IRP-IOT Public consultation Analysis	
Respondant	**12 Months limit**
AFNIC	
ALAC	
Delhi - National Law University	-Does not support the proposal. - "*CCWG-Accountability's external counsel noted that "Applying a strict 12-month limit to any IRP claim that commences at the time of the ICANN action or inaction and without regard to when the invalidity and material impact became known to the claimant, is inconsistent with the Bylaw* s"
Dot Music	*"Furthermore, there should be no statue of repose. The 12-month limitation on commencing an IRP, regardless of when Claimants become aware of the relevant action or inaction unnecessarily limits Claimants' ability to seek redress for ICANN's actions or inactions. Both the May 2016 ICANN Bylaws and the Council of Europe affirm ICANN's commitment to transparency. The imposition of a statute of repose encourages non-transparent behavior. If ICANN can prevent Claimants from learning about its actions or inactions for 12 months then Claimants cannot commence an IRP against ICANN."*

Dot Registry	
Government of Spain	
Government of Switzerland	

gNSO-BC	*"The BC has very serious concerns about the currently proposed limitations on the time to file an IRP, which consists of a two-part test." - "In light of these concerns, the BC recommends that the IRP-IOT impose a moratorium on imposing any time limits related to bringing forth an IRP until further studies can be conducted by the ICANN community to assess the potential impacts of such time limits.". - "However, if there is not sufficient support from the ICANN community for such a moratorium, then the BC suggests some revisions to the time lines proposed by the IRP-IOT, as described below.". - "The CCWG's legal Counsel also proposed this substitute language to make the proposed Rules consistent with the Bylaws and final CCWG Report: (see comment for suggested language)". - "At a minimum, the BC believes that the proposed substitute language must be adopted, since without it challenges to facially invalid covered actions could no longer be brought more than one year after their adoption, even if their application was in violation of the Bylaws or otherwise gave rise to an IRP claim. Facially invalid actions should never be time-limited.". - "If an overall time limit for "as applied" disputes is retained it should be substantially longer than twelve months – we would suggest a minimum of three years to assure that where there is material harm and a resulting right to challenge, there is a practical remedy to provide redress."*
gNSO-IPC	*"4. The 12-month time limit be dispensed with for all Claims, since this is inconsistent with the constructive knowledge element. If not removed for all Claims, this should in any event be removed for Claims of "facial" invalidity, as advised by Sidley and addressed in their revised text."*

gNSO-NCSG	*"...the time limits make no sense at all when applied to disputes over consensus policies that are alleged to transgress mission limitations." - "...Registrants, who are acted on indirectly through Registries and Registrars, would quickly run out of time to challenge the policy behind the Registry action and cannot challenge the Registry's implementation. As representatives of registrants (non-contracted parties), NCSG finds this unacceptable. Thus, we respectfully but firmly submit that the 12-month hard time limit on IRP challenges to Board policy decisions must be removed from Section 4."*
INTA	"In addition, INTA has concerns that the ultimate deadline for commencing an IRP, namely 12 months from the date of the action or inaction giving rise to the claim, is also insufficient. INTA suggests that the IOT consider increasing this time period from 12 to 24 months, as it is plausible that the effect of an ICANN Board or ICANN staff action or inaction may not be known to a party within 12 months of the action or inaction."
ISPCP	*"Therefore, the ISPCP encourages ICANN to reconsider those time limits and revert to timelines that are more practical for stakeholders engaged in the Independent Review Process. This would include, if necessary, a moratorium on the adoption of any time limits in the Updated Supplemental Procedures, until some further studies can be done to analyze the potential impacts of such time limits."*

Karl Auerbach	*"The proposed limits on filing - 45 days after becoming aware (and within a 12 month limitation window) are significantly too short." - "The 45 day period ought to be changed to be least six months (180 days) after awareness; and the 12 month limit ought to be at least doubled, or better, removed entirely."*
Kathryn A. Kleiman	
Linx	*"The 12 month fixed limit from the date of the action is not merely too short, but miscalculated. The timing rule should be based on the date of knowledge of the harm that ICANN's action gave rise to, rather than calculated from the date of the action itself. To do otherwise would unjustly exclude important cases from being heard by the IRP. - We submit detailed, point-by-point analysis of the bylaws to show that the proposed timing rule is inconsistent with the bylaws, and that the only timing rule acceptable under the bylaws would be one based on the aggrieved party's actual or imputed knowledge of the harm they have suffered. - For these reasons we recommend that the proposed timing rule in the Draft Rules be withdrawn. A replacement should be developed and systematically compared against the obligations in the bylaws, before being published for further public comment together with a reasoned justification."*

