Jurisdiction Meeting #50 (11 October 2017 @ 19:00 UTC)

Attendees:

Sub-group Members: Brian Scarpelli, Cheryl Langdon-Orr, David McAuley, Erich Schweighofer, Farzaneh Badii, Finn Petersen, Greg Shatan, Griffin Barnett, Herb Waye, Milton Mueller, Raphaël Beauregard-Lacroix, Robin Gross, Samantha Eisner, Thiago Jardim, Tijani Ben Jemaa   (15)

Observers/Guests: none

ICANN Org: Bernard Turcotte, Berry Cobb, Brenda Brewer

Apologies: Wale Bakare, Jorge Cancio

** If your name is missing from attendance or apology, please send note to acct-staff@icann.org **

Transcript

- Word Doc
- PDF

Recording

- Adobe Connect Replay
- mp3 Replay

Agenda

1. Welcome
2. Review of Agenda (2 minutes)
3. Administration (1 minute)
   a. Changes to SOIs
   b. Identify Audio Only and Phone Number Participants
4. Complete Discussion of "Choice of Law and Choice of Venue Recommendation" (25 minutes)
5. Finalize Subgroup Report (25 minutes)
6. AOB (5 minutes)
7. Adjourn (next meeting 18 October 13:00 UTC)

Raw Captioning Notes

Disclaimer: This rough edit transcript, which may contain missing, misspelled or paraphrased words, is only provided for your immediate review and is not certified as verbatim and is not to be cited in any way.

- Word Doc
- PDF

Decisions:

- Choice of Law recommendation – approved by consensus and no objections.
- Draft Recommendations Report – approved by consensus with a single objection.
- Brazil requested an extension to the October 11 23:59 deadline to file a dissenting opinion. The subgroup agreed that such a statement should be on the subgroup list by 23:59UTC Sunday 15 October which was agreed to by Brazil.
- There are no further Jurisdiction subgroup calls scheduled pending review of the draft recommendations report by the plenary.

Action Items:

- GS to submit draft recommendation report for plenary consideration by 23:59 UTC 11 October.
- .Brazil to submit its statement by 23:59 UTC Sunday 15 October for it to be considered.

Requests:

- (none)

Documents Presented

- WS2_Jurisdiction_Choice of Law and Choice of Venue_Draft Recommendation 11 OCTOBER 2017
- CCWG-Accountability-WS2-Jurisdiction-Draft Report 11OCT2017

Chat Transcript

Brenda Brewer: (10/11/2017 13:38) Good day all! Welcome to WS2 Jurisdiction Subgroup Meeting #50 on 11 October 2017 @ 19:00 UTC.

Brenda Brewer: (13:38) When not speaking, please mute your phone by pressing *6 (star 6). To unmute, *6. This call is recorded.

Brenda Brewer: (13:39) Reminder to all, for captioning and transcription, please state your name before speaking and speak slowly. Thank you!

CART: (13:46) Hello, Brenda! Can you please tell me who the Rapporteur will be for this meeting?

Brenda Brewer: (13:46) Greg Shatan is Rapporteur today

CART: (13:47) Thank you very much!

Brenda Brewer: (13:58) Dial out to Kavouss, no answer. I know he is traveling today.

Herb Waye Ombuds: (13:59) Hello all...

Cheryl Langdon-Orr: (13:59) hi all hear you Bernie

Bernard Turcotte - ICANN: (13:59) Hello all

Herb Waye Ombuds: (14:00) Hi Cheryl, do you ever sleep?

Cheryl Langdon-Orr: (14:00) did my voice check come through?

Bernard Turcotte - ICANN: (14:00) partially

Brenda Brewer: (14:00) partially for me as well, Cheryl.

Cheryl Langdon-Orr: (14:01) no Herb an organisation I work with makes sure I. only get nap time

David McAuley: (14:01) I am #4154

Brenda Brewer: (14:01) Thank you, David.

Brenda Brewer: (14:01) Better, Cheryl!

