

---

CCWG-WS2 JURISDICTION SUBGROUP  
Wednesday, August 23, 2017 - 19:00 to 20:00

>> GREG SHATAN: Hi, everyone. This is Greg Shatan. It's a little bit after 3:00. We have the necessary number of people on the call, so why don't we begin?

[This meeting is now being recorded]

>> GREG SHATAN: Good morning, good afternoon, and good evening. Welcome to the Jurisdiction Subgroup Meeting Number 43 on August 23, 2017, 19:00 UTC. You have the agenda in front of you. And we have now covered item one, you have been welcomed.

Number two is the review of the agenda, somewhat short agenda, perhaps shorter that might have been expected, but reality has a way of intruding on expectation. After the review of the agenda it will be followed by administration. After that, the Way Forward progress report, where we stand on implementing our way forward plan and next steps support. After that we will have AOB. And then adjourn.

A note regarding AOB is that given that we have not had a chance to collate and circulate the completed list of issue, of proposed issues, the AOB should not be used as a time to try to start that issue discussion prematurely. That is my view in terms of administering the call.

We have now reviewed the agenda and I will now ask if there are any interest of statement updates. Hearing none, do we have anybody who is on the audio bridge only? I don't hear anything saying they are on the audio bridge. We do have one phone number participant. Who is 1 446?

---

**Note: The following is the output resulting from the RTT (Real-Time Transcription also known as CART) of a teleconference call and/or session conducted 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.**

---

>> Sorry, I think that is me, Greg. That is Brian Scarpelli. 517 [indiscernible]?

>> GREG SHATAN: Yes, you are in twice now.

>> I'll switch to audio only.

>> GREG SHATAN: You can do whatever you'd like. Whatever works best in terms of your participating.

>> Okay, thanks.

>> GREG SHATAN: I think that covers the administration. Jeff Neuman asks, am I the only one who hears a very high pitch noise? Bernie says, no, I hear it also. I'm not hearing it. I don't know if it's coming from me. I was very briefly muted. I don't know if that made any difference. Well, it appears not to be significant or [indiscernible]. So let us put up the Way Forward slide. Farzaneh says this background noise is quite disturbing, it's scratching my soul. It should be noted that as you age, you tend to lose your high pitch frequency, so you should be happy, I suppose, paradoxically.

In any case, we'll briefly review the revised Way forward. This is no different than the one that was reviewed and adopted at the last meeting. To hit the highlights, we have the 11th of October deadline to get a draft report together from all of our [indiscernible]. And get it to the Plenary for first reading. So that's seven weeks from today. In order to get things done in the time we have left, although we have a lot of input, we'll need to select a relative handful of issues, likely two to four, which the group agrees are issues and that are within our remit, and that will result in recommendations of a chief consensus in the Subgroup. So obviously there's a challenge here that will compromise to finalize the limited number of issues in the next few

weeks. Apologies for speeding up in my speech. And we need to work diligently in our meetings and on the list to get this done. Participants have been presenting their issues on the list, as everyone has seen, with proposed solutions. I think we have priorities from most who have submitted more than one, but we'll check that as we go. We have actions that need to be posted by the end of the day UTC on Friday I mean, on Monday rather, up for discussion today. Bernie and I rather optimistically thought we could collate everything in a digestible format over the course of yesterday. And plus take into account anything that came in before Monday. That was optimistic, to say the least. We are working on it and hope to have it done in relatively short order. Certainly well in advance of the next meeting.

To go over briefly the request with regard to those submissions, and this is apropos because given where we stand in terms of getting the [indiscernible] together and also I have said repeatedly, there is ever a hard deadline for the submission of proposed issues, I would state it explicitly for where we stand with our deadline for getting the product done within the life cycle of Work Stream 2, I think it is appropriate to finally state that there is a hard deadline for submitting issues. Hopefully everyone's issues have been well thought through in the last 43 meetings. But in any case, the hard deadline will be 23:59 UTC on Sunday, upcoming, which is the 27th. So that will close the door on issues at that time. So we'll keep the door open for a little bit longer in the spirit of inclusiveness.

