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RECORDED VOICE: This meeting is now being recorded.

GREG SHATAN: Good morning, good afternoon, good evening, and welcome to the Jurisdiction Subgroup of the CCWG Accountability Work Stream 2, meeting number 23, March 22, 2017, 1300 UTC, first meeting post-Copenhagen ICANN 58. The agenda is in front of us; let's review the agenda and see if there is any AOB to bring up. First, before we do that, I'll ask if there are any changes to Statements of Interest.

Seeing none. I'll also ask if there is anybody on the audio only, and if there are any phone numbers that are unidentified – I see David McAuley's – yes, 4154 – although I see his actual name now, so that's [inaudible]. And David, you may see your initials in Item 4 – that is a key that we will be asking you to walk us through the two litigations that you reviewed. Very good.

So, let us review the remainder of the agenda. First, there is the administration section – update on the questions [inaudible] ICANN Legal, and also clarify the status of the documents we've been working on. Next, review of litigations. Unfortunately, [inaudible] will not be able to join us today, so we'll review the litigations – the two pieces of the same litigation, in the sense that David reviewed, so I'll ask that you look at [inaudible]'s summaries.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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Next, we'll do an update on the questionnaire, and then any other business. I'll ask at this time if there is any other business that anyone would like to bring up now.

Seeing no other business at this moment. Of course, I'll ask once again when we get to AOB if there is any. Let's get into Item 3, administration.

Questions have been sent to ICANN Legal now. They've acknowledge receipt; however, as far as I've been able to see, they have not yet come back with an estimate of the time required for them to respond. Of course, between the last meeting and this, there was mostly the frenzy of preparation for ICANN 58 and the actual frenzy of ICANN 58. So, a number of people are picking up threads that were dropped at that time. So, we'll look forward to an estimate hopefully within the next few days; if not, I will remind our Co-Chairs to remind ICANN Legal that we would like that.

Next, we have – just to clarify, especially for those who were not on the last call – the status of the two documents that we have been working on. Our one was hypothetical number one, and the other, the influence of ICANN's existing jurisdiction. We've put those, in a sense, to one side, and suspended work on them until we get the answers from ICANN Legal, and also complete the litigation review. But the documents are still open for contributions. We're not going to necessarily discuss them unless there's been some significant movement in the documents, and we're not going to direct people to work in them at this time, but we will need to redouble our efforts after we do get the input that we're waiting for. Hope that clarifies it. The

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documents are not sealed, but they're also not our focus. But do feel free, in your copious free time, to turn to them and see if there is some way that you could improve it. So, that is that. Any questions on Item 3?

Okay, there appear to be no questions on Item 3, so we'll move on to Item 4. First, if we could put up the sign-up sheet for litigation in the – here we have the chart. There's been some movement forward since the last meeting. Let's see, [inaudible] is reviewing the [inaudible] case. I've volunteered to review the Commercial Connect case and the Image Online Design case. Should have those ready for our next meeting. And if we scroll down, it is [inaudible] both cases [inaudible] on the next [inaudible]. We also have [inaudible] this page, looking at the [inaudible] arbitration. Then on the second page, we have – as [inaudible]'s previously noted – Avri Doria's analyzing [inaudible]'s case.

So, that's what we have. Obviously, there are a number of cases that have not yet been claimed, and those can be claimed by those who have already reviewed some cases, or they can be claimed by those who have not yet reviewed any cases. So please do step forward. I see David McAuley stepping forward a second time to review a couple more cases, probably next week. Thank you, David. Since [inaudible] is not with us, let's go back to the agenda now.

Since [inaudible] is not with us on this call, we will skip over the summary that he's prepared so he can walk us through the those cases the next time he's on the call. Hopefully, he'll have a plethora of cases for next week's call. But we do have David McAuley, and the [inaudible] cases, and I will ask David to take over, and if we could put up the

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summary of the first listed of the two cases, I'll turn it to David McAuley, who can tell us a bit about the cases and their pertinent points for this Jurisdiction Subgroup's work. David?

