, fact-based project, for us to review ICANN's history of litigation, or seen as past and current litigations, which are listed and posted on a page with links to the documents there.

And we can see there what jurisdictional issues arose. We can get a sense of what kinds of cases these were, what causes of action, such as breach of contract, or failure to follow the bylaws, or forces of interference with perspective business advantage, or whatever the cause of action might be, who the parties were, what their jurisdiction, or home jurisdictions were.

We could create a chart, and hopefully we could divide this up. So, I'd like some thoughts on whether that, in fact, would be worthwhile. I

personally think they're the facts that are closest at hand, and if we're talking about the effect of ICANN's jurisdiction, the one place to look is in actual cases. David?

DAVID MCAULEY:

Great, thank you. David McAuley, for the transcript. I wondered when I saw the agenda what this item was for, so I appreciate your explanation just now. If it was explained before on the list or on the call, I just missed it. I actually applaud the idea of looking at litigation, because I think our—I think people recognize that as—I think our remit is fairly narrowly focused on dispute resolution.

And so, I welcome this step. But I would, before we go off and divide up the work, I would make a suggestion, and that is we invite somebody from Jonesday to come and make a presentation to us. There's a comment thread through much of this, and while I recognize there may be some people who don't particularly trust ICANN's lawyers, I think they are professional and I would trust them.

I think it would be nice, maybe if they can cut the amount of work we have to do, maybe if they gave us a factual presentation of what litigation has taken place, what the outcomes were, what the issues were, that kind of thing. So, it might at least be a step along the way that could help us. And not meant to be dispositive, but just an idea that might help you in this respect. Thank you.

GREG SHATAN:

I think that's an interesting suggestion, good suggestion. Kavouss?

KAVOUSS ARASTEH: Yes, that is a good suggestion. However, I would like just confirmation of David mentioned that. In any organization, in any action, past experience is one of the usual elements. In other words, even the court can use the past experience.

GREG SHATAN: Sorry, I'm finding it very hard to understand you now. You were fine before.

KAVOUSS ARASTEH: Yeah, I said that in every organization, in every case of the study, the past experience has a major contribution to the issue. So, I don't think that it is any difficulty to go to those past experiences. Whether somebody explained that and provide a reason that is somebody else, or whether we have to go to those issues and discuss them, that is another issue.

However, because of the [INAUDIBLE], the only thing to me, describe the case and describe the final decision or ascension of the court. That would provide valid answers for us how to proceed. So, I support the idea of David, and I support the idea of going to the past of ICANN. That gives us a lot of information. Thank you.

GREG SHATAN: Thank you, Kavouss. Anybody else on this topic? I had a couple of suggestions for what the information collected might be. These came

from [INAUDIBLE]. I'll just read them here and then put them in the chat. One is to identify the various jurisdictions that are involved, so that would be the jurisdiction and venue and choice of law, the actual case and also the jurisdictions of the parties.

Identify the type of history which was brought in front of the jurisdiction. So, it's policy, governance, other, and also, I think here was the cause of action, the actual twerk, or other wrong that was alleged to have been committed. And then collect some data on the percentage of success for ICANN, duration of the process, whether there was interim relief, etcetera, to help assess relief cases actually had an adverse impact on ICANN.

That may be more difficult, although once we—as we suggested, we certainly will record the final outcome and it will be easy enough to see what the duration of the process was and to see if there's interim relief, preliminary injunction, some sort of temporary restraining order.

And I think in addition, I would want to record anything that actually seemed to be a direct effect of jurisdiction if we could possibly do that. That may require more close reading. It may—that's where David's suggestion may come in handy, if Jonesday might recall cases where jurisdiction itself, or an issue that's quite jurisdiction-specific actually was to remain to the proceeding.