So just to go over, again, the request was if you do present more than one issue, please prioritizing them. That issue should be very specific. Avoid open ended or abstract issues. And that your proposed issue statement should include one or more proposed solutions. That they should be succinct with no more than 12 lines. I suppose if you have more than one multiple solution, you can have more than 12 lines for each. We would like those to be digestible and

---

---

have them in a format somewhat so we can put them into a tool, a spreadsheet, database, or similar item so they can be re organized.

I see a note from Bernie, all we will need about 45 seconds to restart the audio to see if it clears the noise. So I'll give you 45 seconds of silence. [Silence due to restarting the audio]

>> BERNARD TURCOTTE: Check.

>> BRENDA BREWER: Hi, this is Brenda. I have restarted the audio, so I hope that clears it up.

>> GREG SHATAN: Thank you, Brenda.

>> BERNARD TURCOTTE: So far, so good, Brenda.

>> GREG SHATAN: We seem to be clear?

>> BERNARD TURCOTTE: All right, back over to you, Greg.

>> GREG SHATAN: Okay. Thank you. David McAuley, can you hear now? David? David, can you hear? Maybe David was the high pitched noise. David is going to redial, so let us continue. Yes, phone connections were dropped, so if you use the phone connection, you have to reconnect. The software gave me a chance to get a dial up, so here I am.

We have been talking at some length about how we needed to be succinct. Next we ask that you send the issue to the e mail list or if you prefer to put it on the existing Google sheet, I think there were a couple on the sheet, but most were submitted by e mail. We also ask if you e mail a new that you do not hit reply. It's hard to find new issues embedded in long threads, so we need to make sure we can see people's submissions.

Thiago, I'll get to your point in just a second. Just a couple of bullet points left.

Last, if you do use the Google sheet as your method, notify the e mail list that you've added to the sheet, just to people will know to look. Bernie and I will be monitoring the Google sheet, but other people may not be quite so adapt to doing that or care to spend so much time doing it.

Lastly, if you see another issue, if another participant closes an issue you wanted to close, putting in your support for that, plus one, whatever it is, the usually kind of rule of thumb, not a hardline rule, that is a bunch of plus ones isn't all that helpful, is sort of suspended in this case. It gives us some chance to gauge support, but obviously it's not intended to be any kind of formal support issue. We'll deal with that more expressly.

So Thiago has raised an issue with regard to the plan. I'll read it out, Greg, as to the number of issue that is will eventually feature in any final report, I would just like to note that I understand that two to four issues is not a hardline limit and that it may go above that number depending on our ability.

That's probably worth a little bit of discussion in the group to see if we can clarify that. I would say that I put likely two to four in there, being a little bit of a softline limit, if you will. I wouldn't want to have a fifth issue that was virtually as important as issues one through four being excluded on a sheer numerosity basis, but the idea that we would get to eight or ten issues and be able to do justice to them is probably highly unlikely. So that is the concern, I think you can look at that as an order of magnitude, if you will, rather than a hardline basis so that we can have enough time to focus on the issues and do them each a sufficient amount of justice and

---

also to focus on gaining consensus within the group on those issues and on the recommendation.

Thiago, I don't know if that answers your question. Thiago says, I understand the importance of being focused, but let's see how it goes. Now instead of discussing that, let's consider the proposal. I think we should try to spend a minimum of time on the process, if we can, and more on substance.

David McAuley also notes, prioritization is important in listing issues, in my opinion. Robin Gross agrees. So we should look at prioritization so it's not only the issues we are most likely to give recommendations on, but also the issues that the group believes are most important among those that are within our remit and are recognized as, in fact, being issues so we can try to get focused.

Thiago says, I think we are on the same page, the extent "likely" allows for flexibility. I think it does allow for necessary flexibility. I don't see us having a plethora of issues, however many a plethora is.

So to get to the meat of how we should proceed, Bernie and I will be putting together a chart. We will probably circulate back to the list just a checklist, if you will, of the ones we have already seen so we can be make sure we don't lose anybody's issue since they were submitted in a variety of formats. And then the idea is that we should move, I think, toward some decisions on these issues through the meetings and the use of whatever tools, you know, are available to us as a working group.