DAVID MCAULEY:

Thanks, Greg. David McAuley, for the transcript purposes. There's – I looked at two cases; they are somewhat related, with the Dot Connect Africa Trust vs ICANN Litigation. And I'm going to be looking at the PDF that you sent, Greg, as opposed to at the screen in the Adobe Chat. So hopefully, they're synced. But I'll begin with the DCA vs ICANN in the trial court, and first I'll state in summary form. Jurisdiction, I don't think, was a terribly complex issue in this case, but it was a tangled case in the sense of going back and forth between state and federal court, and then also there was an unfortunate delay in the case, which generated some notoriety and some delay in delegating the Dot Africa [inaudible]. And of course, the case is not over yet.

But beginning with the trial court, the name of the case was Dot Connect Africa Trust vs ICANN, and the parties involved were numerous. The plaintiff – which often is the pivotal party in setting jurisdiction because the plaintiff decides where to sue – the plaintiff in this case, DCA is Dot Connect AFRICA Trust, chose to sue ICANN in California. The defendants were ICANN and there were sort of placeholders for unnamed defendants, fifteen in number, for other parties that might be brought in as defendants later on. And then, ZACR-MPC was named as a defendant later in the case. That actually played a pivotal role in the federal case. Dot Connect Africa is a nonprofit organization based in Mauritius, but it has an office in California. We all know that ICANN is a

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California nonprofit corporation. The unnamed defendants were, of course, indeterminate, because they weren't named, and the ZACR is South African. So you have a bit of a complex ground war there.

The court was the Superior Court of California in Los Angeles, Cali. And so, the governing law was California, at least until it was contested, but that never really happened. This case began in January. There were a number of claims against ICANN, ranging from breach of contract to certain fraudulent types of action, like misrepresentation that was intentional, etcetera. DCA asked for a preliminary injunction twice in this case, and in both instances, the request for injunction was denied. And I put links in the document to the denials. Jurisdiction wasn't contested. And then, I have a listing of key documents in there. So, if we could, I'll look at the next – at the appellate case – and it's related, as I said.

This appellate case is in the federal courts, not in the state courts. Remember, I said the trial court action was in the Superior Court in Los Angeles County. This appeal was in the 9<sup>th</sup> Circuit Court of Appeals, so how did that happen? The parties were basically the same, and the citizenship, of course, was the same. But the case originally began in federal court in May of 2016, and it was based on what's called "diversity jurisdiction," where the parties are from different places, basically. Same kind of causes of action. But at one point in the federal action, when ZACR became a party to the case, what was the diversity jurisdiction of the court basically ended. So it wasn't really contested; it was simply a recognition by the court that the basis for its – the federal district court – for its exercise of jurisdiction basically ended. The court had – the trial court, in this case – had issued a preliminary injunction to

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the federal district court. So, this is where it gets a little bit complicated. And ICANN appealed. The 9<sup>th</sup> Circuit, to which ICANN appealed, basically dismissed the appeal when the trial court's jurisdiction went away. Both parties agreed to the dismissal, but there was some disagreement as to what the appellate court should say, and whether the appellate court should address the fact that the injunction that the lower court issued was no longer effective.

So, it's a little bit complicated. I don't think that jurisdiction was terribly important in this series of cases. But the one thing I forgot to do in this document was, as requested by [inaudible] – and you probably saw it on our list – and that is, I should include, and I will include, in my write-up of the case in an appropriate place, that there was a non-legal impact. And I'll quote what [inaudible] said [inaudible] said, that maybe we should write that there was a non-legal impact, as follows: "As a result of the litigation and the previous IRP, the Dot Africa application as one instance of implementation of ICANN's policy, suffered significant delay." That's what [inaudible] asked that I would include, and I'm happy to include it. I simply want to say about that, however, that it brings into the discussion the fact that in all of this delay, it's not just litigation. There was an IRP that took place, and in the middle of the – or in the – as the IRP was unfolding, one of the IRP panelists died, and that was unfortunate. And it caused a tremendous amount of delay while another panelist was assigned and came up to speed. And so, the Dot Africa string has been plagued, in a sense, by the litigation and the IRP – plagued in the sense that it was an unfortunate delay. As I said, the place of litigation was really the choice of the plaintiff, in this case. And that was never contested; it wasn't – at least, not that I [inaudible],

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any requests to move the venue or the jurisdiction elsewhere. And so, it's a little bit of a tangled web – an unfortunate delay – but that, I think, is a fair overview of the litigation that's taking place with respect to the Dot Africa string. And so, I'll stop there, Greg, for now.