Paul Rosensweig	*"In our view, one particular aspect of the draft (Section 4, relating to the "time of filing" a complaint) should not be adopted in its current form because doing so would divest stakeholders of significant ability to challenge Board actions that allegedly violate the Bylaws of the Corporation." - "As a result, we think the proposal should be modified to a pure discovery rule by striking the last clause establishing an outside time limit of 12 months. In other words, the time for filing a complaint should be "within 45 days of the date on which a claimant first became aware" of the ground for his complaint." - "Finally, we note that the 12-month period of limitation has been deemed by outside counsel to be inconsistent with the just-adopted new ICANN Bylaws"*
Richard Hill	*".... Most distinguish two separate types of challenges: a challenge to a rule (or policy) versus a challenge to a specific decision taken under some rule (or policy). In the US, these two types of challenges are referred to as a challenge to the rule making versus a challenge to an adjudication,..." - "The fact that there is a time bar for challenges to a policy does not prevent subsequent challenges to decisions taken under that policy. The reason for the time bar on challenges to a policy per se is to provide legal certainty: people are entitled to know what the rules are that they have to follow. If a policy can be challenged at any time, then nobody can know what the rules are."*
RySG	Time limits should consider that other procedures have been applied for or are in process such as CEP. Also review time limits for Empowered community to ensure the EC can use IRP vs its procedural requirements. remove 45 days just keep one hard limit of 1 year **(see comment for details)**
Steven Sullivan	*"Time limits for correcting an error in policy does not make sense. There should be no time limit for correcting an error. So if any problem arises in the future and time has elapsed then we all have to live with the problem because you implemented a time limit. This is just bad policy. Wrong and bad policy is not what we want."*

IRP-IOT Public consultation Analysis	
Respondant	**45 days**
AFNIC	*"We believe that the proposed 45 days time limit is too short to achieve this goal and we therefore agree with the comments supporting its extension to a 6 month period."*
ALAC	
Delhi - National Law University	
Dot Music	*"It is recommended that the statute of limitations be extended. Given that ICANN has created a system where it demands that all necessary evidence be filed with the initial written submissions, more than 45 days is necessary to ensure that Claimants are given a full and fair opportunity to present their case. It is interesting to note that the timeframe for filing an appeal of an IRP decision under the proposed rules (60 days) is longer than the existing timeframe for filing an IRP (45 days)."*

Dot Registry	
Government of Spain	
Government of Switzerland	

gNSO-BC	*"The BC has very serious concerns about the currently proposed limitations on the time to file an IRP, which consists of a two-part test." - "In light of these concerns, the BC recommends that the IRP-IOT impose a moratorium on imposing any time limits related to bringing forth an IRP until further studies can be conducted by the ICANN community to assess the potential impacts of such time limits.". - "However, if there is not sufficient support from the ICANN community for such a moratorium, then the BC suggests some revisions to the time lines proposed by the IRP-IOT, as described below.". - "The CCWG's legal Counsel also proposed this substitute language to make the proposed Rules consistent with the Bylaws and final CCWG Report:* ***(see comment for suggested language)*** *". - "At a minimum, the BC believes that the proposed substitute language must be adopted, since without it challenges to facially invalid covered actions could no longer be brought more than one year after their adoption, even if their application was in violation of the Bylaws or otherwise gave rise to an IRP claim. Facially invalid actions should never be time-limited.". - "...we believe that the minimum time for filing should be increased to at least one year; noting that such an extended filing limit will also create a space in which the aggrieved party and ICANN may reach a mutually satisfactory settlement without resort to legal challenge."*
gNSO-IPC	*"1. The adoption of a constructive knowledge element as required under the Bylaws. 2. The 45-day time limit be amended to allow an initial filing window of 90 days from actual or constructive knowledge. 3. Alternatively, whilst not our preferred option, the 45-day deadline could remain in place with the caveat that only a de minimis IRP complaint would need to be filed within that window in order to merely provide notice to ICANN and the broader community, with the ability to file a substantive complaint in a longer period (such as an additional 45 days from the original filing). 5. The interplay between the IRP and various other community accountability mechanisms be identified and addressed, and specifically that timing ambiguity and inconsistency be rectified."*

