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GREG SHATAN:	Good morning, good afternoon, and good evening. Welcome to the Jurisdiction Subgroup Meeting #22 on March 1st, 2017, at 13:00 UTC.
	First checking, if we have anyone on audio only and if we have any updates to Statements of Interests.
	Hearing none, seeing none, seeing no unidentified phone numbers in the participants' list, we can move on to the second item – the review of the agenda.
	Begin with what is hopefully a fairly quick administration section, report on the status of our questions to the ICANN Legal Department, and then go over proposal in terms of the order of our work regarding the hypothetical document – or hypothetical number one at this point – and the influence of ICANN's Jurisdiction document, how we order those with regard to our question and [refer] to ICANN Legal and to the input from our questionnaire. That will be a segue then into our questionnaire update where we'll discuss how we're going to process those responses and take a look at the responses we have received so far, also give us a chance to look at the tool to be used to review them.
	Next we have the first summary documents in from the review of ICANN's past and current litigation. So we'll review the sign-up sheet to see what documents have been done, what's in process, and what still can be claimed by members of this subgroup. And that will bring us to reviewing several of the documents and cases, and finally to all other business.

That is our agenda. It appears that Kavouss is having some difficulties in getting a dial out. In any event, we have a full agenda so I must move forward, see if there are any objections to this agenda or any additions.

Seeing none, we'll move into the next item: administration questions to ICANN Legal. Our questions have now been acknowledged by the co-Chair Leon Sanchez, also the Chair, if you will, of the Legal Committee of the CCWG that our questions have now been put out by Leon to the Legal Committee for review and comment, and assuming that there are no serious objections or significant changes to the questions, they'll then be passed on to ICANN Legal. That will be done on the mailing list since there's no request for outside Legal then there's no need to allocate funds as such this will just be handled on the mailing list. There won't need to be a meeting of the Legal Committee. So hopefully those will go out and we will also be getting an estimate of the time for those to be returned.

Anything on that point before we move on?

Let's move on then to the next item: the Hypothetical document, hypothetical #1. We have done some work on it, although it has not gotten all that much attention. I think in part that is because there's a lot of what I might call predicate questions that need to be answered, including many from ICANN Legal, before we really launch into the hypothetical document. So the proposal is that we suspend the work on that document until we get back the responses from ICANN Legal, which will make that a better response.

I see a hand from Parminder. Parminder, please go ahead. If you're speaking I can't hear you.

PARMINDER SINGH: Can you hear me, Greg?

GREG SHATAN: I hear you now.

PARMINDER SINGH: Okay. [Inaudible] Greg and everybody. Okay, thanks.

My view is that the Hypothetical document leads to slightly different question what has been sent to ICANN Legal [but] there may be a sequential relationship between them. ICANN Legal is only going to tell us what kind of jurisdiction can be applied and if there would be a impact between categories. And in the hypothetical we are actually considering the impact in more detail [inaudible].

Okay. So our discussion will tell us the kind of problems [we've downstreamed] to therefore determine whether we have a problem at hand and we need solutions. My view is that the Hypothetical document in this case, open and alive and [inaudible] keep commenting on it. Thank you, Greg.

GREG SHATAN: Thank you, Parminder. Any other comments on this proposal?

The documents will in fact remain open and if people want to contribute to them, there is no bar against that but we will not really pick up the document until we get the responses from ICANN Legal. But certainly if people want to put some time toward that, that's not an objection but in terms of the work in our weekly meetings and the focus of our work, we need to put things in order and the review of ICANN's existing litigations is actually really the highest priority.

Is there any objection to the proposal on 3.2, basically putting the Hypotheticals document on the back burner still open for work but not a focus right now?

Seeing no objections, we'll move on to the second and similar point – the influence of ICANN's existing Jurisdiction document which has been open for quite a lot longer than the first, but also has basically come to rest in a incomplete fashion at the moment. Here, which is a direct question about the effect of dispute related jurisdiction layers, we think that this could benefit greatly from having the review of ICANN's past and current litigation done because that will directly show how and whether jurisdiction issues have cropped up in actual litigations from ICANN's history.

I think that is an old hand from Parminder, so [still] has no connection, has asked that I slow down when talking. I have tried to do that having seen that comment.

Parminder, that's a new hand? Okay, please go ahead.