GREG SHATAN:

Thank you, David. Thank you for reviewing those two cases. Could you expand a bit on the concept of diversity jurisdiction? First, explain it a little bit more specifically, especially to those who have not been infected with the JD bug – those who have not gone to law school. If you don't mind.

DAVID MCAULEY:

I'll do my best. In the United States federal courts, they have jurisdiction over federal questions. In other words, if the issue that the litigants are arguing over is the interpretation of a federal statute, for instance, or of the United States Constitution, a federal court will have jurisdiction over it. But they don't have inherent jurisdiction. It's usually, at least on the district court level, by statute. The Supreme Court has some inherent jurisdiction. In any event, by statute, the federal courts are able to hear what claims would typically be heard in a state court – state court kind of actions – where there is a diversity of parties. The party might be from California, and the defendant might be from another country or another state. That's called diversity jurisdiction, and oftentimes, federal courts can entertain those kinds of claims, where the parties are from different places. It's not quite that simple, but that's roughly what it is. And then, in this case, the fact that

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a third party, ZACR, entered the fray as a defendant once the case got rolling, and once the case got established [inaudible] jurisdiction, the court said that the entry of ZACR basically ended what's called "perfect diversity," and I really can't get into that, because I'm really not equipped to get into that; I think I would explain that pretty poorly. In any event, the federal district court that had issued an injunction lost its jurisdiction, and the appellate court basically dismissed the appeal because both parties agreed that it was now no longer appropriate to hear the case. Is that sufficient, Greg?

GREG SHATAN:

Thanks, David. That's very helpful. We can try to perhaps come up with a glossary of answers so we can post somewhere on things such as diversity jurisdiction. I see there are a couple of questions from Avri Doria in the chat. First, "Is the litigant choice limited to U.S. courts?" [inaudible] David, if you want to handle that.

DAVID MCAULEY:

Well, the litigant in this case is DCA, Dot Connect Africa, because of the plaintiff – they're the one that's starting the action. And so, they're not limited to federal courts, because they have a representative office in California, and ICANN is located in California. DCA could have easily begun this case in the Superior Court in Los Angeles County. So, they're not limited to U.S. courts, at least not in my opinion. And I should have mentioned that when a federal court is hearing a case based on diversity, it's going to usually apply the law that would apply in the state case, anyway.



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I see that Avri asked the question, “What kind of claims, being subject to a different set of laws?” No, I don’t think it’s being subject to a different set of laws, just a different venue, basically. Oftentimes, litigants will choose a federal court because they feel a federal court might be more fair, especially when the litigant is from a different place and doesn’t want to have a “home court” hear the case. So, this is just a general statement, too, but most times, in my belief, a court would be applying the same law, whether it’s a federal court or a state court.

Avri also says, “If I’m the only one confused by the implications and what is allowed as a claim, I will go study up.” To be honest with you, I find it confusing, myself, and I’ve worked in this realm somewhat. But I think to sum it up, basically, federal courts can entertain state court kinds of claims, where the parties involved are from different states or from different countries, or from one state and another country – where there’s a diversity among the parties as to where they’re from. It sounds odd, but that’s sort of the way I’ll sum it up. And Greg, if you can help, I would certainly appreciate it. Thank you.

GREG SHATAN:

Thanks, David. No, I think that’s a good summary for the moment. I see a hand from Kavouss. Kavouss, please go ahead.