gNSO-NCSG	*"...the time limits make no sense at all when applied to disputes over consensus policies that are alleged to transgress mission limitations." - "...our view is that 45 days is far too short a time frame within which to reasonably expect action. To be candid we would think that 180 days is an appropriate time frame..."*
INTA	*"INTA believes that the 45 day period for filing a written statement with the ICDR is insufficient for a claimant to adequately analyze and develop a bona fide claim and prepare a written submission." - "INTA recommends adopting a 90 day deadline"*
ISPCP	*"Therefore, the ISPCP encourages ICANN to reconsider those time limits and revert to timelines that are more practical for stakeholders engaged in the Independent Review Process. This would include, if necessary, a moratorium on the adoption of any time limits in the Updated Supplemental Procedures, until some further studies can be done to analyze the potential impacts of such time limits."*

Karl Auerbach	*"The proposed limits on filing - 45 days after becoming aware (and within a 12 month limitation window) are significantly too short." - "The 45 day period ought to be changed to be least six months (180 days) after awareness; and the 12 month limit ought to be at least doubled, or better, removed entirely."*
Kathryn A. Kleiman	
Linx	"*The 45 day limit for filing a claim is too short, and will prevent parties who did not have advance notice of the issue and extensive familiarity with ICANN, from fair access to the IRP procedure. - We submit detailed, point-by-point analysis of the bylaws to show that the proposed timing rule is inconsistent with the bylaws, and that the only timing rule acceptable under the bylaws would be one based on the aggrieved party's actual or imputed knowledge of the harm they have suffered. - For these reasons we recommend that the proposed timing rule in the Draft Rules be withdrawn. A replacement should be developed and systematically compared against the obligations in the bylaws, before being published for further public comment together with a reasoned justification.*"
Paul Rosensweig	

Richard Hill	*"It seems to me that a 30-day time bar would not be too stringent in light of common administrative law practices, but, given the diverse nature of people affected by ICANN's decisions, I think that a 60-day period should be allowed for claims filed against a policy per se. In the interests of simplicity, I think that the time bar should be the same for claims against a specific decision. On the basis of my previous comments on time bars, and on the above, I would propose to replace the current text of article 4, (* ***see comment for proposal of new text*** *)"*
RySG	Time limits should consider that other procedures have been applied for or are in process such as CEP. Also review time limits for Empowered community to ensure the EC can use IRP vs its procedural requirements. remove 45 days just keep one hard limit of 1 year **(see comment for details)**
Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Applied Retroactively to all Pending**
AFNIC	
ALAC	
Delhi - National Law University	
Dot Music	
Dot Registry	
Government of Spain	
Government of Switzerland	

gNSO-BC	*"We support the current draft of the USP, which does not permit the retroactive application of supplementary procedures."- "However, one issue that should be explicitly clarified in the scope section of the USP is what vintage of ICANN Bylaws will control for any IRP disputes pending at the time of adoption of the post-IANA transition bylaws. The BC strongly believes that the new Bylaws should control, as these provide a claimant with substantially improved rights. In particular, the decision of the IRP panel is now binding upon ICANN, whereas in the past the ICANN Board could choose to reject the findings of the IRP panel."*
gNSO-IPC	*"1.Amendments governed by the Bylaws should apply to all IRPs arising from events which post-date the adoption of the revised Bylaws, save to the extent that an issue has already been dealt with under the existing rules. 2. Amendments on which the IOT has discretion should apply to any IRP arising from events post-dating the adoption of the IRP Supplementary Procedures, but not to IRPs which are already underway at adoption.* "
gNSO-NCSG	