I think in the early going, and in reading the list, I hope everyone has read the list, which has been very active the last few days, there are some proposed issue that is have been raised that are, I think, somewhat complex and I think there's still quite a fair amount of discussion about whether they are, in fact, issues and whether they are issues for this group to discuss.

Just a note that just because something is not an issue or in this group's remit doesn't mean it's not an issue at all. I think that goes without saying, but I'll say it anyway.

A couple of issues have kind of percolated, I think, to the top as being broadly supported and without any kind of pushback, if you will, on that, so I think it makes sense to start with those issues just in terms of discussion because we don't we will be able to jump into those without as much discussion around the issue. So the two that I see as kind of falling into that category, almost a consent agenda, if you will, are the OFAC issues, and I recognize there's more than one issue grouped under OFAC and sanctions, and also the issue of the absence of applicable law provisions in ICANN contracts.

So what I would like to do is to open the floor to, first to see if the group supports going forward with these two issues first and then, you know, moving to the other issues as we get the spreadsheet out and we get more organized in advance of our next meeting. So I'd like to see if there's support for that. If you do support this as a starting place, because some issues have to go first, whatever they are, please give me or please put a green check in the Adobe Connect. And if you object to starting in that place, a red X. I see a number of green checks. I see a hand from Thiago. Please go ahead.

>> THIAGO JARDIM: Thank you, Greg. This is Thiago speaking. I'm sorry, I'm in a place where you are probably listening to lots of noise in the background. My question is, what does that

---

---

really mean if we decide to prioritizing and consider those two issues in the first place? And I'll explain my question. Does that mean that, for example, in the mailing list we're only going to focus in discussions related to those two issues, as well as the discussions that will take place during the weekly meetings? If that's the case, I think it's not perhaps a good idea. Instead, I would suggest that we have different groups that take care of those different issues and then come up with proposals in some sort of almost final stage and then put those proposals to be discussed by the group in the list and during the course. Thank you.

>> GREG SHATAN: Thank you, Thiago. I think there are kind of two questions. There's a question and then a subsidiary question which is, starting with these two issues mean we're only going to focus on these two issues, as well as the discussions that will take place during the weekly meetings? I don't think it means that or I should say, it doesn't mean that. This is a way of getting a couple of horses out of the gate quickly while we get the rest ready for the race. We will look at the issues that have been proposed and we'll try to get those issues out and then prioritizing and hopefully discuss those in kind of a priority order if we can. And I hope that, you know, we'll continue to develop the current discussion that is have been going on in the list, just continue on, although they may need a little bit of moderating, but we will discuss them. We can't necessarily discuss every issue in complete detail, but I think we will do our level best to at least survey what has been put forward and make our decisions based on a survey. Given that we are going to take that broader approach, I took your suggestion on subgroups as only being the case if we were kind of trying to proceed in a very narrow way. Personally, I don't think we have the time to work in subgroups. And I think that there is, among those that are interested, there's, I think, interest in discussing the issue that is have been put forth so far and any issue that is come forward at the end. So what I'd like to do is to basically



open the floor to the discussion of the OFAC issues and try to start to focus them a bit more. I'll give an example and we can start with this, if you want, but with regard to the idea of a general license for ICANN, one idea being that's been put forward is that ICANN apply for a general license in order to avoid the individual specific licensing process for each transaction. In terms of focus, they are actually quite specific. They need to state a particular class of persons and a particular type of transaction. So as we move forward, we need to talk about general license in the context of specific classes of persons, types of persons, and types of transactions. So with that, I will stop talking and open the floor for discussion on that issue or any other of the issues raised under OFAC with the idea that we're trying to mold these into issues that can go into our report with recommendations that can go into the report with them. The floor is open.

