

Monday
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CCWG Accountability Workstream 2
Jurisdiction Subgroup
Meeting Number 37
19:00 UTC

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[Captioner standing by]

[This meeting is now being recorded]

>> GREG SHATAN: Good morning, good afternoon, and good evening, I'm Greg Shatan, welcome to the CCWG Accountability Workstream 2, Jurisdiction Subgroup, Meeting Number 37, July 10, 2017, at 19:00 UTC.

You should have the agenda in front of you. We will briefly review it. After a minute on administration, we will spend a couple of minutes and just review our decisions from our last call. And as well briefly review decisions made -- or at least confirmed in the Plenary as well.

And then we have a document to review, which is the invitation to questionnaire respondents to make a presentation or come on to the call with the subgroup.

And then we will be turning to what I expect to be one of our main tasks in coming weeks, the list of proposed issues.

And then we have a review of where we stand on the questionnaire responses. And

we'll wind up with a review of ICANN litigation, including two cases that Paul Rosenzweig has summarized, assuming Paul is on the call. We will learn about the two cases.

In any case, actually, we will end up with AOB after the ICANN litigation.

Is there anything at this time, comments on the agenda, before we actually get to the meat of the meeting? I don't see any hands. And just a warning that I am doing this on a tablet, which does not put hands in the order in which they are raised. So I'll do my best for that and I will ask that you keep an eye as well.

First I'll ask if there are any changes to statements of interest. Hearing none, we'll move on.

We'll see if we have any audio-only participants, those who are not in Adobe Connect, please identify yourselves. It appears we have no audio-only participants.

I see one phone number that needs identification ending in 1446, who is at this number?

>> BRIAN SCARPELLI: Oh, hi, Greg, I think that's me. This is Brian Scarpelli. I get my numbers not associated with my name. I need to hit a pin number, don't I, to do that?

>> GREG SHATAN: You can go into the pod and change your name to your number.

And now we have another audio-only participant that just came in at number 5316. Area code 703-518-5316.

>> PHIL CORWIN: Yeah, Greg, this is Phil Corwin. That's me.

>> GREG SHATAN: Okay, thank you, Phil.

Okay. And it looks like you have magically been converted into a name, so that's good. That takes care of the administration moments.

Now on to item four, a review of the decision and action items from the last call. Strictly speaking, we had no decisions on our last call. I will confirm there were not sufficient objections to the decision of the Co-Chairs such that we allowed that decision to go to the

Plenary at the ICANN 59 face-to-face. As many of you know, the Plenary ICANN 59 discussed that the subgroup will not pursue changes to have ICANN's place of incorporation or Headquarters' location. It should be noted this decision does not create a limitation on the range of issues that the subgroup can discuss. It doesn't mean our issues are not limited. This part of the decision stood, it was determined that the subgroup could consider remedies that include forms of partial, limited, relative immunity, sometimes also maybe called waivers or licenses, in response to specific issues recognized by the subgroup. So that -- that sets the stage for where we stand and where we're going.

There was one action item, requested the subgroup members population the list of proposed issues, whether they were issues that you yourself have brought up or that you have summarized in a litigation or questionnaire response that you reviewed, or a questionnaire response you've submitted.

We've had a few people do that so far, but hopefully we will have a number more. I will endeavor to fill the gaps, but I hope that there is a lot of other people filling the gaps as well.

That provides a good segue -- actually, let's -- we're going to talk about that as item six and we'll go into the session of how this list of proposed issues will work. And I emphasize that these are proposed issues, they are not accepted or recognized yet as actual issues. That's part of our work.

First, before we get to that in earnest, if staff could put up on the Adobe Connect room the draft e-mail invitation to questionnaire respondents. If we could take a brief look at that.

Okay, here we have -- no need for me to read it out loud, first draft list was prepared by staff and I reviewed and revised it somewhat. And so this draft is now in front of you. I'd like to see if there are any comments or questions. I think it's fairly straightforward. I see a hand from Kavouss. Please go ahead.

