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GREG SHATAN:

Good morning, good afternoon, and good evening. Welcome to CCWG Accountability Work Stream 2 Jurisdiction Subgroup meeting #25 at 05:00 UTC on April 4<sup>th</sup>. The agenda is in front of you in the Adobe Connect room. Let's briefly review it. After the review of the agenda, I'll go through some of the usual brief administrative moments and then move on to a brief discussion of the status of the questions to ICANN Legal, followed by a review of any decisions and action items that took place on the last call.

Then we'll move on to an update on the questionnaire, which is still open until April 17<sup>th</sup>, and then from there, move on to a review of the ICANN past and present litigations. Mathieu Weill as a workhorse of this subgroup has provided yet another case that he has summarized. The pool.com case will be discussed in that.

He's also updated some reviews, we may discuss those, but at least wanted to make sure everyone is aware that these were updated. And then last – but certainly not least – based on discussions on the list and on the most recent plenary, are view of our working methods. That is the agenda. I wanted to see if there are any objections and improvements, anything for note now that will go in AOB.

Seeing none, we'll consider this agenda acceptable and move on to administration. First, I'd like to see if there's anybody who has a change to their Statement of Interests since our last meeting. Not seeing anybody coming forward on that.

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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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Do we have anybody who is on audio only? We don't seem to have anybody on audio only.

KAVOUSS ARASTEH: Greg?

GREG SHATAN: Yes.

KAVOUSS ARASTEH: Good morning or good evening, I will be on audio the last ten minutes before I have to leave the [inaudible] connected to the Internet last time that I was [inaudible]. Thank you.

GREG SHATAN: Okay, thanks for letting us know that you'll be out of the AC room for the last ten minutes. That was Kavouss. David McAuley has a hand up.

DAVID MCAULEY: [inaudible]. I just wanted to mention that I've started work on the Name.Space case. I have it filed and the document shared, but if we have time and we want to cover another case, I could begin to talk about Name.Space versus ICANN. Thank you.

GREG SHATAN: Thanks, David. Much appreciated. Since nobody's had a chance to look at your summary yet, we probably won't do that, but let's see if there's

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any reason we might change our mind about that. But I appreciate the offer in any case. I'm glad to know that that case is very close to being done, if not in essence already done by you. Hopefully, I'll be able to say the same too about the cases I volunteered for. And we still need more people volunteering.

Let's get out of administration. It doesn't look like we have any mystery phone numbers in the participants, so that is good, and we can move on to the review of the status of questions to ICANN Legal. I don't know if staff or Mathieu have any better idea than I do. I have sent off a couple of e-mails to Sam Eisner asking for an ETA, an estimated time by which they'd return the question to us, or at the very least for an ETA for that estimated time so we would at least have our expectations managed, so to speak.

So far, I have not heard back, so at this point we're still waiting to hear when we will hear.

BERNIE TURCOTTE: Greg.

GREG SHATAN: Yes.

BERNIE TURCOTTE: I was actually on a call with Sam in the middle of the week last week, and she was keenly aware of our requests and was aiming to have it completed – if not at the end of last week – by the end of this week. So

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she is, as usual, quite busy. I will try as staff to follow up with her again on that to see if that's still on the rails. That's it for that one. Thank you.

GREG SHATAN:

Thanks, Bernie. I'm glad you have that knowledge. As long as we know approximately when it'll come, it makes the waiting a little bit easier. Waiting for a time is harder, of course. So now we have that information, that covers that status item, we can move on to the review of decisions and action items from the last call.

There were no decisions taken on the last call, so that covers A, nor were there any first readings of decisions that would then be made on this call, since we don't decide anything on one call anyways. So we're not halfway through a decision, nor were completed on the last call.

That brings us to B, action items. Christopher Wilkinson asked to be added to the [QRET] that has been done, and we have created an e-mail list and an e-mail address to the [QRET]. I have not yet seen that list, but we should get it up and running perhaps with a test message to recipients.

And as soon as we have that test message out, we can sell a Doodle poll on that same list to arrange for a meeting of [QRET] and we can use that list to work on the method of review and reporting of the questionnaire responses, which brings us on a nice segue to item six, an update on the questionnaire itself.

