

JURISDICTION SUBGROUP

Wednesday, August 09, 2017 - 19:00 to 20:00

>> GREG SHATAN: Hi everyone, it's just 3:00. And continuing with our practice started on last week's call, we will get started on time.

So, I will ask staff to begin the recording.

[This meeting is now being recorded]

>> GREG SHATAN: Good morning, good afternoon, good evening welcome to CCG Account Stream 2, August 9, 2017 at 1900, at UTC. We will begin with a brief review of the agenda. After a minute of administration, we will review the CCWG and subgroup schedule and timeline. Look at what we need to do to get a work product out of this group.

Next we will return to the section of questions to ICANN legal on OFAC. We can discuss the presentation and how to follow up on that. And next discussion of proposed issues. If status of litigation reviews and questionnaire responses. AOB. And then we will adjourn until next week. If there's any AOB, I would ask it be saved for AOB. So we will now turn to administration.

First to echo Brenda's note in the chat, please remember to say your name, which I did not. This is Greg Shatan, thankfully the captioner has that already noted. And also speak slowly and clearly for the captioner. If you see the word indiscernible in your captioning rather than what you are actually saying, you're not being understood by the captioner and it will be difficult to recapture that without close study of the recording.

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So, at least everybody try to make our captioning as accurate as possible. By speaking slowly and clearly.

Now, I will ask if there are any changes to statements of interest?

Seeing none, see if we have any audio only participants. We have audio bridge link listed as a participant. I'm not sure how that works. Maybe staff can tell me?

Do we have any audio participants?

>> BRENDA BREWER: Everyone is accounted for. Everyone is accounted for Greg.

>> GREG SHATAN: And who or what is audio bridge link as a participant? Is that something I never noticed before?

>> BRENDA BREWER: The Adobe Connect has a little bug at the moment that makes that show up. They are working at fixing that. It's the audio link.

>> BERNARD TURCOTTE: For those people on the

>> GREG SHATAN: Go ahead Bernie.

>> BERNARD TURCOTTE: It's for those people that dial in via the phone, that's the Adobe link to that. So that the audio gets transmitted back and forth.

>> GREG SHATAN: Fair enough. I was on a call earlier today where there were some audio problems. So perhaps this is all part of the problem.

In any case, let us move directly on to item number 4. I've circulated about 15 minutes ago a copy of the CCWG work stream 2 schedule. And timeline. We will need to fit our timeline to this if we are to produce a result.

I'd like to ask Bernie to go over the timeline and what we would need to do to fit into the timeline in order to get our work done.

Bernie why don't you explain what we are looking at.

>> BERNARD TURCOTTE: Thank you. This slide that's being presented on the plenary several times and presented in Johannesburg. For those group that expect to do only one public consultation and at this point the only option for this group, the line below it for those groups that intended to public consultations. And was the worst case scenario, if you will in timelines. The third line is what we estimate is required for us to do a final report and get a public comment on it. So, all those things interlock, if you will. Looking at this more specifically, what this means is that if we're going to there are things that take a certain amount of fixed time. Getting a public comment up and registered and ready to roll, and getting the documents ready for that does require a few days of staff time. The length of time for a public comment is fixed. Once that public comment is done then staff gathers up the comments to simplify the analysis by the work group. Then the work group can decide what it wants to do it with it.

What this means in this case, the yellow vertical lines are ICANN meetings. End of June was Johannesburg. The next one is 60 at the very end of October. And that is of course Obugabi. So basically if we look at this, we need to have the second reading of any document completed by the plenary of the CCW accountability so that staff can take that document and get it ready for public comment. Now of course because of the timing required to get things approved in

the plenary, what that means is that fortunately because of the scheduling of the Obugabi meeting, the plenary in October is scheduled for 17 Wednesday or 18 October sorry. So we would need to have the documents ready for 11 October. So that they can be distributed to the plenary for a first reading on the 18. And then, we have a face to face meeting on the 27th I believe in Obugabi, let me confirm that date for you.