>> BERNARD: Kavouss, if you are speaking, we are not hearing you at this time.

>> KAVOUSS ARASTEH: Do you hear me, please?

>> BERNARD: Yes, we do now.

>> KAVOUSS ARASTEH: Okay, okay, thank you very much. This is the type of letter [indiscernible] to whom this letter is addressed. Who are the addressees of these letters, letter or letters or whatever? First of all, the way of communication would be a [indiscernible], it would be an announcement, it would be a letter, it would be what? And would it be addressed to those people who have commented to the questionnaire or what? So we have to [indiscernible] the beginning of [indiscernible]. Thank you.

>> GREG SHATAN: Thank you, Kavouss, this will be sent as an e-mail to the respondents, separately to each respondent, to the questionnaire. So it will be addressed to the e-mail address from which their questionnaire response came. Unless there's some reason to believe there's a different e-mail address to contact them at. So that is the method by which this will be sent out. And I can certainly CC the list so that everyone so they seek these going out as well.

>> KAVOUSS ARASTEH: Thank you. Thanks.

>> GREG SHATAN: Thank you, Kavouss. Any other comments or questions on this e-mail note? Is there anyone opposed to sending this out? Which I will do this week, assuming there is not significant opposition to doing so. Seeing no opposition, I think we can take it as a decision that this e-mail will be sent out individually to each respondent and CC'd to the list and we will see what responses we get in return. I'll work with staff to fill in the yellow blanks and we'll get this out as soon as possible.

I think this moves us on now to item six, which is our spreadsheet of proposed issues. Everyone has been chomping at the bit to discuss issues and now is the time we get to do so, although in this call I think we'll talk a bit more about the process of dealing with the list and not dive head-long into any of the issues. Obviously I think people want some advanced

warning as to which issues are coming up on which calls. But in any case, you have in front of you the list, at least as of about 12 hours ago. It's conceivable there have been other additions to this. I did not recapture the document since then.

But if we can perhaps enlarge so we can see -- it's really the left hand columns, left hand, six columns that are really relevant at this point in time. Of course, you can also go to the Google Doc to which you should all have received a link. I'm checking the Google Doc and there have been no new contributions since last night.

So we have the first contribution has been titled, governing law for registry agreements, and is described in somewhat more depth. The first sentence was contributed by Raphael Beauregard-Lacroix. The second sentence was contributed by me. We really need to describe the issues concretely and specifically in this chart. This is not merely a checklist. This is really where the substance, at least in summary, needs to live. Obviously we can't put entire comments in here or discussion threads, but the document really needs to be relatively self-sufficient in terms of how it expresses the proposed issues.

And the issues that are on here are basically the raw issues that are proposed by members of the group or through the questionnaire responses or otherwise. You know, the judgment as to where they are issues or whether they need to be edited is something that will come through our discussion.

I see a hand from Paul Rosenzweig. Paul, please go ahead.

>> PAUL ROSENZWEIG: Yeah, hi. Can you guys hear me?

>> GREG SHATAN: We hear you, yes.

>> PAUL ROSENZWEIG: Good, I see I'm getting captioned, so I guess you can. I was just going to suggest one addition to your -- to the form, Greg, which is to say, we've gone through an extended exercise, we're still going through it for litigation summaries. If an issue proposer could link the issue to any litigation that might have raised that issue so that we

could establish a cross reference, if one exists, it doesn't mean that they have to exist, it doesn't mean the issues are limited to things that were in litigation, but if they were, it would be a helpful additional column for me.

>> GREG SHATAN: Thanks, Paul. I had intended the column sources for proposed issues, the links, to embrace that concept. Maybe that's not clear enough. I can either add something to the caption so that it makes it clear it includes questions, comments, underlying document, litigation, et cetera. So we'll certainly make sure it's clear. I'm a little wary of adding additional columns, only because the document is kind of wide as it is, and I expect that the source column should provide that opportunity. And I'll definitely make it clear since -- provided, you know, it's not clear to somebody who is both a native speaker and a reasonable deductive person and it was not deduced by you, Paul, so it's always helpful to have extra eyes on this to make sure we are communicating what we intend to communicate.