PARMINDER SINGH: Thanks, Greg. My comment on 3.3 is of a similar nature as to 3.2. I think the document is material and has many different areas. The work on the [review] of ICANN litigation does inform the document but that's not the only source of information going into the document and also it may not inform all parts of the document.

I therefore formally want to keep this document still open and if people want to work on it they could work on it and if they want to make a comment on the [list] they could do it, but of course it's up to the Chair how much [prominent] this particular [line of work] they may want to [keep].

GREG SHATAN: Thank you, Parminder. Consistent with how we're handling the Hypothetical document, [inaudible] your comment and the document will remain open [although] it will not be a focus of our work or reviewed in our weekly meetings really until the litigation review has been done or a substantial amount of it has been done and then we can work on that. But as before, if people want to contribute to the document it will remain open and I will keep an eye on it, help it move forward but really in what I will call the back burner. The front burner is where we need to make sure that we move forward. Is there any objection to the proposal now formed on 3.3?

Kavouss, please go ahead if you're connected. Kavouss, I don't hear you yet. Please go ahead. Kavouss, please go ahead. We'll see if we can get audio from Kavouss.

It appears we are still having connection issues with Kavouss's microphone. We will get back to you, Kavouss. Just let us know when you have audio and please speak up. I see Mathieu saying, "Very faint." Are you saying, Mathieu, that I am very faint or do you hear Kavouss faintly or that you are feeling faint? Please indicate.

Kavouss was faint. I could not hear him at all, I'm sorry to say. We'll see if we can get an audible connection with Kavouss and let's move on.

Okay. Let us begin then with the questionnaire update. Our method for processing the responses at this point consists of two aspects, which is "when" and "how."

First with regard to "when," they're proposed to have a rolling response which means we will respond or review the responses as they come in and they will be reviewed by the Jurisdiction Subgroup at each meeting rather than waiting until mid-April which is six weeks from now to look at any of them and then look at all of them. That's the proposal is to have a rolling review of the responses. We'll see if there's any objection to that.

Seeing none and this having been discussed in the past, I think that is what makes sense. We will, of course, make sure that we consider each input equally and not give any undue benefit of timing. What we'd like to do is have a Review Team of several members of the subgroup who would be responsible for updating the subgroup on these new responses and their status at each meeting that can share the burden [out] with me and announcing and moving through things.

The Review Team would also figure out the evaluation framework for these responses – how we will take in their input and work through it – then that framework would come back to this full subgroup for us to discuss that framework. We'll probably need to wait until we have more responses to really come up with a framework and it will need to be flexible [inaudible] need to be able to react to the actual responses [to see]… I see a hand from Parminder. Parminder, please go ahead.

PARMINDER SINGH: Thanks, Greg. Just a clarification – I wanted to know [as you say] that we would consider responses on a rolling basis which would obviously mean that they would be made available to the group on a rolling basis, right? I just needed that clarification.

And just to say myself from [coming] if you are proposing a Review Team, I would like to help in that. Thank you.

GREG SHATAN: Thank you, Parminder. Yes, these will be made available I think first to the Review Team and then to the full subgroup in advance of each meeting. The Review Team would review them live as they came in.

Let's see if we have Kavouss again before we move on.

KAVOUSS ARASTEH: Yes. Sorry, I was connected [inaudible] after the start of the meeting so I would register my complaint. I was online three minutes before the meeting. I was connected 16 minutes after. So I lost part of the

discussion and please record my objections and complaint for this non-functioning of the communication.

Then I don't understand the [Review] Team, Evaluation Team, so many organizations [but] we don't know [inaudible] and then I have some question about the selection that we [come] for the Review Team [then] selection for the Evaluation Team and so please kindly if possible very slowly when you come to the point, explain the situation and ask the ICANN staff that in future kindly put me on the line as soon as I start to be logging in the network but not 16 minutes after.

I know there has been technical difficulties. Understood. But I hope you [inaudible] the same. Thank you.

GREG SHATAN: Thank you, Kavouss. Your objections and comments are noted. It did appear that there were multiple technical difficulties and attempts to resolve them as we went on. It looks like Cheryl Langdon-Orr had the same problem so there were complications not just with a single participant, unfortunately.

