

Jurisdiction Meeting #32 (23 May 2017 @ 13:00 UTC)

Attendees:

Sub-group Members: Andree Brambilla, Avri Doria, Becky Burr, Cheryl Langdon-Orr, Christopher Wilkinson, David McAuley, Erich Schweighofer, Farzaneh Badii, Finn Petersen, Greg Shatan, Griffin Barnett, Jorge Cancio, Kavouss Arasteh, Steve DeBianco, Thiago Jardim, Thomas Rickert, Wale Bakare (17)

Observers/Guests:

Staff: Bernard Turcotte, Berry Cobb, Brenda Brewer, Meghan Healy, Nigel Hickson (5)

Apologies: Herb Wayne

*** 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)**
 - 3.1. Changes to SOIs
 - 3.2. Identify Audio Only and Phone Number Participants
4. **Follow-Up Question for ICANN Legal – Status (1 minute)**
 - 4.1. Discuss reply received May 22
5. **Review of decisions and action items from last call (2 minutes)**
 - 5.1. **Decisions:**
 - 5.1.1. **None.**
 - 5.2. **Action Items:**
 - 5.2.1. WG Members need to sign up for remaining 15 litigation cases –**NO CHANGE**
 - 5.2.2. Consider whether questionnaire respondents should be offered opportunity to respond to Subgroup’s analysis of their response (either by email or attending a call) – **See 7.1 below**
6. **Mandate of Jurisdiction Subgroup (10 minutes)**
 - 6.1. Discussion of “strawman” document
7. **Questionnaire (20 minutes)**
 - 7.1. Discuss whether respondents should be offered an opportunity to respond to analysis of their comments, either by email or as a guest on a Subgroup call.
 - 7.2. Review of Response of Just Net Coalition – Lead: Christopher Wilkinson.
 - 7.3. Review of Sign-Up Sheet at https://docs.google.com/spreadsheets/d/1Q948Ib31-Hu9Ro3_k9uVYBTwm72UDmkMvUWwU_XyHAI/edit?usp=sharing.
 - 7.4. To be discussed on May 30 call:
 - 7.4.1. Response of Mohammad Reza Mousavi (Iran) (Erich Schweighofer).
 - 7.4.2. Review of Response of Ministry of Telecom and Mass Communications of the Russian Federation (Tatiana Tropina).
 - 7.4.3. Response of Farzaneh Badii - Internet Governance Project (USA) (Tatiana Tropina)
 - 7.5. To be scheduled:

7.5.1. Response of Jorge Cancio, ".swiss" domain registry (Switzerland) (Parminder)

7.5.2. Response of Liu Yue, Internet Governance Research Center, Chinese Academy of Information Communications and Technology (China) (Vidushi Marda)

8. Review of ICANN Litigation (10 Minutes)

8.1. No cases prepared for this week.

8.2. Review of sign-up sheet at <https://docs.google.com/document/d/1oo9oDJuuxFz1UUNaBfHeor7HPHJ5XcRHFTq3hjRltOM/edit?usp=sharing>

8.2.1. Discuss possible change in approach as no volunteers picked up new cases this week and 15 cases remain unassigned.

8.2.2. Schreiber v. Dunabin and Bord v. Banco de Chile were sent to the list by Raphael Beauregard-Lacroix on 21 May. These cases will be discussed on the 30 May call.

9. AOB

10. Meetings Remaining Before ICANN59

10.1. Tuesday 30 May 1900 UTC

10.2. Thursday 8 June 1300 UTC

10.3. Thursday 15 June 0500 UTC

10.4. Tuesday 20 June 1900 UTC

11. Adjourned

Raw Captioning Notes

Please note that these are the unofficial transcript. Official transcript will be posted 2-3 days after the call

- [Word Doc](#)
- [PDF](#)

Decisions

- Invite respondents to the questionnaire to the Jurisdiction sub-group meeting where the analysis of their response is being presented for comments on the analysis.

Action Items

- Staff to reach out to respondents as per decision to invite respondents to the jurisdiction questionnaire.

Documents Presented

- [Follow Up on ICANN Legal Answers- RESPONSE FROM ICANN](#)
- [Strawman Draft of Mandate of Jurisdiction Subgroup](#)
- [Jurisdiction_questionnaire_Comments_Just Net Coalition](#)
- [ICANN Litigations Sign-Up Sheet](#)

Chat Transcript

Brenda Brewer: Good day and welcome to Jurisdiction Subgroup Meeting #32 on 23 May 2017 @ 13:00 UTC!

Brenda Brewer: If you are not speaking, please mute your phone by pressing *6 (star 6). To unmute press *6. This call is recorded.

Brenda Brewer: Reminder to all, please state your name before speaking for the Captioner. Thank you!

Bernard Turcotte Staff Support: hello all

Jorge Cancio (GAC Switzerland): hi there

David McAuley (RySG): 4154 here

Cheryl Langdon-Orr (CLO): omny in Ac as I am still in another ICANN call

David McAuley (RySG): Multitasking indeed, CLO

Thomas Rickert: Hi all!