KAVOUSS ARASTEH:

Yes. First of all, thank you, David. For some of us, the situation of how the [inaudible] is not quite clear who is who, who overrides decisions, who has jurisdiction to [inaudible], [inaudible] from the state court, [inaudible] circuit court, federal court, Supreme Court – there are so

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many stages, there are so many [inaudible]. Some of us are not quite familiar. So, I would – it would be appreciated if somebody who is familiar with this [inaudible] provide a description of how the system works. [inaudible] going to [inaudible]. Because [inaudible] many things and [inaudible] some of the people like me have not total understanding and [inaudible] almost [inaudible] description.

And second, [inaudible] stated that [inaudible] there is no such presentation, so [inaudible] presentation. And a third comment that I have, I have looked at some of the cases I received; some of them are overly reduced or simplified and there are more than many, many elements [inaudible] ten to twelve [inaudible] there are so many things. So I don't know [inaudible] presented by each of these cases here to be summarized, whether we should now pull [inaudible] case [inaudible] at least one case [inaudible]. I don't think that the summary [inaudible] the actual case. So I [inaudible] want to put my [inaudible] on any particular case, but these are the comments that I had. First, a summary of how the system works, and then second, whether there will be any presentation [inaudible] cases, and third, to verify whether these summary cases [inaudible] events [inaudible] have happened. Thank you.

GREG SHATAN:

Thank you, Kavouss. I'll try to briefly answer those. The simplest one to answer is the second, which is that we intend to have a summary and presentation for every case that Litigation has – that ICANN has been involved in. So, we will be doing this for each of the cases, and [inaudible] with all of them.

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As for the summary of the case, [inaudible] we are trying to focus on the jurisdictional aspect of the cases and not describe the cases completely. Each one is different on the facts and the law [inaudible] being examined. Of course, if there is a need to get more deeply into any or all of the cases, we can do so. Into the other facts. But the primary issue here is how ICANN's jurisdiction affects the case.

As for the first question, very briefly – and then we can try to again come up with some answers that we can post on the list or put in a document somewhere – to oversimplify it, there are two parallel types of court systems in the United States. The federal court system – that's part of the federal government – and then, each state has their own court system. All of these are governed generally by U.S. law in the sense of procedure, and the procedures of each state courts are governed by their own state court procedures. So, California, for instance, has a trial court for bringing cases in the first place, state-level, and then there are a couple of levels of appeal courts where those cases can be appealed by losing litigants, or particular motions or decisions during the course of the case can be appealed up to the appeals court. The federal court system has three levels. There's the trial court level, which is called the district court, and there's at least one of those in every state. And then, there are courts of appeal, which sometimes group several states together, and then finally, the U.S. Supreme Court. And state court cases ultimately can also be appealed to the U.S. Supreme Court, as well. So, that's the bare-bones of the system. And as David indicated, many types of claims can be brought in both courts, if there is diversity jurisdiction or otherwise. David, I see your hand is up. Please go ahead.

DAVID MCAULEY:

Thanks, Greg. I was just looking at Avri's comment. In the post-ICANN 58 frenzy, I didn't prepare as I should have. I should have seen this coming and didn't prepare to discuss diversity. Not being a law professor, I'm sort of stumbling through it. But I do want to say that federal courts, when they are exercising federal question jurisdiction, they're applying federal law. But when they apply what we're dealing with here, diversity jurisdiction – simply being able to hear a case because the parties are from different places – they are applying, in many of those cases, depending on what the issues between the parties are, they are applying state law. So, it's not a difference in law; it's just a difference in the form. Oftentimes, litigants want to go to federal court because they sense that those judges may be more fair. The federal judges are appointed by the president, whereas many state judges are subject to politics because they're elected, and they may have a political bias of some sort. So litigants from a distance oftentimes feel safer in a federal court. That just happens at times. But in a federal court, exercising diversity jurisdiction, it's the courtroom and the judge that are different, but it's not the laws that are being applied, generally speaking. So hopefully, that might help. Thank you.