That will take just a second. Yeah, that's correct. Friday 27th of October we can do a second reading. The question was asked this morning, if there are changes requested between the first and second reading, and just to explain the mechanics, there are 3 possibilities for a read a document that is you submitted for a reading. It is accepted as is. In which case it just gets resubmitted for a second reading as is. It's accepted for a first reading with some requests for amendments. Meaning that it is expected that the group that submitted the document will revise it according to the comments of the plenary and resubmit it and it's considered as a first reading and the plenary will check that the add amendments were requested and adequately completed and it can go through a second reading and then approved. The third options is that something does not make it through a first reading because of the changes that were requested are too significant. The other option, the other point I want to make regarding this is because of this timeline if we do not get a document into public comment, in the middle of the November, middle end of November the latest, there is no way the recommendations from this group can make it into a final report. And as such, the plenary will have to consider this. And decide if it's worth going on with any activities when they meet in Obugabi.

I think that wraps it up. You'll be glad on the take any questions if there are any.

I see in the chat David saying there's not much time left. That is correct. Basically we are sitting the second week in August and any document to be considered as I mentioned earlier is 11 October. So basically there is 8 weeks to get the document to the plenary for consideration.

Thank you.

>> I see your hand is up Kavouss.

>> KAVOUSS ARASTEH: Yes, good afternoon. It is not clear from this diagram whether there would be any public comment from out in this the group, not public comment of our just out of the group would we have public comment or not? On EPS, how many, just a clarification. Thank you.

>> I'm sorry, I didn't quite understand what you were asking. Because in the first line

>> KAVOUSS ARASTEH: I repeat again. Sorry my voice is still weak. I'm sorry. Is there any public comment for the output of the group, not the output of the CCW, the plenary, is that clear please?

>> BERNARD TURCOTTE: Well if you look in the first line, the latest public comment that can occur in this diagram is in light blue in the first line and labeled public comment and it has to start right after the middle of November. That's the latest possible date. The other public comment is on the third line where we have promised to go to public comment with the final report. Which means we need to have a final report by the beginning of March. IE, that at the March ICANN meeting, in Puerto Rico I believe, we need plenary consensus of the final report. Then we will prep it for a final comment. I hope that answers your question.

>> KAVOUSS ARASTEH: Yes, thank you.

>> GREG SHATAN: Thank you Kavouss, thank you Bernie. I agree this is not much time this Friday is August 11th. I know that because it's my birthday.

And being two months it will be October 11. After that, which is the, if there's one date to be taken out of Bernie's at this point it is that date. It's the date on which we should have a work product. We have a lot of paper that we have produced. A lot of information. But it is in pieces and in progress.

We have the ability to pull it together, but I think we need a plan. One thing I would like to suggest and I'm open to suggestions on various ways to do this, one idea is to have a drafting team that would take the various materials we have and try to start working it into a coherent document. At the same time as we continue to work on the heart of our work, which is identifying in green on the issues that identifying and agreeing on the issues we have in front of us and recommendations for resolving those issues.

I have dreamed of going into a dark corner myself and pulling everything together magically for everyone's consideration, with you that, first off that is not the most multi stakeholder way the go, no matter how neutral I try to be, it's still one person working alone. Secondly I am serving many masters including the one that puts the food on my table and the one that cooks the food as well.

So, I don't have necessarily the bandwidth to just produce a report on my own.

So I'd like to know if there are any thoughts about this. Whatever we do hopefully we will have volunteers from within the group to do it. But I would appreciate people's thoughts, I see Kavouss' has his hand up. Please go ahead carious.

>> KAVOUSS ARASTEH: Yes, in view of the complexity of the issue on the one hand, the limited time available or time constraint, on the other hand, I believe that the idea of adapting group is very legitimate on logical and I say that. Thank you.