Milton, so OFAC is one issue? I think for the purpose of kind of controlling the number of issues that we're trying to deal with simultaneously to get something done, I would consider OFAC one issue with sub issues. I'm not trying I don't want to play, you know, numbers games and say OFAC is five issues and, therefore, we're done, we're only doing OFAC. So that's my view. I think that's the fair way to look at it. And the OFAC issues, in many ways, are related and I think we have to they have a common base of knowledge and issues that is kind of a core of all the OFAC issues. And then it goes from there as to specific problems and solutions.

So any comments on OFAC issues? In particular, I would be curious for those that have mentioned a general license to know what types of or classes of persons and types of transactions specifically they think a general license would cover. I assume it's not ICANN buying toilet paper from Sudan. It has to be something more significant and more substantial.

Milton, please go ahead.

---

>> Yes. I think it's good that you are asking us to be specific about the transactions, so I would think that the Registrar Accreditation Agreement for, you know, anyone not specifically named as a criminal, we would want that on the list. We would want Root Server Anycast instances to be on the list. We would want registry agreements to be on the list. Again, with specific bad persons exempted. And that's all I can think of at the moment, just those three things.

>> GREG SHATAN: Thank you, Milton. A follow up questions on those just to try to get the specifics a little more specific. So for Registrar Accreditation Agreements, it would be the type of person or class of person would be Registrars and those seeking to enter into a contract to be a Registrar? And the type of transaction would be the Registrar accreditation agreement, that's a fairly straightforward one. I hope that's accurate.

The next maybe you can explain a little bit better Root Server Anycast instances to get a sense of the type of persons and transaction that that signifies. Milton, if you could expand on that.

>> So ICANN would be well, any Root Server operator would be one of the potential transaction parties. And there would be some kind of a party in the country that was sanctioned that would be running the Root Server instance so there would be some kind of local host, in effect. And I'm not sure if anybody else would be involved. But just to give you an example, I know ICANN has not been prevented from introducing an instance of the L route in Sudan and Iran, whereas, I think, [indiscernible] has not. So that would be an example where we have some patchy application of the sanctions, but of course, RIPE is not based in the U.S. So that's an example.

---

>> GREG SHATAN: Thank you, Milton, that's helpful. And the last instance used I think was registry agreements, if I'm oh, sorry, registry it was registry agreements, if I'm correct. So I guess they are straightforward. Again, with the existing registries or applicants in the gTLD I'll raise this specifically would it include ccTLD registries and would these be able to be covered we could figure out whether these could be covered by a single license. But think about the ccTLD and gTLD registries. I just want to see if that makes sense with regard to discussing licenses around general agreements.

Any comments on that? I don't think I said anything too silly.

Bernie, you have your hand up. Go ahead.

>> BERNARD TURCOTTE: Thank you. As a recovering ccTLD and someone who helped write a lot of the rules for the [indiscernible], I can say that definitely some of the ccTLDs which are covered by OFAC rules require specific licenses currently for any route zone change or any admin changes within ICANN. So definitely if we're considering it for any kind of ccTLDs, that would also mean it could make [indiscernible] or PTI [indiscernible] easier with respect to the ccTLDs that are covered by these countries. Thank you.

>> GREG SHATAN: Thank you, Bernie. That's very helpful. Milton notes we have some acronym scrambles perhaps in the captioning. I'm sure we'll be able to clean those up. LGBT I think is not a subject of our discussion and PCPLD, it sounds like something having to do with a horse tranquilizer.

I see Farzaneh has her hand up. Please go ahead.

---

>> Thanks, Greg. So Bernie's point takes me to Jeff's question which I think is quite important, we should know which ICANN transactions are actually subject to OFAC and for which transactions ICANN is obliged to seek an OFAC license. If we can find that out, that would be great. I don't think that we got we specifically asked this question from ICANN legal, but if it was answered, then I think we should look them up.