Are there any questions first on Item #4 before I move to Item #6? I see none, so I'll move on to Item #6: update on the questionnaire. There

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have been no new responses received on the questionnaire since last week, and that we are kind of [inaudible] period as we wait for the anticipated rush of answers between now and April 17<sup>th</sup> when the questionnaire response period closes a little under two weeks from now, so it's still not too late for you all to, A, respond if you have anything to respond to any of the questions – I hope that some of you do – and B, to promote the questionnaire in any other places you have it that might be worth doing.

Next time we have this call, it'll only be about a week until the questionnaire is done, and that's getting close for people to give reasoned consideration to the answer. So please, if you can, use this week to promote the questionnaire elsewhere so we have the best coverage we can.

Anything on the questionnaire before I move on to item seven? Bernie, is that a new hand? Hand is old.

BERNIE TURCOTTE:

Old hand.

GREG SHATAN:

Very good. You are an old hand indeed. [inaudible] Bernie. That moves us to item seven, review of ICANN's past and current litigation. And we do have one new case. Not a new case, but one new summary, and I will turn again to Mathieu Weill to talk about this case. If we could put that summary up on the screen, and I'll turn the microphone over to Mathieu. Thank you.

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MATHIEU WEILL:

Thank you, Greg. I hope you can hear me clearly, it is a little bit of background noise here, but bear with me, hopefully it works. So, pool.com is an interesting case because it's the only one in the list of litigations that was filed in a non-U.S. court. It was filed in Ontario, Canada by pool.com, the plaintiff against ICANN.

The reason for picking Ontario was that pool.com is an Ontario-based corporation. The venue is the Superior Court of Justice in Ontario, Canada, and so there was a comment on the list about the [charge] of law. Indeed, the Canadian civil law is not [operated] Canadian law, and it's mostly – in Ontario it's common law, it's not civil law.

There's an interesting quote from the submission by pool.com, which is, "The plaintiff proposes that this action be tried in Ottawa," but the case never went as far as a decision, so it's difficult to assess whether this would have been successful or not.

The challenge was against ICANN's decision regarding Verisign's wait list service. The registrar pool.com – or I don't think it was a registrar at the time, it was probably a domain reseller – was arguing it was [inaudible] with its trade and commercial prospects, that it was violating consensus policy, breaching Bylaws and so on.

The case was dropped before the court actually considered it, so there are only a couple of memos exchanged. One of these memos is from ICANN – the defendant – and it's interesting. I have quoted in the summary some of the arguments that ICANN used to challenge – to argue that the court lacked jurisdiction. These arguments included the

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fact that ICANN is not in Ontario, that the action has no real, substantial connection to Ontario and that all the evidence and witnesses are in California. Which in this case appear pretty serious [inaudible].

There was no impact on ICANN's accountability. The relief requested was to restrain ICANN to authorize this wait list service and grant damages. Of course, there was no outcome and no final decision. Basically, the benefit of this case is to actually give us a glimpse of what ICANN's arguments to challenge jurisdiction may be in such cases, but we don't have any information about whether these arguments would have been upheld by court or not because they never reached a decision.

That's it for this case, Greg, at this point. Open for questions, updates, amendments from real lawyers and so on.

GREG SHATAN:

Thank you very much, Mathieu. I'd like to open the floor. I know that John had some comments on the list earlier today in response to your summary. Not clear if he is on the call or not. I see him down at the bottom there, but I see chat that says that he's perhaps not actually connected and that that's somewhat of a ghost in the participant list, or a tease.

Does anybody else have any questions or comments for Mathieu on this particular case? Tijani, please go ahead. Tijani, we're not hearing you yet. Please go ahead. Since we seem to be having some trouble with Tijani's audio and he's now typing something in the chat, David, why don't you go ahead? And we'll come back to Tijani one way or the other.

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DAVID MCAULEY: Okay. Thanks, Greg. It's just a point of confirmation. I lost audio for a second there, Mathieu, but I take it this case was not appealed.