>> GREG SHATAN: Thank you Kavouss I believe one person alone cannot do it unless they have a lot of time alone and they do not. And one person working at the plenary is unyielding so something in between is the ideal. David hand is up. Hi.

>> Hi David McAuley for the record. I support the drafting team but we can't support a drafting team because we have layers of jurisdiction and questionnaire and litigation list. I think we as a group have to come up with a comprehensive plan to say this is how we are going to approach it this is how we are going to approach and I'm not sure if we reached many conclusions except for the exception of what we did in the plenary in Johannesburg. I like what we did but I don't think we can send off a drafting team without a direction. Thanks very much.

>> GREG SHATAN: Thank you David. That's a very good point.

Are there any other comments? On this? I see Robin Gross in the chat said the drafting team sounds like a good suggestion to get this completed.

Thank you Robin.

Any other comments?

Any objections to this idea?

I see a check mark from Cheryl, I'll take that as agreement. And I will proceed forward with making a request on our list. We have a good number of participants here today, roughly 20. But not everyone of course. So, we will request that on the list. I will ask here and now if there are any volunteers for a drafting team and Bernie I see your hand is up. I know that's not to volunteer for the drafting team, but please go ahead.

>> BERNARD TURCOTTE: Thank you Greg. As a veteran of these exercises, I would like to suggest something, if this is going to have any chance of succeeding.

And my suggestion is the following if we're going to go this way, and I certainly understand David's point, I think probably we need to do a bit of a top down look at this, or at least that's how I've seen these things work. And maybe in just one page, outline what that report, the chapter headings if you will and maybe some of the elements below that has bullet points. If we can get that done and if agreed to, then maybe there's a chance a drafting team can start filling in those things appropriately. But I really think that we need that sort of plan outline and get everyone on board with that before we start going anywhere near drafting anything. But that's just a suggestion. Thank you.

>> GREG SHATAN: Bernie, thank you, this is get Shatan again. I agree with that. I was forming a mental picket of such a thing in my mind and you put it into words. So I am I have to ask you to stop reading my mind, please.

But seriously, I think maybe Bernie if you can and I can try to cook something up along those lines, try to capture the group, we can do that. We have if we have other volunteers can deal

with that as well, we would like to get that. So I'll ask once again for volunteers to participate in the drafting team and see if there's anybody who would like to volunteer. If you're volunteering, please note it in the chat or you can put your hand up and say and speak to volunteers. To be in the team that will try to boil what we have so far.

And put it in thank you Bernie for volunteering nonetheless as well. I see a suggestion from Kavouss if the drafting team can be composed on if both sides of issues under discussions such as OFAC and possible partner community.

I think we will have a variety of viewpoints but we can't force anybody to volunteer. If but if we want consensus out of the group, we need to consider the issues carefully. If David says I will consider month volunteering but you can get a sense of direction much going on now and I face the same on the IRP team.

In terms of direction, I agree with Bernie we need to outline and frame up what we are doing. I think that certain portions will be easier to write than others. And more of the historical part if you will and the process part. But the part that will be of course most difficult is the analysis is of issues. So, and, also, I think trying to gleam from all of the work that we have done, what can be said. So I think that is kind of the what I see as the challenge. In front of us. And I do hope we can bring together a small group that will work well together to try to produce a document for the wider consumption of the of the plenary of this group if you will. The full subgroup.

So, I see people are perhaps considering their option.

I see Kavouss a we need to put together a scope drafting team.

I don't think we have much time to put together a scope, but clearly we can't send the group off without any direction whatsoever. So in addition to kind of all of the review of how we got to where we got, and what the processes we used to get there, I think the, to my mind, the scope of work is to identify, agree upon key issues that we would respond to as within our remit. And to develop recommendations from the materials of the have all been done. Also, I would expect the group not to go away for several weeks and come back, but would really have to be interacting with the plenary on these calls and on the lists as much as possible.

So I think the next step is the outline which I will try to produce with Bernie as quickly as possible. Get that out and comment, and see if that raises issues regarding priorities and scope.