>> GREG SHATAN: Thank you, Farzaneh. I think that's a good point and I think if staff could note that as an action item to ask ICANN staff or ICANN legal, where ever that should be asked, for the specific list or if there's any confidentiality concerns around that, you know, we can know in the greatest particularity possible. It doesn't make sense to talk about getting licenses for classes of transactions that are not, in fact, covered transactions. And I think more broadly, not too early, given where we are, to think about the structure of the recommendation would be. General licenses are a fairly complex topic. So it may be that our recommendations would be more of the nature of recommending that ICANN study the issue and do a cost analysis to look into more particularly what it would take to get one or more general licenses for ICANN and be able to report back to the community on the cost and the time and the method for identifying and implementing this recommendation. I think there's definitely an implementation aspect to it so that even if we think as a high level matter, that general licensing seems like the right idea, that we can try to put forward something that gets the ball rolling on that.

A couple of comments I see in the chat, Erich says, ccTLDs should be covered by the proposed general license of OFAC. Here, again, I think we need to be I've done some research into this and in spite of the title "general license" you have to actually be quite specific with regard to the type of transaction and the class of persons. So I realize we'll talk in some extent in shorthand. But if you say ccTLDs, I assume we are talking about what are we talking about in

---

terms of the ccTLD and their contact with ICANN, especially given that most ccTLDs don't have a contract with ICANN? But transactions are not necessarily contracts. There are other transactions. So I think we need to identify the specific classes of transactions whether it's route zone changes, that was one specific one that was mentioned. So similarly, Thiago comments, we could use a wording that recommends a license for the class of transaction that is are related to the management of the DNS. Based on my research, that would be far too broad and vague to be acceptable as a transaction. They are really looking for types of transactions. So something more along the nature of a route zone change or a registry accreditation a Registrar Accreditation Agreement, or the like. So it's something that's going to need to be focused. And we can look exactly, you know, as we develop this over the next very few weeks, we can go back to primary and secondary sources to get a good definition of covered transaction or class of transaction.

I see Wale Bakare, I apologize if I don't pronounce that correctly saying, transactions are binded agreements between ICANN customers and ICANN. These include SLAs.

I guess I would be interested to know if SLAs are included, although I'm not saying they are or they aren't, but we would need to explore that.

Steve DelBianco says also certification of an accredited privacy/proxy provider. That's an important point as the PPSAI working group becomes implemented, that will be another class of another type of transaction and class of persons would be those providers and their contracts with ICANN.

Thiago says, if we can't get into that much detail, we could recommend that studies be undertaken by ICANN to identify the class of transactions that should then be covered by the general license and we would now be recommending ICANN to seek from OFAC.

And Raphael Beauregard Lacroix says, yes, it might be better that way, it makes it less technically complex to draft a recommendation.

I think it would be good to be more specific, we should not be exclusive especially as Farzaneh notes, we don't know all of the transactions that have been subject to OFAC specific licenses in order for them to occur. And so we can give examples of the nature of the types of transactions and classes of persons that have been brought up in, and, you know, include those without limitation as ICANN takes the study of how to proceed with a general license.

Bernie, I see your hand is up. Please go ahead.

>> BERNARD TURCOTTE: Thank you, Greg. Just going to relate some of the guidelines we've talked about in other groups with respect to recommendations. And I think that would be useful in this context if the group agrees. The idea generally is that we should just be looking at what are the outcomes we're looking for and less trying to be very specific about how to implement it. Every time we get into detail of implementation, we are, A, causing more work for ourselves. B, sometimes doing that work without the full context. So, really, if I like the idea of Thiago and Wale and, you know, and Raphael, let's describe what we're looking for. What's our objective? And, you know, let's be clear. I mean, if this thing makes it through the entire process and is approved, ICANN is going to be bound to look into this and say what it can and can't do.

Now the other thing is that this is potentially not a small project. And that could mean significant expenditures. So let's also try to keep that in mind, that those kinds of significant expenditure commitments can't come from a group like this. So we may want to consider that in making our recommendation so that, you know, it's fine to ask ICANN to study this and come back with some concrete facts and estimates and then the community can decide that. But if you go into a recommendation that says, ICANN shall do this, you may be setting yourself up to come into conflict with priorities in the corporation that are being set by the community itself. So I'm just trying to help you understand the context of where this gets positioned and how it gets looked at after it leaves here. Thank you.