GREG SHATAN:

Thanks, David. And just to answer Avri's second question, "Could they have gone to a court in Kenya to litigate?" The answer is maybe, but probably not, in the sense that you can only go to a court where the defendant can be brought into court. So, clearly, ICANN can always be brought into court in California, because it's [inaudible] court in the

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place where you can physically be found. But there are also all kinds of extended types of jurisdiction – some literally called “long-arm jurisdiction,” where the “long arm of the law” can bring you into a court that you may not [inaudible] in another place other than where you are located, and it’s often based on an analysis of minimum contact with a jurisdiction. So, for instance, since ICANN has an office in Kenya now, as David said, ICANN can now be found there and they can be sued there as the defendant. They can also be sued in Turkey, in Singapore, Switzerland, and any other places where they may be found. I think Montevideo, Uruguay is another place where ICANN now has a physical presence. So they have at least a minimal contact. And the legal questions [inaudible] asked ICANN Legal.

I think we’ll get into that very question of where ICANN can be sued, in addition to the places that I’ve named. And again, there may be reasons in a specific case where ICANN has minimum contact based on the case for them to be sued. So, ICANN can not only be sued in California, and as Becky notes, isn’t there an argument [inaudible] harm occurs in Kenya, then there can definitely be argument [inaudible] gets down into some of the specifics here about things like [inaudible], non-convenient, which means, is this an inconvenient place to have the case? For instance, if the documents and witnesses are located in a particular jurisdiction, sometimes, out of the possible jurisdictions that will be the best place to have the case heard and one or the other parties may seek to have the case brought in that jurisdiction.

So the overall takeaway from this is that there are a number of places where ICANN can be sued. Lastly, there are a number of places where plaintiffs can appear. You don’t need to be a U.S. citizen or a U.S. entity

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to take advantage of the U.S. courts. Basically, the U.S. courts provide a forum as long as other jurisdictional aspects are satisfied. So for instance, in this case, the plaintiff, as we can see, which is Dot Connect Africa, was a [inaudible] nonprofit, with a principal office in Kenya, and yet, they were able to bring this case in California. Basically, one of the features of the U.S. courts is the level of openness for plaintiffs, regardless of where they come from, to be able to bring a case against a defendant that can be sued in those courts.

So, I think that is a bit of an overview there. As David notes, this case is still ongoing in California state courts, although with other jurors. Without an injunction, ICANN, as many of you know, will be able to allow the ACR to delegate and – will be able to delegate and move the .AFRICA TLD into a live state.

Kavouss says, [inaudible] the hierarchy of state court, appeal court, which usually [inaudible] the same case, and then federal courts are called for when the Supreme Court would be involved are not clear.

First, on the state court side of all of the courts are in the same [inaudible]. Basically, it's typically a three-layer process on the state court side. There is a trial level, and then there is an intermediate appeals level, and then there is a final appeals level. For instance, in New York, where I am most familiar, the trial court is called – somewhat confusingly – the Supreme Court. That is where you begin a case. Then there is the appellate division above that, to which you appeal a case from the Supreme Court, and then finally, you can appeal your case to the New York State Court of Appeals, which is a statewide court that hears all final appeals at the state level of cases brought in New York

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state courts. Then, you can still appeal a case from the New York Court of Appeals to the U.S. Supreme Court, which can choose. The U.S. Supreme Court is the only court that can pick and choose among its potential cases and decide which ones to take. All other courts must take all cases for which they have jurisdiction. So, a state court case can be appealed after its state level life to the Supreme Court. And on a parallel level, there is the federal court system, which also has three levels.

Jorge says, “Perhaps we might need to look into forum shopping strategies employed regularly.” I don’t know that any strategies are employed regularly. From time to time, forum shopping is disfavored; in other words, trying to find the best forum solely, and not the most appropriate forum, is disfavored, and the concept of looking for the most appropriate forum is not disfavored. But so-called “forum shopping” – trying to find one that will be the most pleasing to you – is not generally favored; but on the other hand, companies and entities can be sued wherever they can be found. In the past, [inaudible] a lot of [inaudible] take place either in the eastern district of Virginia or in the eastern district of Texas, because both of those courts are known for having so-called “rocket dockets,” which take cases through very quickly, and to some extent having tendencies to rule one way or the other. So, I think the level of looking into various features of various [inaudible] maybe beyond what we can do in this case, Jorge. But let’s see where we get to.