Any other comments on this topic before we move to the next?

I see no more hands. Some typing but let us go back to the agenda and move to the next item please.

We have covered number 4. Which brings us to number 5.

Questions on the OFAC presentation by ICANN legal, also follow up. If I could ask staff to put up the list of questions we have prepared in advance. Which I recirculated and added in the last few questions that I think were asked by Nigel and Proneder that didn't make it on to the initial list but were noted during the call, I believe, and certainly have been added to this list as well.

What I'd like to discuss is how we follow up on this list, if there's a feeling that certain questions that are listed are were not dealt with at all. I think we need to try to glean as much as we can quickly from what we learned from Sam Isner and follow up on that.

Had and aware I'm asking for a sprint at the end on of a marathon in order for us to get our work done, but I think we do need the try to boil something out of all of this. In any case, here's the list of questions. And would like to see thoughts on following up. I will note there was a lot of discussion in the list on how to follow up. That was really to while there was a lot said, rather than going through all that was said, the important point to take away is the process by which a subgroup decides to follow up on a presentation such as this.

So with that and before getting into that further, I have hand from Kavouss and, also, a hand from Bernie. Much Kavouss please go ahead.

>> KAVOUSS ARASTEH: Yes Greg, I think in questions I've sent to you and you have kindly put them together, I don't know you have gone to that to the over nothing chases over the one question would be subsidy of another question if that is the case and you have not on that perhaps there would be first have the drafting group look at the questions to see and type up intrigue before going to that and second, I think again at the time constraint the number of questions may be too high, too large, new numerous. I don't know when there is a possibility to see which one to start no doubt will start in the older there. To result in the order of subject, which relevant to the case. And maybe one or two questions combined into each other as they have a new combined question which is covering the situation. I'm not suggesting that the particular exercise I said that this must be considered of this. Thank you.

>> GREG SHATAN: Thank you Kavouss. I think these are in essence raw questions from various people. So they do overlap. And some are answered to greater extent on last week's call. I think it can be boiled down into perhaps fewer questions. But I think we need to really study the answers that we got and see what questions we really need to still ask. Bernie, please go ahead.

>> BERNARD TURCOTTE: Thank you. A few practical notes, I believe Sam Isner is just back from holiday. So she will be taking herself out from under the pile of work that accumulated while she was away and she will be one of the people replacing John Jeffreys as we all know him, JJ, who has just left for holidays today. So thank you for answering questions will be limited in the next few weeks.

Secondly, Paul R noted in his comments some of these questions are very general and quite open. And I'm not sure I can would feel comfortable addressing really wide open questions. I think the more specific we can make them, the better our answers will be. And finally, I have been talking to Sam Isner and there's certainly interest from Mike and can legal to answer specific questions are from this group without any doubt about that. Thank you.

>> GREG SHATAN: Thank you Bernie. If I think what I will suggest is to put this list into a Google Doc. And we can try to edit it. I think it will need some fairly significant editing to get rid of redundancies and make the questions more specific is so we can get answers and try to eliminate questions that were already essentially asked and answered last week. Although we can obviously, if we want to get kind of a written response on top of what we got, we can do that too. But I think that to the extent we can rely on last week's transcript for certain answers, we should do so. Not require, I can't answer the same questions twice but on to do this in the

nature of a follow up. I think this is probably best done on a list on a Google Docs that people contributing to a document that can be put up on a Google Doc for those that don't have a access to Google.

Thiago, you have your hand up. Thank you.

>> Thank you Greg, this list of questions being displayed now is a list that is going to be forwarded on to them to answer. So these questions are not necessarily questions that have already been dealt with during the previous call, this is a first question.

My second question is, we consider that assuming that this list of questions includes questions that were covered by Sam during last call, wouldn't it be a good idea to identify which are those questions that were dealt with. And have sort of summary of the answers that were given to those questions. And in this case, perhaps the people that asked questions and who feel that their questions were answered, perhaps they could fill out Google document, provide the answers to those questions or the summary of the answers that they received.