So, again, I tried to add in the column description a statement of why this was an issue. It is certainly a fact that there is currently no governing law in the base registrant. This is what I have added. I have no pride of authorship here. Others can add to this and change it, as well, to try to generate a description of why this is an issue.

David McAuley here, I see your hand.

>> DAVID MCAULEY: Greg, David McAuley here for the record. I have a question, have we supposed to be commenting on issues or format issues?

>> GREG SHATAN: At this time, really more on format. We do need, as I said, I think to give some advanced warning so people know what's coming up. Also allow for some discussion on the list prior to. But if there's something that is both a format and substance issue, you could bring it up.

>> DAVID MCAULEY: No, I -- I'm sorry.

>> GREG SHATAN: The time to have the full discussion of any of these, yes.

>> DAVID MCAULEY: Okay, I had a substantive comment and I'll bring it to the list. To be honest with you, I'm just now getting into this list, so my apologies, so I'll put my hand down. Thank you.

>> GREG SHATAN: No problem. Thank you, David.

So just going left to right on the column, this was submitted by Raphael Beauregard-Lacroix. He has put in a date of April 18th, which I guess maybe when this issue first surfaced in the group. We don't have a source for this issue, but we should have a link at least to the base registry agreement. And if there are any places where this issue has been brought up, they should either be cross referenced here or if there's discussions that can be summarized and brought into the description column, they should be brought in.

As noted more than once, this is a list of proposed issues. We need to decide whether these issues are, in fact, issues and whether they are issues within our remit. So the next two columns ask for reasons, this is within our limit, and reasons this is outside our limit. I expect that some people in a display of balance may try to fill in both sides based on conversations we've had. On the other hand, there may be those that believe a particular issue is not within our limit and they should feel free to fill in that column as well. This is intended to be a collaborative document, but it's also intended to try to develop these proposed issues as best as possible giving them the best shot to be considered issues.

The next two columns are support and opposition to these as an accepted issue. So a list of who is supporting us. And, as well, arguments for it.

Lastly, decisions as to whether we have accepted this proposed issue as an actual issue or have rejected it and decided this is not an issue, either it's not an issue within our remit or it's not an issue at all. And once which have that decision done, this will go on another chart of actual issues from which we'll then make, hopefully make recommendations as to remedies.

So, Kavouss, I see your hand is up. Please go ahead.

>> KAVOUSS ARASTEH: Yes, I have a few comments. One, I understand this list is not [indiscernible], if we could add [indiscernible] as to that.

Second, a description given by others may be commented, therefore, there would be room for some comments on the language used in the description.

And thirdly, and most importantly, I request and beg you to not open that issue [indiscernible] are or are not within our limits. We do not wish to have the same discussions for questions and particularly question four that we discussed four weeks [indiscernible] question four and take another four weeks for the results. So please kindly help us not to go through that diversion that we have to decide whether there are or are not within our limits. Many of you [indiscernible] is not an important issue. If the people start to joke and say this is not within our limits, they [indiscernible] participating or you want to close this [indiscernible]. So we don't [indiscernible] please kindly try to connect us together, not to divide. I do not want to name any people, but I have a list of ten people that are opposed to any discussion because they don't want anything. They want [indiscernible]. We asked them specifically, please assist others. Help others to resolve the problems. We don't want this division. Please as a member of this group or as a [indiscernible] or whatever, try to provide or push or encourage [indiscernible], but [indiscernible]. Thank you.

