

# **Proposed Alternative Approach for Community Mechanism and its Associated Enforceability**

## **Overview of the Compromised Approach**

### **Process to Initiate MEM Arbitration:**

#### **Petition**

1. Any single SO or AC, by using adoption procedure currently in force in that SO and /or AC can initiate a petition to commence MEM /SM Arbitration.

#### **Discussion Phase/Forum**

2. The SOs and ACs would provide a notice of the petition to all other SOs and ACs and begin a **discussion phase** with all other SOs and ACs (15 days)..The discussion Forum will also be open to observers ( any entity/Party interested or having an interest on the subject matter
3. The SOs and ACs will then have 21 days to consider whether to support the petition.

#### **Adoption of Petition**

- 4 To initiate formal MEM/SM proceedings, the submitted petition needs to be preferably adopted by consensus or any other manner agreement of all Participants in the Adoption Group with no more than two advice against it from ACs /with no more than one SO and one AC advice against it

#### **5 The status of the MEM /SM status would be identical or similar to that proposed in CCWG 2<sup>ND</sup> proposal**

- 6 The MEM/SM Adoption Group would then submit a Request for Arbitration to the Standing Panel alleging a violation of [ at least one Fundamental Bylaw provision or one Standard Bylaws Provision or any Article of Incorporation and ....including the grounds upon which that alleged violation occurred. Time frames within which Requests for Arbitration may be filed will need to be discussed and agreed.
- 7 The size of the Paanel would be different for different issues e.g. 3 members, 5 members or full Panel

- 8 The Decision of the Panel would be binding to the ICANN and can be enforced by MEM/SM Group, as appropriate