

Jurisdiction Meeting #54 (7 February 2018 @ 19:00 UTC)

Attendees:

Sub-group Members: Becky Burr, Brian Scarpelli, David McAuley, Erich Schweighofer, Farzaneh Badii, Finn Peterse, Greg Shatan, Jorge Cancio, Olga Cavalli, Raphael Beauegard-Lacroix, Robin Gross, Steve DelBianco, Tatiana Tropina

Observers/Guests: Leon Sanchez, Taylor R.W. Bentley, Thomas Rickert

ICANN Org: Bernard Turcotte, Berry Cobb, Brenda Brewer, Laurent Ferrali,

Apologies: /

*** 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. Continued analysis of comments (50 minutes)
 - a. Review of schedule
 - b. Review of email contributions to the list
 - c. Way forward.
5. AOB (5 Minutes)
6. Adjourn (next meeting 14 February 1900UTC)

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:

- Schedule calls for the weeks of 20 and 26 February
- Schedule call for 1900 UTC 14 February for 90 minutes.
- Review of comments on next call will begin with comment 6.05

Action Items:

- GS – will produce and updated draft of the recommendations for the next meeting.
- NCSG Participants requested to provide draft language with respect to comment 6.03 in the Google doc and advise the list.
- Staff to schedule calls for weeks of 20 and 26 February and send calendar invites.

Requests:

- (none)

Next Meeting:

- Wednesday 14 February 1900 UTC.

Documents Presented

- [#3893862-v1-CCWG-Accountability-WS2-Jurisdiction-PublicComments-january2018-Summary-post.PDF](#)
- [#3893859-v1-Report v 1 2 1.PDF](#)
- [Jurisdiction-Public Comments-January 2018-Summary-post](#)

Chat Transcript

Brenda Brewer: (2/7/2018 12:24) Good day! Welcome to Jurisdiction Subgroup Meeting #54 on 7 February 2018 @ 19:00 UTC.

Brenda Brewer: (12:24) When not speaking, please mute your phone by pressing *6 (star 6). To unmute, *6. This call is recorded.

Brenda Brewer: (12:24) Reminder to all, for captioning and transcription, please state your name before speaking and speak slowly. Thank you!

Olga Cavalli: (12:52) hello

Raphael Beauregard-Lacroix: (12:52) hello!

Thomas Rickert: (12:57) Hi all!

Bernard Turcotte - ICANN: (12:59) HELLO ALL

Raphael Beauregard-Lacroix: (12:59) Hello Bernie. Could you confirm the duration of today's meeting? It was set for 1h in your agenda but 1.5h in the google agenda invite. Thank you.

Bernard Turcotte - ICANN: (13:00) 90 minutes as agreed at last meeting

Raphael Beauregard-Lacroix: (13:00) alright thank you. I will most likely have to leave a bit after 9. Apologies in advance.

Raphael Beauregard-Lacroix: (13:01) I meant 8 UTC, or 9pm for those in W Europe..

Brenda Brewer: (13:01) Dialout to Kavouss was not accepted.

David McAuley: (13:02) i am 8222

Steve DelBianco: (13:03) Greg -- what is difference between your two doc attachments? Both show markups

David McAuley: (13:07) i did also

Steve DelBianco: (13:07) right, Greg. So those are the SAME content, right?

Steve DelBianco: (13:08) An SOI joke. Good one

Bernard Turcotte - ICANN: (13:08) docs sent 1 PDF of spreadsheet and 1 PDF and Word of the edited recommendations

David McAuley: (13:08) lol

Steve DelBianco: (13:09) those two markups appear slightl differnt on my screen, so I was confused. Better now

Steve DelBianco: (13:11) Greg is timing you, THomas. So don't be "excessive" <joking>

Finn Petersen,: (13:14) The comment from Denmark is from the Danish Goverment - not from me even though I have sign the letter

Greg Shatan: (13:14) Tick tock, Thomas. Tick tock.

David McAuley: (13:22) Fair warning, thanks Bernie

Brenda Brewer: (13:24) Scroll is on for all

David McAuley: (13:26) i like reasonable and suggest we approve it

Raphael Beauregard-Lacroix: (13:26) I suppose that if best efforts in US law means absolute best efforts, then adding reasonable seems reasonable ;)

Steve DelBianco: (13:27) is "commercially reasonable" different than "reasonable" efforts?

Greg Shatan: (13:27) Not different enough to matter.

Farzaneh Badii: (13:29) but what does "reasonable" mean

Steve DelBianco: (13:29) Does "Best Efforts" create an obligation to expend any and all means and resources? If so, we should seek a different standard of effort

Raphael Beauregard-Lacroix: (13:29) that would make a good question for a phd! haha

Farzaneh Badii: (13:30) It seems like in US it means that Steve.

Steve DelBianco: (13:31) Even if we lower the standard of effort, let's ensure tha tICANN is obligated to make an effort

David McAuley: (13:31) It's a high burden but ultimatelyt a court/panel will interpret it

Farzaneh Badii: (13:31) I agree with Steve.

David McAuley 2: (13:34) i lost connection for a short time

David McAuley 2: (13:35) I would follow Greg on that in explaining this discussion - ut remains a recooemdnation that would impose a burden

Farzaneh Badii: (13:35) Agreed Steve. there has to be an obligation to begin

Leon Sanchez: (13:36) hello everyone. My apologies for lateness. I had some technical issues with my ISP

Robin Gross: (13:36) I think Steve is proposing a good compromise that serves all.