Thank you.

>> GREG SHATAN: Thank you Thiago. My suggestion was, that rather than sending this raw list of questions to ICANN legal, which did see them before last week's call is that we try to edit them to avoid redundancies. And to make them more specific. I do agree, it would be good to try to match these with answers from the last call. That of course is a timing issue. So unless we have a volunteer to do that, it will take me or staff some time to do that on top of the other things we are trying to do.

I'll turn to Kavouss and then back to Thiago.

>> KAVOUSS ARASTEH: Yes, sir my question is that whether the revised list that you made available tonight covers all the questions including those that are doing anything. If that is not, you have to look at the transcription and include any other questions which has been relayed.

The second issue, I agree with you that we find out or identify those questions which were answered but you have to include the question and put the answer that these are the answers we were given to leave it to the group of [indiscernible] that may require or take out any follow up question to that answer or whether that answer in the view of some a people is complete or I would say satisfactory.

So it would not believe anything that include those that have answered, put the answers from the transcript and these are the answers and make sure it covers the questions raised during the meeting including those submitted to you and now you put them in it. Now probably today you proposed to have a combinations of questions completed in the context that more easily address the matters but not in a protective manner but the two grain issue that I raised is important. To have the answers to the question and to make sure that the list contains questions during the meeting. Thank you very much.

>> GREG SHATAN: Thank you Kavouss. I think that could be a good idea. Unfortunately it's a big project. And I would actually be offline for four days this weekend, Monday and Tuesday, going to a wedding and taking my son the look at some colleges. So my time for big projects is limited.

I don't know if we have any volunteers who would like to take that on. I understand staff does not have the bandwidth for that in the very short term either. But if there are volunteers that would like to take the answers from Sam and put them into the questions, we would be happy

to take a list. I do agree that we should update the questions to add the questions that were asked during the call. That's not a gig project. And one that I can take on in the next day or two. So we have kind of a more complete list.

Thiago please go ahead.

>> Thank you Greg, this is Thiago. I was just going to make a suggestion on how we could share the burden of providing answers to the questions that were asked and answered during the last call. What I suggest is that the people that ask questions and feel they were given responses to those questions, that they be the first to put down on paper the answers they were given and share that with everyone else.

So I'm not sure whether this would help, but I assume that those that are present at the call, they had a better sense of what was answered and they could better understand the transcript. So I think they could contribute in that manner. So if everyone that asked questions, contributed in that sense perhaps we could have a document very soon. Thank you.

>> GREG SHATAN: Thank you Thiago I think that's a good suggestion works. I will ask the question. If you asked questions during the call and they were answered if you take on the responsibility, if you will, associated with that question and answer. And bring it to the document, which I will put up in Google Docs this evening.

I think we also need to think as we move along about how each of any written work we do between now and October 11th contributes to our final. I think we need to try where we cannot spend too much time on process documents. And spend more time on documents that will end up in some form in our final project.

Thiago I'm not sure if that's a new hand or old one? If it's new, please go ahead. If it's old one Kavouss please go ahead.

>> KAVOUSS ARASTEH: I have real difficulty to follow the suggestion of Thiago but I had some concerns that I mentioned in the mail I sent to you and others that the transcript sometimes does not reflect properly what was asked and what was replied. There are many areas that nowhere in the text there's no subjects and there's no objectives and sometimes indiscernible and sometimes but be held like the speaker like me I'm not telling anybody but I think there's a need that these ICANN check whether the question raised is what they understood and the answer is given and the transcript is conform with what they have answered.

Because there are many areas in the transcript that is not clear. And because the issue is so legal and complex the replacement of the words from here and there may totally change the meaning. So I suggest that if it doesn't bother, I can just check the transcript to what they said and if there's any if and only if there's any any correction on amendment they could make to [indiscernible] possible otherwise for the person raising the question and reading the transcript, we get that possible to identify whether the answer is the one was given or whether it is not does not reflect what was said. I'm not saying that caption was not I appreciate very much the captioning. But this is going to be that I have had. I read two times the transcript and there are some [indiscernible] because of the pronunciation. Because of the cleanup online and qualities. And many other things. Thank you.

