

The Independent Review Process Implementation Oversight Team (IRP-IOT) Draft Recommendations

The Registrar Stakeholder Group (RrSG) would like to thank the IRT-IOT for their work and the proposed amendment to its original Updated Supplementary Procedure #4, Time for Filing. The RrSG agrees that extending the time allowed for filing a dispute from when the claimant first becomes aware of the action/inaction is necessary. Likewise, having no limitation instead on being able to file a dispute (from the date when said action/inaction occurred) is a sensible idea.

While the RrSG generally agrees with the IRT-IOT Draft Recommendations, we are concerned that 120 days from simple awareness of an action/inaction may still be insufficient, given other accountability processes can take up to a year. Instead, we recommend 120 days from the action/inaction which formed part of the actual dispute and not the one which gave rise to it.

Accordingly, the RrSG proposes Procedure #4, Time for Filing, be amended to read as follows:

An INDEPENDENT REVIEW commences when CLAIMANT files a written statement of a DISPUTE. A CLAIMANT shall file a written statement of a DISPUTE with the ICDR no more than 120 days from the later of:

- CLAIMANT becoming aware (or ought reasonably to have been aware) of the material affect of the action or inaction giving rise to the DISPUTE
- or
- ICANNs most recent action following the material affect of the action or inaction giving rise to the DISPUTE

In order for an IRP to be deemed to have been timely filed, all fees must be paid to the ICDR within three business days (as measured by the ICDR) of the filing of the request with the ICDR.

In summary, the RrSG supports the IRP-IOT Draft Recommendations, but encourages the IRT-IOT to allow 120 days from when an action/inaction becomes part of a dispute and not just creates potential for it.