MATHIEU WEILL: Thanks, David. No, it was not appealed. It was dismissed before it actually reached any decision, so I don't think it ever reached a point where it could have been appealed. The case was dropped, technically, I think. So, no outcome whatsoever.

DAVID MCAULEY: Thank you.

GREG SHATAN: Just to follow on that briefly, Mathieu, do you know whether it was dropped because the parties settled?

MATHIEU WEILL: I'm not a specialist here, and probably some others in the community have better insights than I have, but I understand that was part of the various litigations around the previous Verisign versus ICANN case, that it was a whole set of contention around these extra services that Verisign planned to introduce many changes around.

And I think it was dropped because there was some sort of settlement or at least compromise about this. This was general, involving many



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other parties than the ones in this group. That's just my interpretation of events, and there's no mention of that in the case, to be clear.

GREG SHATAN:

Thank you, Mathieu. Why don't we turn to Kavouss, since –

Kavouss, please go ahead. Kavouss, we're not hearing you and there is a – looks like a mute on your phone in the Adobe Connect. Kavouss, I do see your name coming up as an active speaker.

KAVOUSS ARASTEH:

Do you hear me now, please?

GREG SHATAN:

Yes, now we hear you. Please go ahead.

KAVOUSS ARASTEH:

Okay. Thank you very much, Mathieu. It is mentioned that the case is dropped. Dropped by whom? Dropped by the complainant, plaintiff, dropped by the court? This is one simple answer maybe, but my question is that if it would have not been dropped and continued, what would have happened that one side is in Ottawa or Ontario and the other side is California? So, I would like to know that the case, if it is not dropped, what would have happened? Otherwise, I don't think that we could have any result of this [inaudible] why it is dropped, who dropped that, and if it was not dropped, what would have happened.

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MATHIEU WEILL:

Thanks, Kavouss. The plaintiff dropped, so pool.com dropped the case. I have no idea what would have happened if it had not been dropped, because I don't often speculate about what courts do. So, that's definitely something I cannot answer. And just a clarification that I mentioned, but Ottawa was mentioned, Ontario was mentioned.

Ottawa is a city in Ontario which is in Canada. So when I said Ottawa and Ontario, it's basically the same jurisdiction. I hope that clarifies. And sorry I cannot go any further into what would have happened. Thank you.

GREG SHATAN:

Thank you, Mathieu. Just to briefly pile onto your answer, the plaintiff must have dropped it, since if the court were to dismiss it, the court would have some sort of an order or ruling dismissing the case, and defendants can never drop cases. That's not their right, they're held in court. Only the plaintiff – or the plaintiff and the defendant together can agree to settle a case, and then they'll drop it. But it's the plaintiff's right to keep the case going otherwise, unless the court stops it.

The last of the filings was still a failing contesting the jurisdiction, whether the court had jurisdiction over ICANN. So it's unclear – none of us being Canadian lawyers I assume on this call – to even predict whether the court would have ruled in favor of ICANN, dismiss the case – which would have forced Pool to sue ICANN elsewhere, wherever it could find ICANN in court – or it might have rejected the claim.

I think one of our members postulated that the court would have rejected the motion to dismiss for failure of jurisdiction. As we

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discussed before, there are different countries and territories where ICANN has offices, whether they're hub offices, engagement offices or otherwise some sort of a permanent establishment. Canada is not one of those, so that was kind of the basis here.

I'll turn to David McAuley. Thank you.

DAVID MCAULEY:

Thanks, Greg. I appreciate Kavouss's question, and I'm reaching back, but I believe that this subject is covered in our questions to ICANN Legal. In other words, I think we may actually get some insight on this kind of a question when Sam comes back to us with those answers. I may be wrong, but I think it was covered in the questions. Thank you.

GREG SHATAN:

Thank you, David. Kavouss?

KAVOUSS ARASTEH:

Hello. My questions is the following: I hope that we will find a case that the jurisdiction was outside United States and that case has been completed and answered by the court, but not dropping the matter and so on. So, I would be very interested if there are also previous cases, there is one previous case that the jurisdiction was outside the United States, and the case was completed and the court has decided on that. Otherwise, I will understand that there has been no case that the issue [itself was] outside the ICANN jurisdiction in the United States. That [inaudible]. Thank you.