>> GREG SHATAN: Thank you Kavouss, I will ask to check and see when, to what extent we can deal with that. Bernie I see your hand is up. Please go ahead.

>> BERNARD TURCOTTE: Thank you. Two things, I'm unsure of which version has been looked at. To review our process in what we do. The captioning that you see at the bottom of your screen right now is called raw captioning.

We then in, it's our usual process to ask the company that provides the service to turn the raw captioning into a transcript of the meeting. And I haven't checked before this meeting if we got this done. And usually the quality improves significantly.

Lastly, I've checked with Sam Isner and she's more than willing to go through the best version of the transcript possible and insure that the answers she has provides in there are properly reflected and if not, offer some corrections. Thank you, I hope this helps.

>> GREG SHATAN: Thank you Bernie, I think that helps a lot. So it's important for everyone to understand that the raw transcript is best replaced with or rather the raw captioning is replaced with a transcript that can be further improved by listening to the recording. As somebody that once tried to make a perfect transcript out of even a captioning job, I will tell you that it takes probably 3 times the length of the meeting to get it up to snuff so it's at least a 3 hour job to really get every possible word down and in there. But anything we can do to improve it, short of perfection is still very important.

Thiago please go ahead.

>> Thank you Greg, this is Thiago. Basically I appreciate and agree with what Kavouss said it is indeed very often difficult to follow what's being discussed in a call just based on the transcript. And particularly in this case where legal issues are all over the place. Legal intricate issues. That's was one of the reasons why I suggested that people who were present during the call go

through the transcript not just through the transcript but also try to put down on paper whether or not their questions were answered and whether they are satisfied with the answers that they were given to their questions.

As Kavouss rightly said, often I think because of the substance of our issues they, legal, often the responses may not be clear to the people who ask the question. So whoever asked the question will be given a opportunity to put down on paper again the answers that they were provided with and, also, clarify and specify when they understand what was being answered to them. So I think it would be a good opportunity to have quite clearly whether the answers of the questions were answered and whether people who asked the questions really understood the answers they were given.

>> GREG SHATAN: Thank you Thiago. And certainly will be helpful for everyone who asked a question to at least indicate that their question has been answered satisfactorily or there was something they didn't understand. Even if we don't even if it's just a short response that they say from Mr. X, Sam answered my question. I'm satisfied with the answer to this question.

So we have about 15 minutes left. So let us take down these questions and go back to the agenda. I hope everyone is up for some homework over the next week. It will take some work for us to finish.

And we will see what obviously I see Bernie Kavouss is asking please advise when such a validated answer would be available. I'm not sure if it will be validated but it will at least be improved. And Kavouss maybe he referring to Sam's review of her answers. So many case, Bernie will keep us abreast of answers that are in his wheelhouse.

Next in the list, proposed issues list and discussion. The issues list has somewhat stagnated. But I think what we need to do, and there has been suggestions from a couple of our participants to go back to earlier documents and try to either bring those documents up as issues lists on their own. Or to add those issues to the master list. I will we should try to do that. I would see if we can use the same sort of crowd sourcing suggestion that Thiago suggested. Which is that if you had an issue that you identified in a prior document, that you worked on, if you could bring it to the attention of the group, just say that in this Google Doc and provide a link if you can. I raised an issue regarding application of choice of law.

I see Thiago added two items to list on July 26. I may have listed those on last week's call, I don't recall. But we will look to those. Let's try since those issues are there, to look at those issues between now and next week's call. And have them and provide some commentary on those.

I think that we can all take a look and see if we have comments on the I that Thiago has raised and, also, if we can is ask some of our own issues, if we will to the list. So we can move things forward. Or note where those can be found in other documents.