>> GREG SHATAN: Thank you, Bernie. I think that's a series of very good points. The first I would summarize saying we are in the business of making policy recommendations and not implementation recommendations. And not really policy either in the certain sense of the word policy, but implementation recommendations are definitely not our business. So we can't getting into the weeds is just going to be useless. So I think keeping things at a high level, I think as Thiago's classification might not be one that you would send to put into the process for a general license, but it does, I think, broadly define what it is we're trying to do, in my mind, which is to encourage ICANN to explore getting one or more general licenses in place that would cover the transactions that take place due to ICANN's role in the DNS, such that no transaction ideally is blocked because of OFAC sanctions or any other sanction regime. A footnote, I think, that, if in fact, a person is rejected or comes into a more specific class of person that can't be allowed, that can't happen. But I thank Thiago for that and realize that this is the case where we do need to look at the forest, and I think that is what Bernie is saying as well. So I give you credit, indeed, Thiago. And I think that also fits in with what Farzaneh has

---

said in the chat as well, that ICANN priority should be to facilitate access to DNS, as it says in its bylaws, I don't understand why we can't make recommendations which asks ICANN to do certain things. I don't see why we can't ICANN to look into it. A recommendation that goes all the way that says they have to do it, may end up in friction, so we need to think about the process that will result from a recommendation we make. At the least I think we need to know that we're kind of flipping a switch on a process, a switch that has not been switched.

Farzaneh, your hand is up. Go ahead.

>> Thank you, Greg. I just want to make sure that our recommendations don't fall, again, on deaf ears because this is an issue that has not been [indiscernible] especially the [indiscernible] issue has not been answered for the past 19 years. I think that's the [indiscernible] inception, you can correct me if I'm wrong. So I agree that there should be a process, but I think it should be framed in a way that, you know, ICANN can look into these issues. They are important and there should be some solutions and implementations. Thanks.

>> GREG SHATAN: Thank you, Farzaneh. I would tend to agree with that. I don't mean to imply that by falling short of a recommendation that ICANN must do something, that our recommendation should be wishy washy. I think that if, indeed, our recommendation isn't overly doesn't assume too many steps taken, that our recommendation can actually be stronger. That's about what steps should be taken. That would be my view.

I also note, I was thinking what Steve wrote in the chat, transitional bylaws describe how CCWG recommendations are to be considered by the Board and management. So in terms of getting focus on this, in a way that perhaps has not occurred adequately in the last 19 years, this is a tool for that. So I think we should maybe start drafting a recommendation, as well as firming

---



up our statement of the issues on this first point. If we could start that on the list, that would be great. We could even move forward in next week's meeting if it's ready to try to [indiscernible] that for it. So we need to move to having something that's going to be our document. I would say that we have kind of a shape around this, the general license issue. Just to note that general licenses are actually U.S. [indiscernible] relations that become part of the stated regulations around OFAC, so it's not just a simple application process. It gets into the regulatory soup. But that doesn't prevent us from making a recommendation.

Any other concepts around OFAC? I recognize we have about ten minutes left. That's the general license is one OFAC issue or one solution to a type of OFAC issue. And so I'd like to I see a question from Wale Bakare, who are these individuals needing OFAC licenses? I think with regard to we are going to have to ask ICANN for what has happened, but what we are looking at here for a general license is for classes of individuals. Not individual/individuals, but classes of individuals or an entity that would need these licenses. And in terms of why the license is needed, just roughly speaking, this is a U.S. sanctions program that are aimed at certain countries and certain individuals as well and a license is needed in order for the U.S. entity to engage in transactions with them. And certain non U.S. entities as well, without trying to unpack that any further.

Steve DelBianco asks, can we think of OFAC as the priority instance or instead of addressing sanction in general? I have to say, and the question is for the group, obviously, not for me, I'll say first 99% of our discussion about sanctions has been about OFAC because that's the one that is clear and present. Is may be that ICANN is or will become subject to other sanctions in the future, but right now ICANN is OFAC is the one that actually needs to get dealt with and

---

have some [indiscernible]. So I would say we are dealing with OFAC and we should not be so abstract to only talk about sanctions as a global issue.