Steve DelBianco: (13:36) okay with the obligation to apply

David McAuley 2: (13:37) taht's right Greg - it is and remains an obligation

David McAuley 2: (13:37) bad typing day

David McAuley 2: (13:39) Bernie's hand up

Farzaneh Badii: (13:39) "reasonable best effort"

Tatiana Tropina: (13:39) Hi all, sorry for joining late

Farzaneh Badii: (13:39) that's the change Tatiana

Tatiana Tropina: (13:39) seems I missed the poll

Greg Shatan: (13:40) Poll is still open

David McAuley 2: (13:42) I am ok with either term

Steve DelBianco: (13:42) acceptable is acceptable

Raphael Beauregard-Lacroix: (13:42) I'd rather go with acceptable

Raphael Beauregard-Lacroix: (13:42) ;)

Robin Gross: (13:42) no strong view - either ok

David McAuley 2: (13:42) I can acccept that

Farzaneh Badii: (13:44) ok

Bernard Turcotte - ICANN: (13:45) time check - 45 minutes left in call

Farzaneh Badii: (13:48) I agree with Steve. we need to have a broad sanction relief not limited to OFAC

Tatiana Tropina: (13:49) +1 to Farz and Steve

David McAuley 2: (13:49) This underscores the usefulness of the term 'reasonable' as we just discussed.

Farzaneh Badii: (13:50) +1

Farzaneh Badii: (13:51) we support the change

Tatiana Tropina: (13:51) seems reasonable to me.

Steve DelBianco: (13:51) I think it is both reasonable and acceptable

Robin Gross: (13:52) ok

Tatiana Tropina: (13:52) Tanya is a reasonable name!

Robin Gross: (13:52) but is it acceptable?

Bernard Turcotte - ICANN: (13:52) Best effort

Bernard Turcotte - ICANN: (13:52) ;-)

Olga Cavalli 2: (13:53) I will join another call in 5 minutes thanks.

Farzaneh Badii: (13:54) oh please also note down the name of NCSG, CSG, all their constituencies and my good name as well! (joking)

Farzaneh Badii: (13:55) content of comment is enough thank you

David McAuley 2: (13:55) agreed

David McAuley 2: (13:56) acceptable

Farzaneh Badii: (14:00) I have to leave. sorry. have a good meeting.

David McAuley 2: (14:01) The menu approach will need a fair amount of clarification, I think

Raphael Beauregard-Lacroix: (14:01) At the time of operationalisation yes

Finn Petersen,: (14:02) Then it should not be part of the menu

David McAuley 2: (14:02) a short menu, no daily specials, said as a supporter of the status quo

Raphael Beauregard-Lacroix: (14:03) I have to leave as well. To provide you an answer on what you have said Greg, I am more of the opinion that the menu should be small, and pre-cleared, and that registries "select". Have a nice evening all!

Raphael Beauregard-Lacroix: (14:04) yes. it would. Now I don't know whether we would contravene Thomas' guidelines ;)

Bernard Turcotte - ICANN: (14:04) no no no this is just intellectual masturbation

Bernard Turcotte - ICANN: (14:04) lets move on

David McAuley 2: (14:05) abstain

Jorge Cancio (GAC Switzerland): (14:05) support to Finn

Bernard Turcotte - ICANN: (14:06) apologies wrong chat

David McAuley 2: (14:06) IMO< the introduction to this menu approach is most important -- up to ICANN and CPH to discuss/negotiate

Raphael Beauregard-Lacroix: (14:06) true David yes

Bernard Turcotte - ICANN: (14:06) support point made by David

Raphael Beauregard-Lacroix: (14:07) Alright, I go now good evening all.

Bernard Turcotte - ICANN: (14:07) hand David

David McAuley 2: (14:07) hand up

David McAuley 2: (14:09) ok thanks

David McAuley 2: (14:09) let's hope not to go back out for comment

David McAuley 2: (14:10) OK, agree Greg, thanks

David McAuley 2: (14:14) what about other tools comment

David McAuley 2: (14:15) tools, that is, sheesh

Bernard Turcotte - ICANN: (14:16) david hand

David McAuley 2: (14:16) good solution

Bernard Turcotte - ICANN: (14:17) 6.03

Robin Gross: (14:19) We should make this change suggested by NCSG

Bernard Turcotte - ICANN: (14:21) time check - 10 minutes left in call

Tatiana Tropina: (14:21) I disagree with David (while respecting his opinion a lot)

Tatiana Tropina: (14:22) we talked a lot about the wording that will ask ICANN to try to obtain a general license but without putting them into the risk of being obliged to put all the money into getting it

Tatiana Tropina: (14:23) Greg, yes -- this should be a priority (taking into account costs and obstacles)

Tatiana Tropina: (14:24) can we find a compromise with ICANN legal on this? If we have a general direction, I mean if we decide to strengthen the language related to general licence

Tatiana Tropina: (14:24) I suggest we discuss this on the next call

Tatiana Tropina: (14:24) as we don't have much time left, it's a significant issue

David McAuley 2: (14:25) IMO< we got language right the first time, but happy to consider specific proposed revision

Tatiana Tropina: (14:25) Greg, can you make it as an action item eg on the list?

Bernard Turcotte - ICANN: (14:25) ok

Tatiana Tropina: (14:25) (God am speaking like GNSO - action item...)

Bernard Turcotte - ICANN: (14:26) reminder deadline of 2 March

Tatiana Tropina: (14:26) 2 March is plenty, plenty of time :-)

Bernard Turcotte - ICANN: (14:27) Action Item NCSG Participants requested to provide draft language with respect to comment 6.03

Bernard Turcotte - ICANN: (14:27) Begin next meeting with comment 6.05

David McAuley 2: (14:28) none here

Thomas Rickert: (14:30) Thanks Greg!

Thomas Rickert: (14:30) Bye all!

David McAuley 2: (14:30) Thanks Greg, Bernie, and all

Jorge Cancio (GAC Switzerland): (14:30) thanks and bye all!

Tatiana Tropina: (14:30) thank Greg - thanks all!