Your name: Kathy Kleiman

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| **Issue** | **Applicable text (please quote directly)** | **Number and name of applicable report section** | **Cannot live with rationale** | **Proposed changes (taking into account whether others would be able to live with them)** |
|  | Recommendation xx (rationale 2): The Working Group recommends that ICANN establish a mechanism that allows specific parties to challenge or appeal certain types of actions or inactions that are inconsistent with the Applicant Guidebook. | 2.8.2 | Recommendation xx (rationale 2): The Working Group recommends that ICANN establish a mechanism that allows specific parties to challenge or appeal certain types of actions or inactions that ~~are~~ **appear to be** inconsistent with the Applicant Guidebook. | It’s not inconsistent with the Applicant Guidebook until there is a finding as such. Until then, the applicant is making an allegation! |
|  | The Working Group recommends that the limited challenge/appeal mechanism applies to the following types of evaluations and objections decisions: | 2.8.2 | The Working Group recommends that the limited challenge/appeal mechanism applies to the following types of evaluations and **formal** objections decisions: | The term “formal objection” comes from the current AGB (see current Module 3) and it may help to flag readers to understand the important distinction of evaluation changes and objection appeals – a clarity issue.  |
|  | Appeals of Objections Decisions | 2.8.2  | Appeals of Formal Objections Decisions | Same as above. |
|  |  In section xx Objections, the Working Group recommends that parties to an objections proceeding have the opportunity to mutually agree on whether to use a single panelist or a three-person panel, bearing the costs accordingly. This recommendation extends the same opportunity for appeals of objections decisions. | Footnote 96 | Question | What if the parties don’t agree, e.g., one wants a single panelist (or that is all they can afford) and the other party(ies) want three panelists? Default perhaps one panelist? |
|  | In general, the Working Group believes that parties affected by an evaluation or objections decision should have the opportunity to file a challenge/appeal. | 2.8.2 (b) | In general, the Working Group believes that parties affected by an evaluation or objections decision should have the opportunity to file a challenge/appeal **under limited circumstances**. | Should not be controversial; we opened only a limited right of appeal. Best to flag it as such. |
|  | Application changes would be subject to evaluation by ICANN as discussed in section xx Application Change Requests. | 2.8.1 | Application changes would be subject to evaluation by ICANN **and the Community** as discussed in section xx Application Change Requests. | Should not be controversial; many application changes reviewed by ICANN are also reviewed by the Community. Just clarifying here.  |