So that's try to be as efficient and think about how anything can be turned into an actual work product, deliverable from the group, that would be great.

Any specific issues on this point?

I'm seeing none, I will thank Thiago for adding to the list and reminding us that he did so. And ask that we concentrate on that among everything else.

Next, the status of litigation reviews and questionnaire responses. We have couple of litigation reviews left that have not been claimed. And a few that out for vie. I will pribble probably tomorrow owe a list a finished, I think the results of these reviews should be part of our part of our ultimate work product. So we should deal with all of them. And we will also I see there's a couple of questions that still reviews that still need to be analyzed as well. So I hope we can finish that out as well.

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

>> KAVOUSS ARASTEH: Yes a question that I had in mind since very beginning of this litigation.

I don't know what you have to do with that. Would it be a part of the supporting materials report? Would we make a conclusions or a score short of whatever type of report on the result of this exercise? Would we take any conclusion of that in our work. So this is something that I do not have any specific answer. This is say with the good if I either now or later on you would kindly clarify this situation. Or what is the next step of this litigations. On once everything is completed. Thank you.

>> GREG SHATAN: Thank you Kavouss, those are all good points. It's been my vision and would be my suggestion that the litigation reviews summary would be part of our supporting materials. That the questionnaire responses that we actually received would be part of our supporting materials. That issues and discussions and analysis on that come out of the questionnaire responses and litigation review would be part of the core of our deliverable.

That would be my suggestion. I would, ask if anybody has any different views on that.

I would expect that this would be reflected in the outline that was discussed earlier in this call.

I see an agree from David McAuley.

And Kavouss is typing. Sounds reasonable and practical says Kavouss. And I think we will go in that general direction says Robin Gross in pink. And Cheryl gives us a green check. Everyone has expressed themselves in their own way.

That now brings us to all other business.

And it's 3:53. I'll see if anybody has any other business to bring up.

Thiago, your hand is up, please go ahead.

>> Thank you Greg, this is Thiago. It's not really another different business than the ones that we have been discussing previously. Just a thought occurred to me on the OFAC sanctions issue, I understand and someone mentioned that before sanctions is something that states generally resort to so that it's not something that is limited to the United States. But I think it would be perhaps useful to eventually, if we have time, and I think we might be allowed to discuss this once we go through the other items in this list, but I think eventually we could examine what difference does it make for the execution of sanctions given that ICANN is located in the United States. And I understand we are not going to change this nor suggest changes of location, but still I think it's an important thing to understand when there's any difference for any sanctions regime based on the presence of ICANN in the United States. And the thought that occurs to me is that one sensible difference or advantage that one sensible difference, I think that results from this specularity from ICANN in the United States is that whenever there are sanctions imposed by one state, that state is in advantageous position to enforce those sanctions and express the entity of the presence in the country's territory. I'm

bringing this up because eventually if we have to examine remedies to counter the negative effects of sanctions, if that's the decision of the subgroup. So it would be relevant to have quite clear and present what those effects are. Particularly taking into account the presence of ICANN in the United States. Now again, not that we are going to change ICANN's location, but a remedy might be conceived to counter any negative effect resulting from this situation. Thank you. Sorry for taking so much time.

>> GREG SHATAN: Thank you Thiago. Duly noted. We should take that up on the list. I a corollary question from me would be whether there are non U.S. sanctions that ICANN has had to deal with, due to its presence in other countries or otherwise falling under the laws of other countries. And I'd like to ask that to Sam in a follow up. We have hands from Kavouss and Bernie and then I think we are at time. Kavouss please go ahead.