We are now actually up to the questionnaire update and the question that you have, Kavouss, about the Review Team. To reiterate, the idea is that a team of several members of the subgroup would review each of the questionnaire responses as they come in and evaluate them and present them to the full subgroup for discussion, and the evaluation would need to be elaborated by the group but the basic point of the evaluation is to determine how each response fits into our work – if it does – where it fits in, what might be done with it, and then ultimately

moving it into a queue or a place where it can be added to a document deliverable or the like. All of that would be brought to the full subgroup on a weekly basis for discussion. The framework as well would be developed by the Review Team and would then be brought to the full subgroup to see if there are any objections to the proposal made by the Review Team for how they will do their work.

As noted, the responses are actually on the wiki as they come in so there is no delay. Everyone in the subgroup can review the responses as they come in, but it will be the duty of the Review Team to review them as they come in and to evaluate and present them to make sure that they are seen and considered by the subgroup and then applied to our work as needed.

I have a hand from Kavouss and then David. Kavouss, please go ahead.

KAVOUSS ARASTEH: Yes. The operator told me that I am not well heard by the [meeting]. He heard me very well. Do you hear me okay now? Is it clearer?

GREG SHATAN: Yes. We hear you now. [Inaudible]. The first time [inaudible] there appeared to be a problem.

KAVOUSS ARASTEH: [Is it clear] now?

GREG SHATAN: Now you're okay.

KAVOUSS ARASTEH: Okay. Thank you very much. I have no problem with the Review Team but I have a suggestion that the Review Team and the Evaluation Team I understand they are working one after the other, not at the same time. Am I right or wrong? If it is right, then I would suggest that the Review Team and the Evaluation Team should be a balanced team having representatives of six chartering organizations [but] not from one single entity and so on so forth. It is not a matter of trust. It's a matter of participation. It's a matter of exchange of information and it's a matter of free flow of information to everybody. So I suggest that the Review Team would have the members from the six chartering organizations. If you find any difficulty with that, [we] will decide accordingly. That is my suggestions – not from one single entity, for instance, not of the five or six [inaudible] from everybody, every six chartering organizations. This is very important. Thank you.

GREG SHATAN: Thank you, Kavouss. To clarify, the Review Team and the Evaluation Team are the same team. They'll be doing review and evaluation. It's really the same process. In terms of balance, I hope that we get volunteers from different groups and chartering organizations and I would like to see a variety of viewpoints. I don't know that we can be selective since it's voluntary, but I do think it would be good and I would actually use that point to encourage people who maybe have not been as active up to this point that in essence, you've saved up a lot of work

hours perhaps and not a lot of listening hours but work hours, and now is the time to release those to the group.

So let's see, after David we'll take some volunteers for the Review and Evaluation Team and we'll put a request out on the list for those members who have not made it to the meeting and the groups will remain open as we go along so people can join them. We would look for them not to be closed since there's many hands make light work, as they say.

David, please go ahead.

David, not hearing you yet. David indicates he's trying a new mic. Apparently the test did not work and we will be seeing David's comment in the chat. It seems to be our day for audio difficulties.

Is there any objection to the method for processing the responses and the concept of Review Team, including striving for balance in the Review Team but acknowledging that it is voluntary and therefore we can't enforce a strict balance?

I see Kavouss saying, "Balanced team." I understand that Kavouss would perhaps [wouldn't] make that an absolute but we'll have to see who is willing to participate and furthermore everything will be brought back to the subgroup and should be transparent so hopefully the group will review in a balanced fashion.

David suggests that we should label the Review Team as a "Pilot." "The job might eat up the team's time so let's make it easy for them to seek relief." Certainly that is fine. I think if people do want to drop off the

Review Team after having done a bunch of work, that is fine. And similarly, people can join the Review Team as we go along as well.

I think now is the appropriate time for us to take volunteers from those present to join the Review and Evaluation Team to both review and evaluate the responses and come up with the framework for doing so. The volunteers I have so far appear to be Parminder and Mathieu Weill. Does anybody else volunteer? I see a volunteer from David McAuley and a volunteer from – I presume that Kavouss has named himself as a volunteer and also volunteer of Vidushi Marda. I believe this is being typed into the notes, but do ask staff to make sure to record these names as we go along.

So we have Mathieu, Parminder, David McAuley, Kavouss, Vidushi Marda.