>> GREG SHATAN: Thank you, Kavouss. First to note that there are no issues that were taken off the table by the decision not to deal with changing ICANN's place of incorporation or headquarters' location. However, this group was not set up to deal with every issue that people propose to have it deal with. We do have a remit. We do have a mandate, which is not [indiscernible] with. I do agree that whether an issue is important to one party or another is not a relevant test of whether an issue was within our remit or not. So I would ask people to put themselves in other people's shoes when considering whether something is

important. But, again, if it's an issue that you face or don't face, that has nothing to do with whether it fits within the mandate of this subgroup or the mandate of the CCWG. However, we will have to deal with some proposed issues that are not issues that we should, that we were tasked with dealing with. It's inevitable, I think. There's a lot of [indiscernible] that we are going to hear of some proposed issues that will not make the cut because they are out of bounds for us. But I don't expect that will be because they are dealing with one or other layers of jurisdiction. All the layers of jurisdiction are up for discussion as to whether they generate issues.

I see a couple of comments in the chat with regard to deadline. I would encourage, first, while this should be no formal deadline to close the list of proposed issues at this point, eventually there will need to be because we will need to be moving on with our work. I would like to ask within the next two weeks if there are existing issues that have been brought up by members of the subgroup or in questionnaires or litigations that were reviewed by members of the subgroup, if you could, in the first instance, take responsibility for bringing your own issue to the list 'take responsibility for bringing the issue in a questionnaire or response that you either submitted or summarized for the group and put those issues on this list. If you reviewed a litigation and the litigation raised issues, please take it as part of your responsibility to put the issue on the list. As I said before, I will try to back and fill to put issues that were not on the list, but ultimately it is the job of all of us to put things on the list that re-surfaced in the first place. Either because they are issues that we've raised or they are issues that we helped to raise by analyzing a questionnaire response or litigation. That way we spread the work across many people. I have a day job, which has nothing to do with this subgroup, and, therefore, spending huge amounts of time on raking through everything we've ever done to look for issues is not something I can do too much of it. I will try to do too much of it, but I can't do, too, too much.

Thiago, your hand is up.

>> THIAGO JARDIM: Thank you. This is Thiago speaking. I'm not sure whether we have moved from point 6.1 to .6.2. My question is the process of how we're going to propose the issues or which issues to retain or not. I'm just going to explain what my thoughts are briefly on those two aspects.

So in relation to how we should be filling the list of proposed issues, I wonder why should this task not be open to the community, similar to what happened to the questionnaire? In fact, the questionnaire, to my understanding, was an attempt to reach out to the public outside the subgroup. And the questionnaire was also aimed at identifying issues and supposedly certain issues were identified. So it seems reasonable to me that people who responded to the questionnaire, who are not part of this working group, should also be given an opportunity to see the list and make the issues that they consider relevant appear in that list. As Greg said himself, at this point in time, this list is being populated and the fact that an issue appears on the list doesn't mean that it will be eventually retained and that we are going to examine it in depth. So I think we should not limit the task of filling the proposed list to the members of the group.

The second remark I'd like to make relates to the process of how we're going to decide whether or not to retain an issue. I'm not sure whether this is the time to go about it. What do you think, Greg?

>> GREG SHATAN: Well, let's -- if that's the end of your first issue, what I can do is see if there's any other thoughts on that concept. Positive or negative. I'm not sure how we would open it up to the general public. And, again, that really kind of goes somewhat against the general working method of working groups. Other than, you know, taking in, in a controlled way, bringing in issue, which is what our questionnaire did. If we want, we can ask those questionnaire -- whose who responded to the questionnaire who are not members of

the group, they could review their line, so to speak, but ultimately it's up to us to decide how to look at that issue. The issues are not ultimately going to be owned by those who submitted them. We have to decide what the issues are rather than just make a list of pleadings, so to speak.

I see one note that I understand it was meant, the entire CCWG, but not the public as such. I suppose that's possible. I still would encourage everyone in the group to do the work. And if there are others, we could bring them in.

David, I see you have a hand up. I assume it's in response to this. Please go ahead.