Any other thoughts on this, and anybody who thinks this is a project we should not undertake, or for that matter, this is a project that they couldn't contribute to? We'll need a reasonable sized group of people there, at least 30 cases or so on the list, some of them longer than

others in terms of how many documents there are. So, any other comments on how we would get this done? I'm assuming if you're not putting your hand up, you think you can help. Kavouss?

KAVOUSS ARASTEH:

Yes, Greg. My point is that you need to raise that question, so on so forth. [INAUDIBLE] to accept there has been a question raised, there has been support of that. I wanted to mention that to someone, that one of the best ways would be to go to meetings [INAUDIBLE]. Why are you asking for objections? You want to narrow it down? You want negate that? Let's just take David and your comments into account and try to have a summary of the case and a summary of the assumption of the court or the decision of the court. Thank you.

GREG SHATAN:

Thank you, Kavouss. I think it's incumbent on me to make sure that a full range of opinions that people hold are brought out, and if there are no objections, that the question at least be asked so that there aren't concerns later that people didn't get an opportunity to object or that they were ganged up or steamrolled or bludgeoned, or any of the other colorful phrases that have been used to discuss some of our past deliberations.

So, regardless of the past, I think it behooves me, whether I support or do not support, or are neutral, which is my official position on any of these things, that all traditions including opposition, are radically represented. David?

DAVID MCAULEY:

Great, thank you. David McAuley. I'll be brief. You asked for suggested ways to tackle this. I think my idea I would put top of the list, but after that, when you dive into the list on ICANN, each document is explained. And I think we, among a smaller group of us, we could say "What do we want to look for first?"

Orders, judgements, appellate briefs tend to have a statement of the case, a statement of the question up front. So, we can figure out a list of suggested places to go to first that would give someone a good feel for the case. Thank you.

GREG SHATAN:

Thank you, David. I will take that as an action item. From what you say, I think we should assemble a small group to at least kind of handle the work, run the work. And if other people want to join in, that's great. So, it can be a small group but can take volunteers on the list for the small group.

If anybody wants to volunteer now, I'm happy to take volunteers. And then that group can decide exactly what the—what's being pulled out of each case and find the most efficient method for doing so, and maybe one where people other than US lawyers can contribute equally, since it's—

I don't want this to be seen as something that's only being done by a particular sector of our work. Thank you, David, for volunteering. So, we'll have a small group that includes David. Just because you

volunteered first, you don't have to be the facilitator of the small group, but thank you for volunteering and your ideas. Anybody else? Well, it being 3:00—Kavouss, yes?

KAVOUSS ARASTEH:

Yes, I wish to be part of that small group, but unfortunately, I cannot be because I am one hand only. My right hand is now operated, so I am one-hand typing. So, I cannot do anything. But I could participate in that meeting, in that small group. So, put me down as a part of that small group. Thank you.

GREG SHATAN:

Thank you, Kavouss. Understood you'll contribute, and sorry about your situation. I'm glad that you're at least on the mend. I also see that Avri will contribute in her meager way, very modest, it won't be meager. So, we'll have those names to begin with for the small group: David McAuley, Kavouss Arasteh, and Avri Doria, and we'll take other volunteers on the list.

And with it now being 3:00, we'll continue with dealing with getting number four underway and the questionnaire on the list, and I will put it up on our mailing list, of course. And last, I do encourage everyone to go to the document, the Google Doc that we once again have left out, and two, it's really much more helpful if people spent some time in the document.

I encourage you to go to section C. If you're going to go spend any time on the document, that's the place where the most time is needed. Philip

Corwin has volunteered for the small group as well. So, with that, we will adjourn this call and our next call is next week, some time I'm not finding right now on my calendar.

It's actually coming quite soon. It's on the 24th at 13:00. So, until the 24th at 13:00, I bid you farewell and have a good weekend, or continue your good weekend if you're already in the weekend. This meeting is adjourned, and we can turn off the recording.

CHERYL LANGDON-ORR: Thanks, Greg. Thank you all. Bye.

[END OF TRANSCRIPTION]