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GREG SHATAN:

Thank you, Kavouss. We can confirm this with ICANN Legal, but the cases listed on ICANN's litigation page have all been brought – other than this one – somewhere in the United States. A large number in the Central District of California, which is the federal court that covers Los Angeles, but there have also been cases in Texas, Western District of Kentucky, District of Colombia – Washington D.C. that is – Eastern District of Virginia, state court in San Francisco, California, and others. I won't go through the list, but a variety of U.S. states where ICANN is not physically located.

But it appears that other than Pool, there have been no cases brought in a court outside of the U.S. Mathieu, go ahead, please.

MATHIEU WEILL:

Thank you, Greg. I'll actually make a very quick suggestion that we clearly qualify the answer to Kavouss's question as one of the findings, basically, of this exercise. I think it's a useful finding, and it's useful for many observers, people outside of our subgroup, if we can make sure that whatever the format of our report, we clarify that one of our findings, there has never been a case where a court outside of the U.S. has assessed jurisdiction over ICANN.

There's been only one case filed against ICANN outside the U.S. and it was dropped by the plaintiff before it reached the point where a judge would have had to decide. I think that's an interesting finding already, and so we should probably put that aside for later in our report, but that's one of the outcomes of this exercise so far in my. Thank you.

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GREG SHATAN:

I think that's a very good point, and if staff could capture that in the notes, that would be much appreciated. Perhaps it has to do with the fact that plaintiffs feel they can get a fair deal in California and have no jurisdictional issues, but one could [hard to] hypothesize without talking to plaintiff's counsels about why they chose to sue ICANN in the United States or elsewhere outside of California but still in the U.S.

So, we probably have some cases where the plaintiff is not a U.S. individual or entity and yet they have brought the cases in the United States. That is another fact pattern as opposed to those cases where both parties are U.S. parties. We'll approach those cases when we get them. David McAuley, please go ahead.

DAVID MCAULEY:

Greg, Thank you. I agree with what Mathieu just said, and it's an interesting aspect of what we're doing. I do want to mention – I think this was in the questions that we sent to ICANN Legal, but one of the things – and I agree, this is speculation – one of the things that touches on jurisdiction is whether ICANN is subject to suit in countries in which it has offices, and I think we all assume that that's probably the case. But there's another potential basis for jurisdiction, and that is where ICANN is deemed by a court in a country where it has no presence to have targeted action or to have sort of acted in a matter that has a serious economic consequence or something like that.

So I would just note with respect to the Pool case, it ended in 2004. And if there is any basis to that kind of jurisdiction that I've just mentioned,

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it may be different in 2017 than it would have been in 2004. So, I just want to note that for the record as a possibility. Thank you.

GREG SHATAN: Thank you, David. I certainly will be interested to see if anything comes up there. Kavouss, please go ahead.

KAVOUSS ARASTEH: Yes, I don't know whether I completely understood David's question, but mine was the following: is it possible that a case be submitted to a court outside the United State in which ICANN does not have any office? If yes, what would be the situation? Could ICANN claim that this is not applicable because we don't have any office in that country and that country is outside the United States, or it is not? So, my question is if there might be question for answer [inaudible] in the questionnaire, [inaudible] this question. Do you have some answer? Thank you.

GREG SHATAN: Kavouss, I think this will be answered at least in part by the questions we've asked to ICANN Legal, so I think hopefully we will get those soon. I think it will certainly move your question along, if not answer it completely.

KAVOUSS ARASTEH: Okay, thank you. Waiting for ICANN Legal's advice.

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GREG SHATAN: Thank you, Kavouss. And thank you, Mathieu, for presenting on pool.com. We are kind of right on schedule with our agenda, so if we could go back to the agenda, please. Scrolling down, this brings us to the review of working method, as discussed on the list and briefly in the last call.