>> DAVID MCAULEY: Thanks, Greg. Excuse me, David McAuley again for the record. To respond again and caboose this question to me, yes. With respect, I would propose what Thiago was suggesting. I'm pretty much in line with what you just said, Greg. We went out with a questionnaire. That's done. I look at the issues document as a working document for this subgroup and I also have an eye on the clock, too. We have to get the group wrapped up by the end of this fiscal year. So I'm definitely opposed to the idea of asking either the CCWG or the public to weigh in on the issues list. Thank you.

>> GREG SHATAN: Thank you. Any other comments? Any support for this proposition?

>> THIAGO JARDIM: May I clarify a point, please?

>> GREG SHATAN: Go, ahead, Thiago.

>> THIAGO JARDIM: My difficulty was not opening this to the public as was the questionnaire, it seems we are making layers and boundaries to identify issues, without here again discussing whether the issue is going to be one that might deserve a remedy. But you said it yourself, at this point the list is for consideration and then the group, according to different step process, will decide whether or not to retain the issues. But if that can be argued, if it can possibly be contingent that the public was given an opportunity to identify issues, right,

and they have done so when they answered the questionnaire, that's done, so perhaps an issue that was identified in the questionnaire should be in this new list. And this may not be from a member of the group, but perhaps staff could help us with this. I think others have suggested this and I would encourage it to happen again.

On the second note, about the deadline, it was said, I think by David, that if we open it to the public we're not going to meet the deadlines because new issues are going to appear, right? My comment is nothing prevents us from doing our work from an examine and discussion basis of the issues in the list and if new issues appear, I don't think many issues will appear, but we will discuss them and the fact that people could populate the list as we do our work will not stop us from doing the work. Thank you.

>> GREG SHATAN: Thank you, Thiago. I'm seeing some opposition and no support for the idea of opening it up generally, other than from yourself. Clearly, if members of this group want to go and find more issues to bring to the table, they are happy to do so. But I think we've been open for a very long time now to receiving issues and we really need to put the work into the working group. And asking staff to do the work kind of delays the title "working group." So we can -- we really should be doing the work. I'll see if staff has the bandwidth to review certain documents or materials and bring stuff in, but by and large, I think given that we have 70 members, active members of this group, and you are committed to -- when you joined this group to putting in three to five hours a week in working on this group, I don't think that's -- I don't think it's outside the realm of what's been requesting, that the members of the working group do the work and not put it on anybody else. I don't think there's any other working group or subgroup that is generally just taking comments from the Plenary on a general basis. I don't think there's any need for us to work any differently than any other work group. These will be brought to the Plenary through the natural process. So that's the time and place where this will happen. And, of course, if any other members of the

Plenary feel like joining this subgroup and working in it, then they can come and join and work in it. But this is not just a bulletin board for anybody to come in and post an issue and then leave. So I think we've covered that point well enough.

Anything else?

Just to cover 6, in terms of the general process. So as indicated, we want to get all of the issues that have been raised in this group, whether they were raised eight months ago or two weeks ago, on to this list. It should be as complete as possible. Including issues that many people may believe are not issues. But they should be here for discussion. And then we will discuss whether they are, in fact, issues that this group recognizes as issues and recognizes as issues within our remit. And then we'll go on to discussing recommendations and remedies, potential remedies, for those issues.

I think that pretty much covers what's going on here. Again, we do want detail in the description, not just a line or two. So I added -- I took some more detail from other parts of the OFAC section and created some new lines that fall under new sanctions and OFAC sanctions specifically as you will see in the 4, 5, 6th rows of the chart. There may be other issues that fall under OFAC. It may be these need to be described more completely, but I took what was put on the list and try to re-organize and supplement it a bit. But I think there will be more to say about those and I expect that will be one of the key proposed issue that is we will have on an upcoming agenda, which I will make sure to have good advanced warning on since I know those interested in that issue will certainly want to be on that call.

Anything else on item six? If not -- I see a couple of hands. Kavouss and Thiago, I don't know if those are new hands or which order they are in.