Any other volunteers to look at those questionnaires as they come in, the responses, and respond/evaluate, present them to the subgroup? Going once, going twice, going three times, I will say thank you to that group so far and look for additional members of the team on the list.

I see a suggestion from David McAuley that, "if these volunteers plan to be in Copenhagen, maybe we can meet briefly,' so I would hope that all of those who are in Copenhagen can meet briefly. Remote participation might be a challenge for those sorts of informal meetings, so unless there is a method for doing so, we'll have to make it an informal meeting and report back to those not available.

Kavouss has proposed that "Mathieu coordinate the work of the team." I'll look to Mathieu for an answer to that. I think the team may want to

talk about that amongst themselves about who will coordinate it. I'm sure that Mathieu as a co-Chair will be keeping an eye on the overall process. I will also put myself into the Review Team and keep an eye on it as well. So let's see if perhaps somebody who's not co-Chair or rapporteur volunteers to coordinate the work of the team. Clearly with a co-Chair in the group we'll not go far astray.

Any objections to that working method on the Review Team?

Seeing none, let's move on to a review of the current responses in the tool or document that we're using to record those responses and ultimately may use to record the evaluations as well, but we'll leave that to the team to figure out the framework, of course. So I think if we could bring up the tool on the screen, we can go over that.

Kavouss: "Mathieu said it may be beyond his ability," so I record that as an objection from Mathieu. So my proposal would be to see if a member of the Review Team will come forward to coordinate with Mathieu and myself having overall oversight as well on that. So we'll keep it at that point and see how we move along.

Okay. The review tool has now been brought up. A little bit hard to decode without the questions in front of us, but the questions are fairly brief. We'll go over them as we look at the tool.

The first question is: "Has your business, your privacy, or your ability to use or purchase domain name related services been affected by ICANN's jurisdiction in any way?"

Of course, "jurisdiction" is defined as "ICANN being subject to U.S. and California law as a result of its incorporation location in California, [the] ICANN being subject to laws of any other country as a result of its location within or contact with that country or any choice of law or venue provisions and agreements with ICANN."

The question basically is, "Business, privacy, ability to use, purchase, domain name related services been affected by ICANN's jurisdiction in any way?"

We can see here if we read vertically along the questions, we have three "No" responses. That's not been affected. And Brian Winterfeldt, one comment that it has been affected positively. We'll need to look at the response itself to see if there's a more detailed response than that, and I think that the more detailed tool should reflect a summary or a excerpt of any narrative comments as we go along so that the tool can then be used for comparison purposes.

The second question then is: "Has ICANN's jurisdiction affected any dispute resolution process or litigation related to domain names you have been involved in?"

Again, here we have two "No" answers and two answers "Yes" that it has been affected positively by ICANN's current jurisdiction.

Kavouss, please go ahead.

KAVOUSS ARASTEH: Yes. I could understand what you are doing now but I have a question. Is there any threshold for the number of the respondent in order to have a

proper evaluation? Suppose that only 5% reply, and out of the five, four are in favor of the question positively and one against the question negatively. Does this five represent the entire community or we have to have at least a minimum?

My [inaudible] experience is some of the public comments that something was rejected because of 10 or 11 respond out of many, many, many, other people. So the number of the people responding should have some minimum at least to be agreed. Otherwise, this reply is not sufficient to make any judgement. That is the situation. Unfortunately there might be some sort of quick reply and then trying to override the other people that may need to reply and so on so forth.

What is the criteria or the threshold we have [send] the questions to the public comment so we know that how many questions has reply has been received for [this] and for the first Work Stream and we have to have some idea of that. Otherwise, I don't think that 5 or 6 or 10 is sufficient. Thank you.

GREG SHATAN: Thank you, Kavouss. My first response would be that that is a good topic for the Evaluation Team to address and bring back to the subgroup in terms of the process. My second response would be that we are really reviewing the responses in two ways. The first is individually. Does any one response tell us anything that we're looking for – new facts or issues that are being brought up by any one response? This is not primarily really a voting or aggregation process. It's an information gathering process. So I think how we deal with questions in aggregating

responses is a good question for the subgroup, but it's not the only part or even the most important part of the work we're doing. [Inaudible] if we see trends we should look at them and we should analyze those trends to see how they look versus the demographics, but that's something I think the Evaluation Team can go into in more detail.