David McAuley (RySG): Hello Thomas, saw your smiling face in a nice tweet yesterday from eco

Cheryl Langdon-Orr (CLO):indeed David, far too Often

Nigel Hickson:good afternoon

Bernard Turcotte Staff Support:Becky

David McAuley (RySG):seems to have worked out well in practice is a notable comment that makes sense

Jorge Cancio (GAC Switzerland):as to ICANN response: it does not really add too much... wonder if registries and registrants would agree that the contract is as bilaterally developed as mentioned

David McAuley (RySG):hand down, thanks

Brenda Brewer:These document are also posted on Jurisdiction wiki here; https://urldefense.proofpoint.com/v2/url?u=https-3A__community.icann.org_x_khWOAw&d=DwlFaQ&c=FmY1u3PJp6wrcrwl13mSVzgfkbPSS6sJms7xc4I5cM&r=kbIQDH54980u4nTPfwdloDL Y6-6F24x0ArAvhdeDvvc&m=VYYIP_tsjR44ZjhGAqbbKrKO2pCqZ7gChelQtQ2J_OM&s=cKFcXdQldLVUnPb6aLzJ4z4E8Xls_yexE2CXmnYXHqk&e=

Jorge Cancio (GAC Switzerland):I feel we have to live with the ambiguities of Annex 12 and not spend too much time on this

David McAuley (RySG):I believe I agree with Jorge – I re-read my e-mail on what essentially our mandate was (scope and 'gap analysis') from last September and still believe as I did then – that mail is in archives at: <http://mm.icann.org/pipermail/ws2-jurisdiction/2016-September/000099.html>

David McAuley (RySG):I also want to thank Greg for pulling all this together -

Jorge Cancio (GAC Switzerland):I would need to look into that email, but bottom line is that Annex 12 establishes our mandate... with its ambiguities... and we have spent many hours on this

David McAuley (RySG):Annex 12 and Bylaw section 27.1(b)(vi)

David McAuley (RySG):agree with becky

avri doria:If we define accountability by reference to the work that was included in WS1, then it has a very broad definition.

Cheryl Langdon-Orr (CLO):indeed Avri

Bernard Turcotte Staff Support:Time Check - 30 minutes left in call

Jorge Cancio (GAC Switzerland):groundhog day, sorry to say...

Greg Shatan:The movie ended with a resolution....

Jorge Cancio (GAC Switzerland):at the end of the movie... we are still at minute 40

CW:Why are we discussing the Mandate? We have worked with that for some time and are now - I hope - approaching the end.

Jorge Cancio (GAC Switzerland):Annex 12 dedicates one page and some lines to our mandate - that is what we have to follow...

Thiago Jardim 2:I do apologise for speaking for too long

Thiago Jardim 2:I guess you're right, it's in rem jurisdiction

Thiago Jardim 2:but I not so sure about the reason why us courts assumed jurisdiction in the case, notably .ir case

Thiago Jardim 2:.ir is a ccTLDs, so it's unlikely the basis of jurisdiction was because the registry was a .com operator

David McAuley (RySG):lost audio

Andreea Brambilla:Apologies, I have to drop off for another meeting.

David McAuley (RySG):is this just net

David McAuley (RySG):what about 7.1 on agenda

Jorge Cancio (GAC Switzerland):I did not really get the gist of the response... perhaps we could benefit from Parminder explaining their proposals?

CW:Connection is not stable.

Finn Petersen, DK - GAC:The respondents should be offered an opportunity to respond to analysis of their comments

Jorge Cancio (GAC Switzerland):Just to clarify that I relayed the response of the ".swiss" (which is run by our Office) - so it is mainly their feedback from a registry's point of view

Bernard Turcotte Staff Support:Time Check - 10 minutes left in call

Finn Petersen, DK - GAC:I have sent the analysis of the Italian response to Rita Forzi

David McAuley (RySG):Thankyou Finn

Finn Petersen, DK - GAC:David: I haven't yet had a feed-back from Rita

David McAuley (RySG):Well, I am glad she has it and I hope we would welcome her on call if she wishes - thanks again Finn

David McAuley (RySG):agree with Greg that we are lookingh for facts and reponse should be limited to brief reply of our review with a view to ascertaining fact, not opinion

Farzaneh Badii 2:Agree with Greg

Thiago Jardim 2:Agree that it's about establishing facts

avri doria:clarification on a call might be useful.

David McAuley (RySG):please no new papers, the deadline has passed

Jorge Cancio (GAC Switzerland):just give them the chance to attend the call and help understand the subgroup what their arguments are

Thiago Jardim 2:Not all respondents may want to comment on the analysis of their questionnaire

avri doria:if the first paer was ambiguous, then how will a second paper help?

David McAuley (RySG):agree w Avri and Jorge

Cheryl Langdon-Orr (CLO):thanks everyone...good discussion...bye

Nigel Hickson:thanks; off to a call

Thiago Jardim 2:Thank you all, apologies for monopolising the mic at some point during this call

David McAuley (RySG):thanks all, good bye

avri doria:bye

Bernard Turcotte Staff Support:bye all

Jorge Cancio (GAC Switzerland):thanks all and bye!

Greg Shatan:Thank you all and goodbye.

CW:B'ye CW