>> KAVOUSS ARASTEH: Yes, I want to be sure to have enough flexibility. I don't think we should be worried, I don't think there will be more comments [indiscernible] we receive one thousand answers and we just received 21 [indiscernible] 60 or 70 and [indiscernible], so

don't worry if it is open to everyone [indiscernible]. If they want to comment, I am sure [indiscernible] so let us not waste our time on whether we open or not open up to the public and go to the business. Thank you.

>> GREG SHATAN: Thank you, Kavouss. Thiago?

>> THIAGO JARDIM: I suppose this is the last comment on point 6 of the agenda and after that we will go to point 7. My comment relates to when we are going to decide whether to retain an issue. I see there are different columns in the document. One of which is support, then opposition, and the final one is decision. The comment I would like to make for the record is the following issue. Issues will be issues for someone, right? For some reason a person thinks that something is an issue to them, right? For example, Government they're going to find that something of their concern is an issue to them. And that issue may not be an issue to, I suppose, lawyers who litigate cases in U.S. jurisdiction. So issues are only issues from someone's perspective.

I think that we should be very careful not to reject issues that are issues within the subgroup because of the mandates that were given to us simply because there's opposition from certain groups within the subgroup. But the consensus, as I understand it, from the face-to-face Plenary, that all problems, if there are problems, should be tackled, right? And the consensus was not that each and every one was an issue that needed to be tackled. So I wanted to highlight to reject any issue that is in the list, one should demonstrate, for example, what a Government says is an issue to them is false. That is that the issue is not really an issue, but a matter of fact. One could as a consequence not simply reject an issue so identified because there's no consensus within the subgroup, but the issue should be retained. Thank you.

>> GREG SHATAN: Thank you, Thiago. I think you make some good points which is we should not be rejecting issues just because they are not issues for one of us. We need to

decide issues on -- not on sort of a beauty contest basis or a selfish, you know, is my ox being gored sort of issue, but rather to see if anybody's ox is being gored, so to speak. So I think people need to think broadly about whether an issue is a legitimate issue or not and not an issue for them. That said, there will be issues, proposed issues, that don't make the cut. And we'll get to that more concretely. And there will need to be consensus in the group, what some might call rough consensus, but what our charter calls consensus, in order for a proposed issue to be recognized as an issue.

So that covers that. Phil, I see your hand is up.

>> PHIL CORWIN: Yes, thanks, Greg. I wanted to add a quick commenting. My understanding is we are looking at the formatting of this document today and not the substance of the document. Is that correct?

>> GREG SHATAN: That's correct. And this is just my first crack at it, so if someone has ways to improve it, let me know.

>> PHIL CORWIN: I want to reserve for future discuss the fact that -- I think our ultimate decision is not whether everything listed in this document is an issue, but whether it's an accountability issue. Whether it's an issue that in some way interferes with the empowered community or some important part of ICANN holding the organization accountable. Because this is, after all, workstream two of the accountability CCWG. I just want to get that on the record and we can get into substance at another time. Thank you.

>> GREG SHATAN: Thank you, Phil. That's what I meant to cover by the columns asking whether this is within our remit because that is our remit. So when we get to discussions, I assume we will be discussing that as we are a subgroup of the accountability group and our mandate falls within the mandate of that group. So we will definitely get to that. That's where that is intended to be raised, and I'm sure it will be.

So moving on to item 7. Actually, what I'd like to do, just briefly on item 7, we have two

questionnaire responses that have not yet been summarized by the volunteers. So hopefully those volunteers will come forward. There were several short responses that need to be reviewed. I'll take that on as I did with the very short responses and bring that back to the list for next week.

This is the litigation list actually. But that's fine, let's just stick with the litigation list so we can roll and give Paul a little time.

We have -- if you go to the bottom of the document, the last page, you'll see that we have just a handful now of document that is have not yet been adopted for review. And so we are -- we made it over the hump, we had several volunteers, perhaps somewhat volun-told to join in, but we encourage those for all those who have not yet summarized a litigation to do so.

So one of our most recent volunteers is Paul Rosenzweig and Paul has two cases, both involving Defendant RegisterFly.