Thiago also mentions other entities that have contractual relationships with ICANN and fear that they cannot transact with OFAC sanctioned countries, out of fear they will suffer sanctions. I think we need to unpack that with more particularity to try to understand who those entities are or those classes of entities and types of transactions. Personally, I'm not aware of that instance or if that is occurring, how to bring that out. That's a more nuanced issue, although, again, if we give a high enough level of recommendation about ICANN essentially doing the necessary to neutralize OFAC in the business of being ICANN, everything after that kind of becomes implementation.

Bernie, your hand is up, please go ahead.

>> BERNARD TURCOTTE: Thank you, Greg. On this specific point, yes, I see Farzaneh has put it in. I heard it with respect to Registrars, so Registrars who are not covered by not from OFAC covered jurisdictions sometimes feel that they should not be selling names to people or persons who are in those covered jurisdictions.

Now what's important to remember is that ICANN cannot enforce anything on that. This is a business decision of an independent business. They have to understand by themselves their own risk profile versus OFAC and they have to make their own decision independently. If ICANN was involved in any way in this, it could mean that they were party to that company decision to do or not do something and I don't think that's something that any of us would want to think about. So let's just be very clear on that, there is a limit as to how far down the tree ICANN can go on this. Thank you.

---

>> GREG SHATAN: Thanks, Bernie. I think two quick points on that. And I agree with everything you said. One, I believe, but we would need to confirm, even when applying for a general license, the applicant, if you will, although it's not an application process, needs to be a party to the transaction. So I don't think ICANN would be in a position to, in essence, seek a license on behalf of all Registrars or a class of Registrars. So I think that probably constrains that.

Second, I know we have seen instances of terms and conditions that have stated or have raised OFAC issues even though the Registrars are non U.S., but also know that those Registrars use the time zone for Mumbai, India, even though they were nowhere near Mumbai, India. I'm thinking that's a cutting and pasting issue than an actual issue. But I would like to know if there are actual issues where non U.S. Registrars from refused to engage in a transaction because of a belief in OFAC. I'm not dismissing the existence of it, I'm only saying the terms and conditions that have been brought up are weak in terms of proof of that. But, again, that may not be an issue within our remit and in terms of focusing, I don't know what we can do about that. It does not mean it's not an issue. It's just not our issue. In any event, I think we need to know more about that, but I think it would actually be probably worse for ICANN to start trying to become a third man in, if you will, on those types of transactions for a variety of reasons that have been cited in the chat.

In any event, Thiago says, I'd like to point to the fact that we should not be limited to addressing what has happened, but also risks that are plausible. I guess that's true. We need to see how plausible this risk is if it has not actually happened. And that is part of what we need to do as we look at this, what we're doing.

---

In any case, we're at two minutes to the hour. I think this has been critical. I think that for next week we can continue this discussion and try to advance it on the list during the week. We can also go into the choice of law provision, or lack thereof, in ICANN contracts and recommendations around that.

So with that, I think I'll turn briefly to AOB and see if we have any AOB. Given that we are now at 3:59 and I see no one raising AOB, I think we'll continue along the lines that we have taken here. And I think a lot good has been said.

Thiago, please go ahead at 3:59.

>> THIAGO JARDIM: Greg, I would ask you to read what I wrote in the chat. Your voice is so good, I'll deflect to you. Thank you.

>> GREG SHATAN: You flatter me, but just for the record, Thiago says, I would like to point to the fact we are nor should be limited to addressing what has happened, but also risks that are plausible. That's why recommendations may be general in some respects. We cannot go into listing things that have not happened. And the positive side of a recommendation that points to a general direction, as Bernie said, is that it allows for the flexibility of the Board to tackle issues that may arise later.

So that points to general direction. Sorry, if I was a little too fast for the captioneer. But in any case, please, it's now time to go. Let us keep up the good and structured work. Please send issues for the list if you have not already done so. Bernie and I will be beaver away to be sure we have things ready for the next call. And with that, I will call this meeting adjourned. Thank you and goodbye.

---