Are there any questions from anybody else for David about this case, or about some of the jurisdiction questions that have been raised so far?

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Seeing no other questions. David, is there any last words that you would like to add about the cases you profiled?

DAVID MCAULEY:

Thanks, Greg. Just to say that in the DCA cases, I don't think jurisdiction is the important issue. It's the delay, really, was the unfortunate part of these cases, for the reasons I outlined earlier. And so, I look forward to the other cases that we're going to review along the way. Thank you.

GREG SHATAN:

Thank you, David. And just to note, the choice of law – in other words, which substantive law was applied – was fairly straightforward and didn't change, whether you were in the federal court or in the state court. [inaudible] the substantive law of California to the case, and I think that – obviously, the interesting jurisdiction aspect was when diversity jurisdiction was destroyed by adding ZACR to the case. The case went from federal court to state court. I think that's the main jurisdictional impact here. And that's not so much an impact of being in California versus not in California physically, but in terms of the laws of jurisdiction over the parties involved. So I think that is an issue.

Avri notes in the chat, "What I think is important to this group is the flexibility allowed in the current jurisdiction. In other words, in California – and more broadly, the United States – it would be interesting to see if this is leveraged in any of the other cases." I will note that there are other cases brought in the U.S. in districts and courts other than California. So we'll keep something there about the flexibility of U.S. jurisdiction generally, as well. I think that given the –



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Kavouss has asked that the relation between the three layers of the state courts on the one hand and the federal courts on the other hand, and the role of the Supreme Court – there’s only one U.S. Supreme Court – needs to be further elaborated in the document. Again, and I know that as people try to answer some of these questions in writing and post them, since I can [inaudible] most helpful in the long run; but definitely do continue. There are fifty state appeals courts; not all of them are called “the Supreme Court.” In the U.S., the trial court is called the Supreme Court, and the final court of appeals is called the Court of Appeal. In other states, it’s different [inaudible] our federal system. And I won’t even get into the fact that in the state court in Louisiana, civil law, and not common law, is applied. That’s even more fun.

I could go on at length and I shouldn’t, so let us go back to the agenda, please. I think that brings us to the end of Item 4; and again, I’ll ask that people do continue to sign up. Kavouss, is that a new hand?

KAVOUSS ARASTEH:

Yes. [inaudible] case [inaudible] that ICANN is mentioned in [inaudible] partner [inaudible] document 424 and 425. [inaudible] I see a lot of [inaudible]. What is the case that [inaudible] arrangement [inaudible] for the others, I see only one [inaudible] ICANN or [inaudible]. [inaudible] is only wanting this part [inaudible] two different areas. Thank you.

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GREG SHATAN: David chose to split the DCA case into two documents because part of the case took place in the U.S. federal court in California, and part of the case took place in California state court. So, one of the documents talks about [inaudible] trial court and appeal court level, but it's – and this is one of the more complicated cases in terms of its – well, we'll call it "history" of the case. [inaudible] talk briefly about the steps that this case took and why it made sense to do two separate summaries. In most of the other cases, there's either only one court involved – a federal trial court – or, if there is more than one court involved, it's more a typical situation of a federal trial court decision being appealed to the federal appeals court directly above it in the chain. This is one of very few cases in the ICANN history where the case has both a state court aspect and a federal court aspect. David?

DAVID MCAULEY: Thanks, Greg. David McAuley again. You are right; there are two listings because there are two court systems involved, even though the question was generally the same as I mentioned earlier. But the splitting itself was – if you go to the list of litigation that ICANN has, ICANN has split out the litigation, and so – we, as a group, are pursuing the cases as listed by ICANN. And I think ICANN had a sensible reason for doing it just as you indicated, Greg. Thank you.

GREG SHATAN: Thank you, David. I think that's a kind of Occam's Razor explanation – we split it in two because ICANN split it in two, and we're following ICANN's list. So that, I think, answers that question. Kavouss?