Before we get there though, I see we now have a mystery phone number in the Adobe Connect room. Who is the number ending in 1425? Could 1425 identify themselves, please? [inaudible] Is that perhaps... Kavouss, is that – oh, that’s Tijani’s dial-in? Okay, thank you.

KAVOUSS ARASTEH: It isn’t working.

SEUN OJEDEJI: Hello. 1425 could be me.

GREG SHATAN: Okay, thank you. Hi, Seun. [inaudible] Okay, very good. Kavouss, please go ahead.

KAVOUSS ARASTEH: Yes. Could I wait? I think there was someone else want to proceed. I have no problem. I’ll wait until he finishes. Thank you.

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GREG SHATAN:

Yes, we've just confirmed that 1425 is Seun's dial-out, so we have Seun and apparently – hopefully we have Tijani – has audio, so it appears that we have sold the telephone problems. One would hope we'd be better off than this, but that is life. Kavouss, please go ahead.

KAVOUSS ARASTEH:

Yes. It's about the working methods that are raised in the beginning of the last plenary, and then I will [rest] because I didn't have connection, I didn't know what has happened, and presumably they referred back the matter to you.

There are exchange of e-mail between the colleagues, and then I see something like this thing that, I quote, "If some people believe that this exercise – that is our exercise – is going to make us able to say, 'Well, we looked everywhere and we found no proof that U.S. jurisdiction of ICANN has or any substantial implication for ICANN policy making processes,' that is simply plain silly."

So, a similar question might be – so I would like that the people raising these questions attend the call and explain the situation, because this sort of the idea really puts a lot of questions about whether what we are doing right and what we are not doing right.

But the difficulty is that if these questions are only answered by e-mail, some of the colleagues [inaudible] are a little bit unfair. Instead of arguing in the right direction, they attack the people raising the question that your or they will do our best and so on. So, there has been no real response to this statement. That put me in a lot of problem that what I am doing at the morning or night, attending Jurisdiction where



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our working method does not take us anywhere. So, I would like some answer to be given to these sort of questions which are really fundamental.

And then also to mention that ICANN Legal issue bring us something, and this is a doubt that there's [inaudible] anything. And they said that there is enough literature on how [inaudible] jurisdiction. So, there is a lack of belief in what ICANN Legal could contribute to our work, not [inaudible] good work they will do, we are very grateful, but I don't think that the author of this was criticizing the ICANN Legal but criticizing the outcome, if not [inaudible] the meetings. So, these are the doubts that have been expressed.

Rather than have every meeting going through formalities and so on, we should really look into the heart of the question: does all of this work bring us something, or after six or eight months we come to the point that no, there is no consensus on anything? And in fact, one respondent to the person raising this questions says that, "Okay, there is no consensus, and let us disband or dissolve this group." So, please clarify the matter. And I raised this Copenhagen where we are, and there was no answer. So please, try to think really whether there is any light at the end of this long tunnel. Thank you.

GREG SHATAN:

Thank you, Kavouss. Before I try to answer, I'd like to hear from other members of the group, and I see David McAuley has his hand up.

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DAVID MCAULEY: Greg, thanks. I saw the question on the list that Kavouss quoted. I didn't respond myself, but since Kavouss has raised the question, I will say with respect to the person who asked the question and others who may have commented, my opinion about this is that the question may have raised a strawman that is not the basis on which we're doing this exercise. It seems to me – at least in my opinion – that looking at past litigation is a legitimate exercise in looking at the overall question of jurisdiction. We're asking a questionnaire where people apparently will have some reign to speak about their impressions of what might happen in the future.

It seems to me that looking at what actually happened in the past is a very sensible exercise. It's not the complete exercise of what we're doing, but my opinion is that the basis – where the question asked, "If this is what we're doing, then it's silly," I don't think that is what we're doing. I think this is simply part of what we're doing and it's a legitimate inquiry as to how courts have treated jurisdictional questions that have been raised in the past. Thanks very much.

GREG SHATAN: Thank you, David.

SEUN OJEDEJI: Hello.

GREG SHATAN: Yes, Seun. Go ahead, please.

