

## **Jurisdiction Meeting #24 (28 March 2017 @ 19:00 UTC)**

## Attendees:

**Sub-group Members:** Avri Doria, Becky Burr, Cheryl Langdon-Orr, Christopher Wilkinson, David McAuley, Erich Schweighofer, Finn Petersen, Greg Shatan, Griffin Barnett, Herb Waye, Mathieu Weill, Philip Corwin, Seun Ojedeji, Tijani Ben Jemaa, Wale Bakare (15)

**Observers/Guests:** Taylor RW Bentley

**Staff:** Bernard Turcotte, Brenda Brewer, Karen Mulberry, Nigel Hickson (4)

**Apologies:** Paul McGrady, Matthew Shears

*\*\* If your name is missing from attendance or apology, please send note to [acct-staff@icann.org](mailto:acct-staff@icann.org) \*\**

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## Transcript

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

## Recording

- [Adobe Connect Replay](#)
- [mp3 Replay](#)

## Agenda

1. Welcome
2. Review of Agenda
3. Administration
  - a) Changes to SOIs
  - b) Questions to ICANN Legal – Status
4. Questionnaire Update
  - a) Status of current responses – no new responses
  - b) Questionnaire Review/Evaluation Team
    - i) Responsibilities
      - (1) Updating the Subgroup on new responses and their status at each meeting
      - (2) Proposing an evaluation framework for responses
        - (a) Responses received will help guide creation of evaluation framework
        - (b) To be approved by the Subgroup
    - ii) Mail list to be created
    - iii) Meeting to be scheduled – Doodle poll to follow
5. Review of ICANN's Past and Current Litigation (45 minutes)
  - a) Review of Sign-up sheet
  - b) Review of Summary Sheet
  - c) Review of Summaries
    - i) Verisign, Inc. v. ICANN V2 – MW
    - ii) State of Arizona vs NTIA V2 - MW
    - iii) Ben Haim v. Iran – MW
6. AOB
7. Adjourn

## Notes (includes relevant text from chat):

13 Participants at start of call

## **1. Welcome**

## **2. Review of Agenda**

Greg Shatan - (no objections)

## **3. Administration**

- a) **Changes to SOIs (none)**
- b) **Questions to ICANN Legal – Status (awaiting response)**

## **4. Questionnaire Update**

- a) **Status of current responses – no new responses**
- b) **Questionnaire Review/Evaluation Team**
  - i) **Responsibilities**
    - (1) **Updating the Subgroup on new responses and their status at each meeting**
    - (2) **Proposing an evaluation framework for responses**
      - (a) **Responses received will help guide creation of evaluation framework**

Christopher Wilkinson - I responded but my name does not seem to have been accepted.

Greg Shatan - will add.

- (b) **To be approved by the Subgroup**
- ii) **Mail list to be created**
- iii) **Meeting to be scheduled – Doodle poll to follow**

## **5. Review of ICANN's Past and Current Litigation**

- a) **Review of Sign-up sheet (document)**

Greg Shatan - (no changes)

- b) **Review of Summary Sheet (document)**
- c) **Review of Summaries**
  - i) **Verisign, Inc. v. ICANN V2 – MW**

Mathieu Weill - (presentation of summary sheet). Did not feel comfortable filling in the "choice of law/gov. law" field.

Becky Burr - ICANN used to put in a choice of law clause in its contracts which it does not do anymore.

- ii) **State of AZ vs NTIA V2 - MW**

Mathieu Weill - (presentation of summary sheet). Did not feel comfortable filling in the "choice of law/gov. law" field.

Greg Shatan - did the court rule on the jurisdiction argument (MW - no mention of it). Any questions? (none).

- iii) **Ben Haim v. Iran – MW**

Mathieu Weill - (presentation of summary sheet). Did not feel comfortable filling in the "choice of law/gov. law" field.

Becky Burr: there was a long discussion in the cases regarding which attachment law (state) applied

Becky Burr: DC or California

Mathieu Weill: I'll check the case and extract the relevant parts

Becky Burr: not WOULD have, but potentially could have

Becky Burr: because the plaintiffs sought the attachment in DC

David McAuley (RySG): just getting wind of this discussion - in the case on screen I think court applied DC law which is a tad unusual on attachment

Becky Burr: so the plaintiff controlled here

Becky Burr: yes, David, you and I are on the same wavelength

Greg Shatan - should we add a field to the form about alternate jurisdictions.

Mathieu Weill - Do not think we should theorize about this - we just do our analysis and then look at statistics they yield.

Becky Burr: correct Mathieu

David McAuley (RySG): good point @Mathieu

Greg Shatan - Agree we should not do studies beyond what is provided in the materials.