Milton Mueller: (14:03) we have finalized the OFAC rec, right?

Bernard Turcotte - ICANN: (14:03) correct

Milton Mueller: (14:04) we have stuck a fork in it

Milton Mueller: (14:04) so to speak

Bernard Turcotte - ICANN: (14:04) yes and it was cooked

Cheryl Langdon-Orr: (14:06) audio

Brenda Brewer: (14:06) Choice of Law and Choice of Venue Google doc - https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_1Z7A233KiPQV2ijVgWzxWOv3eePTy9rSPIMFxbiZ86lo_edit&d=DwIFaQ&c=FmY1u3PJp6wcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=fi1k2MvDuXmNwQujRya0pZ2rXGEBAjC8AMUItR5jFP0&s=Ay0NeHm5DOaltkq58yFXvIRUJHfqCZYvzT-d2938Mmg&e=

Finn Petersen, DK: (14:13) Please change "However, there are several disadvantages of the Menu approach." to "However, there are some disadvantages of the Menu approach."

Finn Petersen, DK: (14:14) p 2

Bernard Turcotte - ICANN: (14:14) mid page 3

Finn Petersen, DK: (14:14) no p3

Finn Petersen, DK: (14:14) middl

Bernard Turcotte - ICANN: (14:15) header

Milton Mueller: (14:15) No jbection,

Milton Mueller: (14:15) support

David McAuley: (14:15) no obj

Raphael Beauregard-Lacroix: (14:15) yes, probabyl a better word

Raphael Beauregard-Lacroix: (14:15) *probably

Finn Petersen, DK: (14:16) sorry - no audio

Milton Mueller: (14:17) thanks for making room for consensus David

Raphael Beauregard-Lacroix: (14:18) I second Milton on that!

Thiago Jardim: (14:18) I missed the question, just arrived.

Thiago Jardim: (14:18) reserve my position on this

David McAuley: (14:19) Lot of work on this by many - a good debate

Cheryl Langdon-Orr: (14:20) indeed David

Thiago Jardim: (14:20) Sorry, someone came by and I missed whether there was an explanation to my previous question.

Brenda Brewer: (14:21) Draft Report: https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.
com_document_d_135c03wFSllz1Lqdv6Tte8sw7tMinsQEgy0CoNtRXT4Y_edit-3Fusp-
3Dsharing&d=DwIFaQ&c=FmY1u3PJp6wrcrwll3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-
6F24x0ArAvhdeDvvc&m=fi1k2MvDuXmNwQujRya0pZ2rXGEBAjC8AMUItR5jFP0&s=T2Hvl4Z0iiy5gUCNLXSQGShqXR9J7iJYVpbHkD8Jffc&e=

Thiago Jardim: (14:21) Just to be clear, there is no endorsement of the report so on my part.

Raphael Beauregard-Lacroix: (14:21) I'm fine with current language on that

Erich Schweighofer: (14:26) We should change the language "agreed to prioritize" to the new version.

Milton Mueller: (14:26) very minor editorial - boldface Annex E

Bernard Turcotte - ICANN: (14:26) will do

Thiago Jardim: (14:27) Can you comment again on the bit "agreed to prioritise"

Raphael Beauregard-Lacroix 2: (14:27) nice catch Erich!

Thiago Jardim: (14:27) this is not wholly accurate, there was no agreement on that.

Milton Mueller: (14:27) the new language reflects that Thaigo

Thiago Jardim: (14:28) What's the new language, could you please copy and paste it here?

Milton Mueller: (14:28) Thiago

Milton Mueller: (14:28) just "the group prioritized" rather than "agreed to prioritized"

Thiago Jardim: (14:28) I disagree, as I explained in an e-mail Ijust sent

Thiago Jardim: (14:29) Thank you, Milton.

Thiago Jardim: (14:29) Greg, you should count parminder's contrary vote

farzaneh badii: (14:30) i am green

Thiago Jardim: (14:30) which makes 2 on this call, against perhaps 5 favourable votes.