So, Paul, if you could go ahead and talk about these cases.

>> PAUL ROSENZWEIG: Sure. Paul Rosenzweig for the record. I'll be very brief since neither of these seem directly germane to our overall jurisdiction accountability issue. A RegisterFly was a registry that I think it is fair to characterize as a bit of a rogue registry. At the time of this litigation, it was having so much difficulty in maintaining registry data accurately that ICANN was obliged to staff a small customer complaint office. The first one against RegisterFly was brought into Los Angeles, California, and it was a declaratory relief to terminate with RegisterFly and an injunctive relieve to give ICANN data, so ICANN can do what it can and move that off to some other register. Jurisdiction was in Los Angeles because that's what the RAA provided for. There was no law provision for the RAA. Injunctive relieve was sought and received orders of the Court for RegisterFly to give over the data. RegisterFly, more or less, ignored them and a default judgment was entered against RegisterFly. This took

about four month.

The second one was Martinez versus RegisterFly and ICANN was named as a Defendant along with RegisterFly in North Carolina. ICANN went into Court and said, we don't have any contact with RegisterFly, nothing in North Carolina, and this suit says this has to be brought in the Central District of California. The Plaintiffs voluntarily dismissed ICANN since ICANN did challenge jurisdiction. That took about two months.

So both of these cases demonstrate effective contractual enforcement under existing agreements to the extent that an effective judicial is relevant to our considerations. There are modest positives, but by and large, they really have no direct application that I can see to our accountability issues. It would have been if the Martinez Plaintiffs would have been able to haul ICANN into North Carolina Court, we would have had serious implications, but they gave that a fight. So it turned out to be not terribly relevant.

That's the end of my summary. I'd be happy to answer questions.

>> GREG SHATAN: Thank you, Paul.

>> PAUL ROSENZWEIG: Sorry, I said it was a Registrar, not a registry, yeah, that's right.

>> GREG SHATAN: Registrar and registry is so close, it's easy to mix up. So that's where we're at.

So any questions or comments on these cases? As noted, there was an attempt to sue ICANN elsewhere, which, in North Carolina, which failed, but it wasn't fully litigated.

So any other comments on this?

Now I see a discussion that perhaps a comment was overlooked. I see that there was a comment by Christina Monti, but when I go to look at it, it's just a letter from 2012. Is that correct? Anyway. That may be the missing link. I will note this list has been up for everyone in the group to look at for two months. But better late than never for somebody to notice an

issue. So any questions on that point? First, no further questions on the use cases. We have a couple of cases hopefully we'll have teed up next week and some more analyses underway.

Given we have just three minutes left, I'd like to have -- encourage everyone to populate the list. That is where the issues or proposed issues are going to live. So if you have an issue then that should be put on the list. I encourage everyone --

>> THIAGO JARDIM: [Indiscernible] one minute, Greg.

>> GREG SHATAN: Yeah?

>> THIAGO JARDIM: Thank you, thank you. This is Thiago speaking again. I'm sorry, just a brief comment on what we just saw. So there was a comment that was made referencing to that [indiscernible] on the list. Right? And the list that -- the effort of population, the new list, is that issues that for some reason got lost in the past will not be present in the final list. So it will not be as comprehensive as it could be. I understand there might be opposition to that, but at the end, once the list is dually populated, if you will, I don't think it will help everyone for that list not to be put out there open and have an invitation for people on the outside to see and review and see something is missing and come and add something. Thank you.

>> GREG SHATAN: Thank you. I think you've made your views well -- made the rest of us well aware of your view on that. I do see the questionnaire attached from the -- there were multiple attachments to that particular submission by Christina Monti. And that is on our Wiki. So nothing is going to get lost. It's just a matter of transfer, which is why we need many people looking at things.

Anyway, it is now 3:59. I think we have adjourned, so I will stop this recording and talk to you all next week. Bye, all.

>> Thanks, Greg. Thanks for the meeting.

>> Goodbye, everyone.

END OF TRANSCRIPT -----