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KAVOUSS ARASTEH: Yes. Sorry to [inaudible], or maybe you know. [inaudible] was not only one court; it was different courts involved. [inaudible] [CROSSTALK]

GREG SHATAN: ICANN did not let this case into multiple listings of its litigations, so we're following ICANN's list, which is also the same list as in the summary, or rather, in the list sign-up sheet that I posted earlier. So ICANN has a single listing of this case, regardless of the number of courts it's in, and so we're following that, as well. But that won't affect how the case is summarized as much as it does – I just have it listed, so. And [inaudible] not with us on this call today. When [inaudible] is available to us, we will ask him to walk us through the cases that he summarized, including the [inaudible] case.

So, let us move on to Item 5 in the agenda. Update on the Review and Evaluation Team. We did have a number of volunteers for the Review and Evaluation Team for the questionnaire on the last call, but as with other things, the ICANN 58 preparation and festivities overtook the work of the Evaluation Team, and we will need to pull that team together, because it's 5.1.1 on the agenda notes [inaudible] it's responsible for elaborating an evaluation framework for the responses, which we need to bring back the subgroup. So the team does need to begin this discussion of how we will evaluate the questionnaire responses. So, now that we've all returned from Copenhagen, those of us that went, we can go back to the regular business and get that team together to decide how to review responses.

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As far as the composition of the Review Team goes, we do have a good team, but we are always looking for additional volunteers; and since the group hasn't advanced too much since the last meeting, now is a good time to volunteer for their questionnaire Review and Evaluation Team, if you haven't already done so. So, I will check and see whether there are any other volunteers for this team.

Seeing none others right now. Of course, anyone can volunteer on the list, and we'll look to pull together the team shortly. First order of business will be to find a volunteer to coordinate the work of that team so that I don't have to. And then, the work of coming up with an evaluation framework. Let's take a look at – now move to 5.2, status of current responses. And we can put up the response tool. Here we go. Sorry, it's a little small, but you can enlarge it. I added the questions in the right-hand half so the somewhat mysterious headings, "Q1, Q2, Q3, Q4a, Q4b," can be matched up with what's in the right-hand side, so you can understand what question is being answered. As you will note, or perhaps recall, there have been no new answers to the questionnaire since our last meeting. These are for the [inaudible] complete by the 22 of February. Now, it's the 22 of March, and there have been no responses. But that's not atypical to have a flurry at the very beginning, and then many more will come in as we reach the deadline of April 17. I see that Erich Schweighofer has volunteered to help on the questionnaire review. Thank you very much, Erich.

So, since this is the same chart that we reviewed at our last meeting, unless there are questions about any of these responses, we can go back to the agenda. Any questions?

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Hearing none. That, I think, takes us – unless there are any other comments or questions about the questionnaire, I will only note that since we do have roughly four weeks, still, until the questionnaire cut ends – please, if you have not already done so, publicize this questionnaire on any other lists and any other meetings or places where anything related to ICANN or Internet governance is taking place. One of the concepts is that we are trying to spread the knowledge that this questionnaire exists broadly, so that anyone who has relevant information can respond, so please do so. I see also that Tatiana Tropina has also volunteered or confirmed that she is volunteering for the questionnaire review. Thank you, Tatiana.

So, this takes us to AOB. Any Other Business. Does anybody have any other business for this subgroup today?

I'm not seeing or hearing any other business. As [inaudible] noted in the chat, ICANN 58 was long and intense. At least, it certainly felt long; it was definitely intense, and a lot was [inaudible] during that time. Our next meeting is next week, not surprisingly, and just for a check, it is at 1900 hours on Tuesday, the 28 of March. So, six days from now. Hopefully, in that time, we will have had a discussion among members of the Evaluation and Review Team, and begun the work of deciding how the evaluation will proceed, which we can then bring back to the full group. And also, we'll get some more summaries of litigations which can be reviewed. In the next case, I volunteer for a couple and [inaudible] also a couple of other volunteers, as well. So, we will continue to move forward, and I look forward to our next call on Tuesday. Until then, this call – but not the work of this group – this call is adjourned. Thank you, and have a good day.

**[END OF TRANSCRIPTION]**