## 6. AOB

Greg Shatan - (none)

## 7. Adjourn

Greg Shatan - Adjourned.

## Decisions (none)

### Action Items:

- Staff-GS – Add Christopher Wilkinson to Questionnaire Review/Evaluation Team
- Staff to create email address for Questionnaire Review/Evaluation Team
- Staff-GS To send doodle poll to arrange for a meeting of the Questionnaire Review/Evaluation Team

## Documents Presented

- [Form\\_Jurisdiction case Verisign vs ICANN\\_v2](#)
- [Form\\_Jurisdiction case Arizona State vs NTIA\\_v2](#)
- [Form\\_Jurisdiction case Ben Haim vs Iran](#)

## Chat Transcript

Brenda Brewer: Good day all and welcome to Jurisdiction Subgroup Meeting #24 on 28 March 2017 @ 19:00 UTC!

Brenda Brewer: This meeting will be recorded. Please mute your phone when not speaking by pressing \*6 (star 6) \*6 will also unmute.

Bernard Turcotte Staff Support: Hello all

Bernard Turcotte Staff Support: Thanks for joining us at 6AM Cheryl

Cheryl Langdon-Orr (CLO): this time of day is easy Bernie

Mathieu Weill: Hello !

Cheryl Langdon-Orr (CLO): hi Mathieu

Herb Waye Ombuds: Hello all

CW: Good evening all, Christopher

Mathieu Weill: OMG, meeting #24...

Nigel Hickson: good evening

Philip Corwin: That's me Greg 5316

CW: Could staff please recall where are the translations of the questionnaire.

Bernard Turcotte Staff Support: Correct

Brenda Brewer: <https://community.icann.org/x/UpXRaW>

Brenda Brewer: See above link for questionnaire.

Mathieu Weill: Let's call the team Q

Greg Shatan: Jean Deaux?

Becky Burr: it would have been either California or Virginia, but

Bernard Turcotte Staff Support: email from David McAuley - My apologies to group and Greg for absence – I intended to attend the call but am at present in a Hilton Hotel in Brussels where the internet access has been abysmal – until just a few minutes ago. Will try to join now.

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

David McAuley (RySG): I am now on call - in Brussels but having hard time connecting

Greg Shatan:David, welcome.

David McAuley (RySG):thanks Greg, cant hear anything though

David McAuley (RySG):will check my system

Mathieu Weill:Come on, Becky, what you say is always interesting

Mathieu Weill:Even what you dont" say

Becky Burr:there was a long discussion in the cases regarding which attachment law (state) applied

Becky Burr:DC or California

David McAuley (RySG):i just got audio back

Mathieu Weill:I'll check the case and extract the relevant parts

Becky Burr:not WOULD have, but potentially could have

Becky Burr:because the plaintiffs sought the attachment in DC

David McAuley (RySG):just getting wind of this discussion - in the case on screen I think court applied DC law which is a tad unusual on attachment

Becky Burr:so the plaintiff controlled here

Becky Burr:yes, David, you and I are on the same wavelength

CW:For those of us who do not regularly follow the court cases, the exercise is very educational ,

Mathieu Weill:+1 CW

Cheryl Langdon-Orr (CLO):indeed it is I am finding it very valuable....

Becky Burr:correct Mathieu

David McAuley (RySG):good point @Mathieu

Bernard Turcotte Staff Support:Time Check - 15 minutes left in call

Mathieu Weill:Fair shot Greg !

Mathieu Weill:I will check back and report on list

Mathieu Weill:I promise after the Pool case, you won't hear me any more ;-)

David McAuley (RySG):Will do - I promised to take two more and will do my best to get those out by early in week

avri doria:i thnk it is great.

David McAuley (RySG):I promised to do two more and will do best to get them out by Monday

avri doria:and i promise to do mine as soon as i can

CW:Will the completed forms be archived on the wiki?

avri doria:do we have a drive template for these case thingies?

avri doria:or do i make one by deleting from someone elses after i copy it over.

David McAuley (RySG):oh joy

Mathieu Weill:There is a template Avri

Mathieu Weill:The link is somewhere...

avri doria:will find it.

avri doria:thanks

Mathieu Weill:As the ancients say, "it's in the wiki"

avri doria:yeah, just knowing something is there, is often all the clue one needs.

Cheryl Langdon-Orr (CLO):thanks everyone... bye for now...

avri doria:bye

Mathieu Weill:Thank you Greg !

Bernard Turcotte Staff Support:bye all

Wale Bakare:Thanks, bye

Becky Burr:bye

David McAuley (RySG):Thanks and bye all

CW:B'ye.