>> KAVOUSS ARASTEH: Yes I think sometimes may be internally I have heard some [indiscernible] in following the issue of sanction and OFAC we should also consider that registrar which are neither U.S. nationals nor located in U.S., should be treated differently from those who are U.S. nationals or they are located in U.S. We have by consensus agreed not to follow the change of the patient of origin and that was consensus. And consensus means they may not fully agree with that but they can live with that. But I don't think that issue should turn against to properly address the issue of OFAC. We should find something that while we don't search to change the location of the agreed by consensus we need the on find a reasonable and acceptable and satisfactory solutions for the OFAC issues in particular with those registrars there are neither U.S. nationals nor they are located in U.S., but arguing that in any case it has relations with origin [indiscernible] by extension. They are subject to OFAC. This is a difficult to accept. It means that there's no way at all. Because everything else on the

DNS has an interconnection with the origin. So we cannot find a solution. So I hope that would not disappoint people. This is one point.

The other point, allow me to tell that in this particular issue or on this particular issue of OFAC we should not specifically follow the majority of minority. Because usually the OFAC is a problem of the minority. And we need to address that and not put the people's in a position that you are in minority and we cannot deal with your issue. We should work together.

We should understand each other problems. And we should look into the people suffering from that. That do not put any color political color on that. Look into social and psychological and other aspects of that rather than political. And try to find a solution for the change. This is something that I wanted to share with you in a private way. But why not give it to everybody that we know that we search really collaboration from everybody to find a solution for this OFAC. St thank you, I'm sorry to be down.

>> GREG SHATAN: Thank you Kavouss, you raise a number of issues, unfortunately at 4:00 we can't really respond to them. But hopefully we all do work together to achieve consensus on what our recommendations would be. There are really no alternatives other than that. Bernie your hand is up.

>> BERNARD TURCOTTE: Yes thank you. I'll make sure that Sam understand the questions that were brought up. But just a slight point from the last transcript I seem to remember in response to Thiago. I believe Sam clearly stated that OFAC sanctions not only apply to U.S. companies. They apply to anyone that does business in the U.S. regardless where they are located and incorporated or otherwise.

So, just we will make sure that that's clearly confirmed, if you will, by Sam. And just to ensure Kavouss, I think when things are presented calmly and logically, the interest of the ICANN community has been what I've seen has always been to try to help people as much as possible. And I think we have heard your question and I have no idea what can be done about it and that's out of my hands much but I think we can ask the questions properly and see what can be done, thank you.

>> GREG SHATAN: Thank you Bernie. It's now a couple minutes after the hour. I think that we will need to answer these questions on the chat regarding the scope of OFAC in terms of entities that could be subject to that. There's been some recent cases on that that I will circulate. I just saw in the last few days. And Thiago, if you could perhaps expand on your, on the list, on your items in chat that would be helpful.

Kavouss, I don't know if that's an old hand. But since we are past time, I hope you will indulge me and let me adjourn the call. But if you have something very brief, please go ahead.

>> KAVOUSS ARASTEH: I apologize. I think what Sam said was the situation of today. This is not something desirable. There should be a difference between those would registrar located on national U.S. and those you saw that are not national of U.S. nor they are [indiscernible] in the U.S. I don't think what is today could be followed in particular because that will change that there is no solution for that. That is totally radically object to everything we have asked. So I don't think that, that should be followed. Thank you for Sam and Bernie that is a situation of today. That we need to look at that one to see how we can change that. I'm sorry at the top of the hour. I apologize for that. I do.

>> GREG SHATAN: Thank you Kavouss, one of things we will need to understand, what if anything, registrars that are not located in the U.S. are doing. I know that we, a couple of terms and conditions were brought up that seemed to indicate that non U.S. registrars were applying OFAC rules. But that seemed to be cut and paste jobs by some overseas registrars. That may or may not actually reflect what they do. So any instances of actual activity, that could be cited of the list would be very helpful.

Last I'll note that of course we can't change the law of any country. We can just try to find solutions within those laws. Hopefully we can make good recommendations. In any case, we have now gone well past the hour. So I will now adjourn this call. I look forward to all of our work on the list. And our call next week.

Thank you. And goodbye. You may stop the recording. Thank you.

>> Happy birthday.

>> Thank you, bye.