Thiago Jardim: (14:30) I suggest it would be a fairer description of the group's view not to portray it as consensus

Thiago Jardim: (14:30) but you should call a poll

Thiago Jardim: (14:31) I suggest the voting be postponed until the end of today

Cheryl Langdon-Orr: (14:31) we have I believe consensus

Milton Mueller: (14:31) what part of the consensus do you not support, Thiago

Thiago Jardim: (14:31) so that people on the list be given an opportunity to react

David McAuley: (14:31) I agree with Greg's handling

Robin Gross: (14:31) We have consensus.

Thiago Jardim: (14:31) Milton, I oppose the report to the extent it left out the issues we consider central.

Milton Mueller: (14:31) which issues were those?

David McAuley: (14:32) and the plenary call next week

Robin Gross: (14:32) All my points don't get in documents either. They tell me to file a dissent.

Cheryl Langdon-Orr: (14:32) raise that in the plenary

Thiago Jardim: (14:32) I'm re-raising the point here, so it can be raised in the plenary.

Finn Petersen, DK: (14:32) Wow - it was an effective meeting and a good result

Cheryl Langdon-Orr: (14:32) that was reply to Thiago, not Robin

Raphael Beauregard-Lacroix 2: (14:32) fair enough, then

Cheryl Langdon-Orr: (14:33) indeed Finn but a lot of work to get here

David McAuley: (14:33) a milestone in a long process, thanks Greg

Thiago Jardim: (14:33) Milton, the issues we proposed when there was a call to do that.

Cheryl Langdon-Orr: (14:33) thank you everyone and special thanks to you Greg

Raphael Beauregard-Lacroix 2: (14:33) thanks to you Greg!

Cheryl Langdon-Orr: (14:34) agreed Greg

Raphael Beauregard-Lacroix 2: (14:34) It was still a collective work! thanks to everyone

Cheryl Langdon-Orr: (14:36) we only require consensus and yes minority or decenting views can be attached even after 1st read O believe

Raphael Beauregard-Lacroix 2: (14:37) that would be reasonable I suppose, yes

Raphael Beauregard-Lacroix 2: (14:37) yes

Cheryl Langdon-Orr: (14:37) desent can be raised at the plenary

David McAuley: (14:38) Based on what Thiago just said, i.e. the certainty of a minority report or dissenting opinion, it seems the report should state that such a report will be forthcoming

Thiago Jardim: (14:38) Thank you Bernie,

Thiago Jardim: (14:38) Im having audio problems, but I could read your intervention from the transcript

Thiago Jardim: (14:39) I appreciate it and find it agreeable

Bernard Turcotte - ICANN: (14:39) OK Please send to the list by then

David McAuley: (14:39) good point about transmittal email

Cheryl Langdon-Orr: (14:39) easy enough to raise in transmittal message yes

Thiago Jardim: (14:39) let me quit the room and re enter it

David McAuley: (14:40) we are all about to leave I think

Bernard Turcotte - ICANN: (14:40) @ Thiago we are done not worth it

Bernard Turcotte - ICANN: (14:40) thanks all

Milton Mueller: (14:40) I say we declare adjourning early a major victory

Farzaneh Badii: (14:40) Thank you Greg for all the work

Robin Gross: (14:40) Thanks, Greg and all, bye!

David McAuley: (14:40) we may have withdrawal symptoms next wednesday

Cheryl Langdon-Orr: (14:41) yep done.. bye ð for now

Milton Mueller: (14:41) Bye all! See you in AD!

Herb Waye Ombuds: (14:41) Thanks everyone

Raphael Beauregard-Lacroix 2: (14:41) bye bye everyone

Erich Schweighofer: (14:41) Servus from Vienna

Thiago Jardim: (14:41) Bye, thanks

David McAuley: (14:41) thanks Greg, bernie and all, good bye

Finn Petersen, DK: (14:41) bye

Greg Shatan: (14:41) Goodbye all and thank you!

CART: (14:41) Thank you!