INTA	*"The USP provision regarding Scope (USP 2) states that the USP shall apply in all cases submitted to the ICDR after the date the USP goes into effect. We submit that the effective date of the USP should be October 1, 2016 which corresponds to the completion of the IANA Transition and the adoption of ICANN's new Bylaws. If the USP does not apply retroactively to the date the Bylaws took effect, there will be inconsistency between the Bylaws and the rules of procedure governing IRPs commenced prior to the USP effective date. Furthermore, to the extent that the USP may be said to represent ICANN's present policy regarding fairness and due process, this could undermine confidence in proceedings governed by the old procedural rules. INTA recommends that for any IRP commenced after the date the new bylaws became effective and before the date the USP becomes effective, there be a mechanism whereby one or more parties to the proceeding may ask for the USP to govern the proceeding, provided there is no material disadvantage to any party's substantive rights. The text of Rule 2 of the USP contains language that could be used to define the process and articulate the relevant tests."*
ISPCP	
Karl Auerbach	

Kathryn A. Kleiman	
Linx	
Paul Rosensweig	
Richard Hill	
RySG	
Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Consolidation, Intervention and Joinder**
AFNIC	
ALAC	
Delhi - National Law University	
Dot Music	*"The appointment of a Procedures Officer from within the Standing Panel to consider issues of joinder, intervention, and consolidation is unfair and liable to generate unnecessary costs. These issues should be decided by the duly constituted IRP Panel already hearing a claim, which will be best placed to gauge whether there is sufficient common ground for joinder or intervention."*

Dot Registry	
Government of Spain	
Government of Switzerland	
gNSO-BC	

gNSO-IPC	*"1. Any third party directly involved in the underlying action which is the subject of the IRP should have the ability to petition the IRP Panel or Dispute Resolution Provider (if no Panel has yet been appointed in the matter) to join or otherwise intervene in the proceeding as either an additional Claimant or in opposition to the Claimant(s). 2. Multiple Claimants should not be limited collectively to the 25-page limit for Written Statements but shall be entitled to their own individual page limits. Unnecessary and unreasonable costs generated as a result can be addressed by the Panel when making costs awards. 3. Requests should be determined by the IRP Panel and not by a Procedures Officer."*
gNSO-NCSG	Request Intervention be allowed

INTA	
ISPCP	
Karl Auerbach	

Kathryn A. Kleiman	Recommend that "*the Updated Supplementary Procedures must permit any party to an arbitration proceeding resolving a gTLD dispute to intervene as a matter of right in an appeal of or other post-decision challenge to the arbitral decision* ." - **See proposed language in submission. -** For challenges to "Consensus Policies created by Supporting Organization." allow SO's and stakeholder groups involved in its creation to participate in the proceeding if they choose to.
Linx	
Paul Rosensweig	
Richard Hill	
RySG	*"With respect to Sec. 7 (Consolidation, Intervention and Joinder) -- The IRP panel should consider whether it (as a panel) or a "Procedures" officer from within the standing panel should make these decisions in particular cases. The IRP panel will have better judgment as a panel what might be the best approach in any one case."*
Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Discovery, evidence, statements**
AFNIC	
ALAC	
Delhi - National Law University	
Dot Music	*"Moreover, the parties should be able to present evidence, such as witness statements and expert opinions, at the hearing. " - "The requirement to file "all necessary and available evidence" should be removed from the Supplementary Procedures entirely in light of the short deadline to initiate IRP proceedings as well as the reality that both parties should be entitled to file at least one additional set of responsive pleading with such factual and legal support as they deem appropriate." - "Further, the Rules must provide for a right of reply that is not limited only to expert evidence. As currently drafted, the Requestor is entitled to only a single, 25-page submission filed simultaneously with its Notice of IRP and one right of reply to expert evidence." - "The request for discovery is a basic facet of requiring equality of arms between the parties in international arbitration and should not be consigned to the discretion of the of the IRP Panel as a matter of principle but instead the IRP Panel should be required to rule on both parties individual requests for discovery and whether such requests are relevant and material to the claims advanced in the arbitration. In accordance with this, there should not be a complete bar on all depositions, interrogatories, and requests for admission.*
Dot Registry	