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SEUN OJEDEJI: Yes. Thank you, David. I think I'd just like to pick up on what David just said, that it's not necessarily a complete exercise we're doing. As we prepare, go through this process and the process of preparing the report, we need to be clear that this exercise is not necessarily a complete exercise.

What we're just doing now is we're looking at our past experiences and then it should be clear that the conclusion that this group come up with is within that scope of past experiences and not necessarily looking at the future or what would happen in future and addressing that. So, I think we should just take note of that and [inaudible] perhaps properly respond to what Kavouss was saying. Thank you.

GREG SHATAN: Thank you, Seun. I have a hand from Mathieu who is then followed by Kavouss.

MATHIEU WEILL: Thank you, Greg. Thank you, David and Seun. I think this conversation highlights the need for clarifying the various tracks of what we're doing right now, because maybe some of us are getting a little bit confused because there has been a lot of e-mail traffic, at some points seeming to go in certain directions and so on. But there are a number of fact finding tracks that we are currently going through. Past litigation is one. The ICANN Legal questions are another track, and then there's the public questionnaire.

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What I think would be very useful – and remember, there was a request in the plenary last week for an update on the workplan of this group – would be to try and provide maybe in a single slide or something a clarification of the various actions that are group has been undertaking recently, and what the next steps will be. I think that’s probably what this conversation is pointing at in terms of an overview of what we’re doing, which is probably required at this point to explain why we’re doing these things. Thank you.

GREG SHATAN:

Thank you, Mathieu. Just to weigh in briefly myself, I agree with what’s been said before, but I will say that I don’t think any of the work we’re doing is intended to create the appearance of work, nor is it intended to fill time. I think it’s quite opposite, that this is the work that is intended to bring together the facts, find the answers to questions we had that go to the core questions that we have for the group.

We still need to clarify the mandate of the group somewhat, but it’s clear that we have – I think – been taking some very concrete steps to find the facts, and they’re not facts that are foregone conclusions. And even if there were, we would have to have an understanding of them as a group to analyze them.

And of course, we’re not just looking in terms of the effect of jurisdiction from the questionnaire or from things brought up by members of this group for legal cases, but rather for all sorts of [influence] and that is what we are doing.

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I've already started preparing something along the lines that Mathieu mentions, and I'll put it out on the list so that we can have a better overall sense of where we are. Kavouss, please go ahead.

KAVOUSS ARASTEH:

Yes. Before I leave the Adobe Connect and I'll be on telephone five minutes, I think it would be useful – first of all, I agree with David that, yes, French people say the following: [inaudible]. It is necessary to know and find what was the past in order to understand the present. Yes, I agree with that. But it does not necessarily help us understand the future. So, this is something that I want to reply to David.

However, it would be good, Greg, if you either you send [inaudible] is have a paper with one or two slides where we are. This is the question, where we are. You have [inaudible] you have tracks of ICANN Legal clarification, you have track of the task, the [litigations] you have now waiting for the questionnaire on 17<sup>th</sup> of April. But then having received [inaudible] how we could get our ways out of these three [inaudible] to really find a solution.

So, it would be good at least to have a sort of summary after this 25 session that where we are now, having our [inaudible] in the correct, proper way, or whether we have to revise. That would be good if you had something in order to reply to some sort of discussion which is raised, and not helpfully replied.

Because that [inaudible] by some people with some – let us say – strong words, which was not expected. Not healthy argument. That is my question, if we can produce something like this, it will be helpful. Thank

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you. I am leaving now, I'll be on phone until the end of your call. Thank you.

GREG SHATAN:

Thank you, Kavouss. I think we are converging on the idea of doing a status update that will show all the work that we're doing, where we are and where we're headed, so we'll get that out on the list in the next couple days for everyone to review and revise. And in terms of looking for solutions, our basic working method is to look for issues and then to try to find solutions or remedies for those issues.

So, the key is looking for issues that we will agree are within the mandate of this group, and then if there are any, what are the potential remedies for those issues. But let us make sure to collect our – kind of where we are, and I'll bring that forward, try to tie together some of the work that you've done so far. I think [inaudible] put together.

SEUN OJEDEJI:

Hello.