Kavouss, is that a new hand?

KAVOUSS ARASTEH: Yes, a new hand. No problem what you said but I think that the replies should be more or less representative of the variety of the spectrum of the community in all aspects from private to business to technical to government to all and so on so forth. This is not the only response [inaudible]. We will discuss it in the team, but I think that would be quite important to whether we have a sort of the wider representation because that is an important issue for us. Thank you.

GREG SHATAN: Thank you, Kavouss. I think here even more this depends on who responds. We'll I think keep an eye on the demographics but we can only look at and we must look at each and every response that we receive regardless of where it comes from. We have enough issues looking at balance within our own groups from the three billion connected Internet users in the world. I think our ability to achieve balance would be challenged exponentially.

So if there's no objection to that, we'll move on to the question 3, 4, and 4B. But first question 3 which is: "Do you have copies of and/or links

to any verifiable reports or experiences of other parties that would be responsive to the questions above any reports of experiences of other parties?"

The answer in this case was "No" in each respect. So no third party factual reports were reported by the group of answers so far. [Inaudible].

So that's question 3. Make sure you can hear me. Okay. If there is a brief pause while life intercedes.

Questionnaire 4A, 4B. The answers to both are "No." These questions are: "Are you aware of any material documented instances where ICANN has been unable to pursue its mission because of its jurisdiction?" And 4B: "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?" In each case, all the answers received so far – and we have an n of 4 which is a small n – is all the answers are "No."

That is a report on our tool and on our responses. This is the tool, so I'd like to look for any comments on the tool itself as well as any thoughts you have on [inaudible].

Any comments on the review tool or the responses that have been received to date?

Seeing and hearing none, we'll move on to the next – we have a couple of hands. Excellent.

[BERNARD TURCOTTE]:   Greg, there are two hands up.

GREG SHATAN: Yes, I see two hands up from two different people. Kavouss followed by Parminder. Kavouss, please go ahead.

KAVOUSS ARASTEH: Yes. My question is that's very good but I think the deadline is 17th of April if I'm not mistaken and [inaudible] still remains. No problem with [inaudible] but however, I wish that when we analyze the reply we should also put the source of the response. You have the date, you have the person, but the source – organizations, entities, and so on so forth. That would be quite important and then at some time we have to decide how [is reflected] the replies, they reflect by numbers out of for instance 12, four in favor [and] against? Then what would be the decision making at the end? If there are seven in favor and eight against, will we consider that or if 10 in favor and 5 against, how we do that? [Inaudible] threshold for decisions. We should not forget and ignore the views of the minorities. Thank you.

GREG SHATAN: Thank you, Kavouss. I think issues of how to deal with the aggregation and demographics we'll leave to be proposed by the Review Team. But again, this is a questionnaire, not a survey. Therefore, we'll have the answers we have and we'll deal with them accordingly and see about that and we are reviewing them on a rolling basis.

If we have the source we would record it, but if they did give one, we can add that to the tool.

Parminder, please go ahead.

I'm not hearing Parminder and it looks like his hand was down.

[BERNARD TURCOTTE]:   [inaudible] Parminder has said he's passing.

GREG SHATAN: Okay. Kavouss, is that a new hand?

KAVOUSS ARASTEH: Yes, a new hand. I think the source is important. Otherwise, I could go and mobilize 10 or 100 people without identities under different names. We don't have any way to check. Could [inaudible] could [inaudible] I don't know [inaudible] and so on so forth. And say "Yes, yes, yes," or, "No, no, no." I think the source is important. People should really identify who they are and where they are come from. I don't think that [without them] we could agree on anything. [For you] is now. No value. Someone [inaudible] where is it? Is it a private sector address or something? We need to have a real analysis of the situation. Otherwise, people will be able to mobilize other people to say, 'No," because they don't want anything to be done. So it is not any doubt, it is a reality. I think we need to know the source. It is important. Without source, it's not counted. Thank you.

[BERNARD TURCOTTE]:   Greg, if you're speaking, we're not hearing you.

GREG SHATAN: Sorry, I was on mute.