Government of Spain	
Government of Switzerland	
gNSO-BC	
gNSO-IPC	
gNSO-NCSG	

INTA	*INTA believes that the reference to other "applicable law" is too vague and could encompass, for instance documents that are subject to a confidentiality agreement. In addition, this standard allows parties to forum shop and re-locate documents to jurisdictions that have laws protecting disclosure of documents outside of international legal norms. INTA recommends that, to the extent documents are subject to confidentiality restrictions, that the parties should be able to produce documents subject to a protective order. Moreover, INTA suggest striking "otherwise protected from disclosure by applicable law" and replacing it with "otherwise protected from disclosure by a valid order of a court with competent jurisdiction."*
ISPCP	
Karl Auerbach	

Kathryn A. Kleiman	
Linx	
Paul Rosensweig	
Richard Hill	*"Regarding article 6, Written Statements, I do not support page limits on briefs. Pursuant to the fundamental right to be heard, parties should be free to submit briefs of whatever length they consider appropriate."*
RySG	*"With respect to Sec. 8 (Discovery Methods) -- The panel should have the power to allow other forms of discovery on a limited basis if it deems appropriate, and also should have sanctions power to compel compliance or to provide consequences for non-compliance."*
Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Notice**
AFNIC	
ALAC	
Delhi - National Law University	
Dot Music	
Dot Registry	
Government of Spain	
Government of Switzerland	
gNSO-BC	
gNSO-IPC	

gNSO-NCSG	*"In the real-world, an Appellant seeking to overturn a decision he/she/it lost or a regulation he/she/it does not like must provide notice to the Appellee. It's a fundamental part of due process to allow everyone directly-involved in an underlying proceeding to come together to participate in its appeal." - "Actual notice - requiring the Claimant to file copies of its Request for an IRP together with all pleadings, exhibits, appendices, etc, is a standard part of due process in litigation and dispute forums around the world - and as easy as adding appropriate "cc's" to the email filing the claim with ICANN."*
INTA	
ISPCP	

Karl Auerbach	
Kathryn A. Kleiman	Recommend that *"the rules of the Updated Supplementary Procedures should provide actual and timely notice of any appeal of or other post-decision challenge of any underlying decision to (a) all parties to the underlying arbitration proceeding and (b) plus notice to the underlying tribunal provider (called the "Dispute Resolution Provider" in the New gTLD Applicant Guidebook).* " - **See proposed lanmguage in submission**.
Linx	
Paul Rosensweig	
Richard Hill	
RySG	

Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Other**
AFNIC	
ALAC	*"4. The ALAC recommends that as we gain experience with these new procedures, there is ongoing monitoring to ensure continued improvement. "*
Delhi - National Law University	*"To make the IRP more accessible, it might be instructive to follow the practices of other international organizations. The World Trade Organization (WTO) for instance makes special provisions to enable Least Developed Countries (LDCs) to access the Dispute Settlement System."*
Dot Music	
Dot Registry	
Government of Spain	
Government of Switzerland	
gNSO-BC	
gNSO-IPC	*"6. Payment of the IRP fees should be by reference to the receipt of the invoice from ICDR, rather than on filing the IRP." - "1. Appeals be made to an Appeals Panel, being a subset of the Standing Panel, between 5 and 7 members, who did not hear the original IRP and who have no other conflict of interest. The Standing Panel should number sufficient members to allow for this. 2. Costs of the appeal should be in the discretion of the Appeals Panel, but there should be a presumption that a losing appellant will bear the other party's reasonable costs of the appeal." - "1. Include language within § 15 to the effect that "Nothing in these IRP Supplementary Procedures is intended to supersede ICDR Rules, Article 20(7) and Article 21(8), including the right to request an interim order allocating costs arising from a party's failure to avoid unnecessary delay and expense in the arbitration".*
gNSO-NCSG	*"The IRP has to protect registrants, not just contracted parties.* *● There should be no fixed time limit on the rights of Internet users to challenge a policy* *that is alleged to take ICANN beyond its mission or otherwise violate the fundamental* *bylaws.* *● IRP challenges need to be able to challenge policies, not just implementations, otherwise registrants are unprotected against registries and registrars."*