GREG SHATAN:

Seun, please go ahead.

SEUN OJEDEJI:

Yes, thank you, Greg. I'd just like to say, yes, our working methods have been to look for issues. We just need to qualify that in the sense that

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we're looking for issues in the past, and up to perhaps the present. We've not necessarily looked at any possibility of any possible issues.

We've not looked at what are possible issues that could happen in the future. So, I think that is the other half of it which we have not really looked into, and perhaps at some point, we may want to consider whether that is what we should look into, because in the long run, it would be good to have a holistic report so that [inaudible] in future. That's just my suggestion. Sorry for the background beeps, by the way. Thank you.

GREG SHATAN:

Thank you, Seun. No problem, you came through loud and clear. Mathieu says in the chat, "Potential issues in the future is a definition of risks." And we do need to look for risks. And I hate to say it, but our charter even says that in Work Stream 2, we're still supposed to look at things and using this stress test methodology. Maybe we can call them something other than stress tests, since that term seems to stress people out.

But certainly, I think looking for highly speculative hypotheses is not our – I don't think it's our working method, or I would suggest it should not be. In any case, we're now at 1:53 and we've had some very valuable comments here.

We have a somewhat small group here, and I was hoping that the time being one that's not all that wonderful for Eastern, North and South America and Europe but is good for those further to the East would have brought more out. Of course, it brings us to Cheryl who's able to

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be with us during the daytime, a treat for her, but not others. So, let's see if there are any other comments on this last item, review of working method.

If not, I will go away so to speak and write up the sort of status update for the Where We Are document and put that out for your consideration. As it happens, I was actually working on something just like that to kind of organize my own thoughts before this call. So, I think we're all looking at this rather similarly, many of us at least. If we don't have any – oh, Mathieu, please go ahead.

MATHIEU WEILL:

Sorry for chiming in late. Given that I think we have another call planned before the next plenary, maybe would be also useful to specifically invite those who kicked this discussion off on the list, and tell them that during our next subgroup call, they would be welcome to comment on the workplan so that we can have a discussion in the subgroup before we report to the plenary. So, maybe a specific note could be sent out to them shortly after this call informing them that if they could attend the next meeting, it would be much appreciated. Something like this.

GREG SHATAN:

I think that's a very useful idea. It takes a bit away from the vibrancy of the call to not have the original poster, so to speak, on the call. And we should do that. Anything further on this point before we go to AOB?  
Seeing none -



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KAVOUSS ARASTEH: [inaudible]

GREG SHATAN: Yes, please go ahead.

KAVOUSS ARASTEH: Just one thing to request. Is it possible that you [inaudible] past reminder whether he wishes to raise any question in the Adobe Connect but not on the list to have a question/answer like what we had today at the next meeting [inaudible], no obligation for him, but some of the concerns that he mentioned, whether he want to raise it and [inaudible] Very useful. Is it possible that [inaudible] many of these issues and have [some] concerns are not qualified his concerns but he has [inaudible]. But it does not [inaudible] results so he may be someone [inaudible] discussions. Thank you.

GREG SHATAN: Thank you, Kavouss. We'll be making up an invitation to take care of this at the next meeting, make sure that we continue to make each of these calls as meaningful and useful as possible, and also to do the same between the calls on the list. But it's really the combination of the list and the calls and the documents that really make up our useful matters.

So, I think that brings us to AOB. I don't know if anybody has any other business. Seeing none, I will remind everyone the next call is on the 11<sup>th</sup> of April at 13:00 UTC and that we will – as Bernie notes in the chat, the plenary is on the 12<sup>th</sup>, so we will have a clear chance to kind of hopefully

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bring this issue under number eight into fairly good form before the plenary.

I thank you all for participating, wherever you are and whatever time it is. It's 2:00 AM here in New York City, and I'm going to enjoy going to sleep very shortly.

I want to thank everybody for participating in a useful and well thought out call. I will say goodbye and adjourn. You may stop the recorder. Thank you and goodnight.

SEUN OJEDEJI:

Thank you. Bye.

**[END OF TRANSCRIPTION]**