I'd like to see if anybody agrees with Kavouss with regard to the issue of source, noting that we did not ask for source. We did not ask for people to even give their names. We can look at source, but again I note that this is a questionnaire and not a survey from which we try to assemble a demographically accurate response. What we really are looking for are facts provided by each response. So I think the Review Team should consider this issue and come back to the full subgroup with an answer on this question. I think I've made my suggestions as to how it might be reviewed and Kavouss has as well, but other than if we have some form of astroturfing or coordinated responses, I think we need to give each response due consideration. We're looking for the facts that come from them. That was the point of this is to look for individual facts.

Obviously, the aggregation will have some value as well, but we'll need the Review Team to let that, as David says, we'll let the Review Team grapple with this question. Why don't we move on now to at about 12 minutes left to looking at the responses to our litigation summary request.

So if we could move on now to the sign-up sheet for the litigation review project please. That is coming up momentarily.

I think we'll see that so far there's been a slow adoption of this project but it is critical. And I confess that I have not myself yet volunteered to review any particular cases, but nonetheless as noted in our administration section, this is really a critical and front burner task for this group. So we'll see here that so far Mathieu and David have each signed up for cases and have in fact responded with case summaries. Thank you to Mathieu and David. And David being the Herculean member that he is will take on two more, or at least he's John Henry to use another analogy from a different culture.

In any case, there's the rest of the review tool and more of Mathieu's [inaudible]. So Avri apologizes for having volunteered and yet having done nothing. Not a problem, but this is just a reminder to all of us who volunteered and even those who haven't yet volunteered, go ahead.

So this is the tool. This is an online form. Each of the cases is live, linked from the document. Mathieu will look at [Pool.com] – the only one before a non-U.S. court. Thank you, Mathieu.

Are there any volunteers who would like to put their names forward now for the team? Vidushi Marda has volunteered for the team and to look at the [inaudible] case. Thank you, Vidushi.

Anyone else volunteering now or any volunteers wishing to claim a case now?

Kavouss, please go ahead.

KAVOUSS ARASTEH: Yes. I suggest that at the end of this meeting, the result of the discussion today you as rapporteurs of this group send a request for the people and the calling for volunteers because some people may not attending this meeting may not hear you and may not pay sufficient attention to that because I think it is important that the people give it a week or so to reply, to provide the volunteers. That maybe for instance Parminder may volunteer for of this because he was one of the generating persons regarding this jurisdiction or some other colleagues there and so on so forth maybe [there's] some people [inaudible] may not be others, so would it be possible you make some sort of reminder or invitation to your today's meeting calling for volunteers? Can we give them some time? Thank you.

GREG SHATAN: Thank you, Kavouss. That's a very good suggestion. We'll go on the list and look for volunteers for this team and also the questionnaire Review and Evaluation Team for those who have not attended and may not read the notes or chat, and certainly these teams do remain open but I do hope that they are filled or at least made larger quicker.

Avri volunteered for Auerbach versus ICANN. And David suggests that those picking should put the name in the tool so others don't duplicate it. I'll make sure that we get the URL. It may be on the wiki but if not, I'll make sure to get it out. And there it is in the chat, Mathieu. Thank you, Mathieu.

Why don't we bring up the first of our questionnaires? We may not have time for really summary responses. We may not have time for

more than one or two but this will give us a start and we'll both see what these look like and how we might work with them in the group.

Staff is now bringing up the first of the summaries.

And here we have it. First case. Perhaps this should be unsynced so it can be scrolled. Not that it's very long. It's now unsynced.

So here we have the first case: "Verisign versus ICANN." And I thought that we had a place here to note where the reviewer was but we'll add that to the form. So this review was done by Mathieu or David, I'm sure of that. And [you] see that we've outlined that we have parties – Verisign is the Plaintiff. ICANN itself and John Doe Defendants one through 50. Case in the central district of California Federal Court. And also went to the Court of Appeals to the California Superior Court, State Court, and the International Chamber of Commerce – that is quite a lot of venues. Mathieu was the one who did this.

Choice of law, governing law – not recorded here. May not have been any specific discussion of it. We may want to go back to the cases and see if, in fact, California law was being applied or if there's any discussion of choice of law and if it seems vague or uncertain perhaps we can isolate the language where it might have been discussed and try to figure that out. Perhaps the Litigation Review Team can try to work that out amongst themselves and help each other out or bring it to the subgroup if it's still vague.

Parminder, please go ahead.

PARMINDER SINGH: Thanks, Greg. One thing I would be interested in in the review of all the cases if it can be passed on to the committee is that whether the case – like in this one – has been dismissed on a matter of fact or a matter of principle [or whether] application of law and so on because we are trying to figure out the nexus of the jurisdiction with ICANN policy implementation and impact it can have. So I would not, for example in this case, know whether the dismissal was on [and in] the dismissal whether the court stated anything which is of relevance about the application of [your] jurisdiction to this particular matter or to ICANN generally.

So [inaudible] those matters can we [blot] out become very important and if they were not mentioned and the court behaved as if there is an application jurisdiction and on some other points of fact dismissed the case that should all [inaudible] I would like to see that in the presentation because that [inaudible] for what we are really looking at in this subgroup. Thank you.

[BERNARD TURCOTTE]: If you're speaking, Greg, we're not hearing you and we have two and a half minutes.

GREG SHATAN: [Inaudible] mute again. Three minutes.

Parminder, I think those are good suggestions. I would suggest therefore for this tool – and sorry for those who've already done them and for those who are about to do them – we salute you and ask that

under the "Outcomes" section – let's try to record this in the notes and I'll try to make these changes as soon as possible to the form – under "Outcome" rather than just noting that it was dismissed, a brief statement of the finding – or maybe we can have a new row for the finding – and we do ask, "Was jurisdiction contested?" but let us also ask whether jurisdiction was discussed in any way by the court. And that way we can try to isolate any jurisdiction related aspects that come up from the case. I think we'll also need to evaluate independently of what the court discusses whether we see any impact. But that, of course, will perhaps be more subtle.

Mathieu, please go ahead. Mathieu, I'm not hearing you.

MATHIEU WEILL: Thanks, Greg. Can you hear me?

GREG SHATAN: Yes. I hear you now.

MATHIEU WEILL: Can you confirm you are hearing me because sometimes –

GREG SHATAN: Yes. I hear you now, Mathieu.

MATHIEU WEILL: My point – and we only have one minute left – is if we want things to be mentioned in these forms, we need the question to be absolutely crystal clear.

Yes. Thank you.

So we need to make the questions in the form absolutely crystal clear [inaudible] governing law are probably the two questions that are maybe not explicit enough and we risk adding different types of information. And similar to by Parminder so I really encourage us to be very fact-focused in our questions in these forms. Otherwise, [inaudible] will not be [inaudible].

GREG SHATAN: Thank you, Mathieu. A good point and to some extent this is an iterative process. We're at the top of the hour and just a call on Kavouss and then we will move to the end of the call.

Kavouss, please go ahead.

KAVOUSS ARASTEH: Yes. I think we are running short of time. Perhaps I might have some suggestions for the table because I study some of these case. In some cases there are decision made by the court. In some other cases, court did not make any decision but assume the situation and in some cases, there were a clear request for appeal or appeal case, and some others there was not. Perhaps it should be added to the table whether the court decide clearly on the case or court did not decide but assumed that the situation [took a] two different way of judgments. When you

assume or when you decide and also when there is a clear request for appealing or whether there is no appeal [that a appeal] voluntarily was dismissed.

This is maybe [inaudible] there is no time to discuss that but maybe at the next meeting or maybe on the mailing list. Thank you.

GREG SHATAN: Thank you, Kavouss. I think [you note] we should make sure that we're clear what the outcome of the case is and also we can make it clear what the history of the case is or how it proceeded, especially in a case like this where it looks like there were four different venues, maybe find a way to describe that briefly.

I'm not exactly clear on what you mean by "assume" versus "decide." I think the courts do ultimately make decisions in each case, but leave that to the list to discuss.

Any other comments on this point? I ask people to review these tools as we have them. You all have them. We can discuss them on the list, and I want to thank David and Mathieu for volunteering and for doing these first.

We will schedule further calls later this week. As of right now, given that next week is a travel week, very few slots available. We don't have one slotted for next week. But in any case, we will schedule out afterwards for the next few weeks as soon as possible.

In any case, if we don't have a call next week – and I think that is likely – I look forward to seeing many of you in Copenhagen and for those of us

who are on remote participation, look forward to seeing you remotely. Thank you all. This call is now adjourned.

You may stop the recording. Thank you and good-bye.

[END OF TRANSCRIPTION]