INTA	
ISPCP	*"The ISPCP supports the explicit statement that the Standing Panel is comprised of at least seven members, and recommends retaining this language in the final draft submitted to the ICANN Board. However, while the number of members is indeed mentioned in a prior section of the ICANN Bylaws, the ISPCP believes it would be useful to clarify and emphasize the size of the Standing Panel for the benefit of those claimants bringing a dispute."*
Karl Auerbach	
Kathryn A. Kleiman	Interim Relief or measures - *"Third, IRP Panel should be barred from stopping enforcement of the underlying decision or granting other interim relief to a Claimant until the Winning party in the underlying dispute has an opportunity to be heard regarding such relief. While it may be appropriate for losing parties (e.g., the Claimant) to seek to stop the underlying decision from going into effect, it is not fair to do so without hearing from the Winning Party or Parties about the harm that will take place if the decision is delayed in its implementation."* - **See proposed language in submission. -** Also recommend not copying sections of Bylaws into the USP which can lead to problems - simply refer to them. Also would request the IOT consider who reviews the work of the ICDR?
Linx	
Paul Rosensweig	
Richard Hill	*"Regarding article 15, Costs, I would suggest that, on appeal, the appellant should bear the costs if it loses, otherwise it is likely that many first-instance decisions will be appealed. You might wish to consider adding something like the following: "On appeal, the full Standing Panel will normally provide for the losing party to pay administrative costs and fees of the prevailing party, unless the particular circumstances of the case justify a different allocation of costs and fees.""*
RySG	
Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Panel Conflic of Interest**
AFNIC	
ALAC	
Delhi - National Law University	*"It (the proposal) does not address the issue of term limits raised in the CCWG-Accountability proposal. The USP also does not contain any new independence requirements as per the mandate of the ICANN Bylaws* " -"*The International Bar Association (IBA) Guidelines on Conflicts of Interest in International Arbitration is a useful, internationally accepted standard that can be applied* "
Dot Music	Proposes that having the ICANN Board validate the community selection creates a conflict of interest for the panel. As such does not agree the Board should confirm. - "*To ensure impartiality, eliminate any appearance of conflict of interest and mitigate ICANN's legal and reputational risk, it is recommended that an independent 3rd-party provider with experience in dispute resolution, such as the International Centre for Dispute Resolution (ICDR), administrate the IRP with neutral, independent Panelists that have no ties with ICANN or the ICANN community."*
Dot Registry	"Dot Registry previously provided written submission of its public comments relating to the 2016 Draft New ICANN Bylaws1. Dot Registry remains opposed to any process by which anyone, other than a neutral third party, can review an IRP Declaration"
Government of Spain	
Government of Switzerland	
gNSO-BC	

gNSO-IPC	
gNSO-NCSG	
INTA	

ISPCP	
Karl Auerbach	
Kathryn A. Kleiman	
Linx	
Paul Rosensweig	

Richard Hill	
RySG	
Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Rewriting Consensus Policy**
AFNIC	
ALAC	
Delhi - National Law University	
Dot Music	
Dot Registry	
Government of Spain	
Government of Switzerland	
gNSO-BC	
gNSO-IPC	

gNSO-NCSG	*"No single party, perhaps a company upset with the compromise, should be allowed to unilaterally challenge or seek to renegotiate a Consensus Policy without all other equally-engaged parties being allowed on an equal basis into the "IRP Room.""* - *"Accordingly, the IRP Panels should send invalidated portions of Consensus Policies back to the ICANN Board which should send it back to the Supporting Organization that created them. Such must be the rules written into the IRP Supplementary Procedures "Standard of Review" (Section 11)."*
INTA	
ISPCP	

Karl Auerbach	
Kathryn A. Kleiman	"For Consensus Policies, it is only fair that the IRP Panel that invalidates a portion of the policy must send it back to the ICANN Board for revision. The ICANN Board should, in turn, return the invalidated portion of the Consensus Policy to the Supporting Organization for review and revision (with the Community)". - **See proposed language in submission.**
Linx	
Paul Rosensweig	
Richard Hill	
RySG	

Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Standing - Materially Affected**
AFNIC	
ALAC	
Delhi - National Law University	
Dot Music	
Dot Registry	
Government of Spain	
Government of Switzerland	
gNSO-BC	
gNSO-IPC	
gNSO-NCSG	

INTA	*"This is a fairly restrictive view of standing because it fails to offer a remedy for imminent injury or harm." - "As such, INTA recommends that the definition of CLAIMANT is revised as follows:* *A CLAIMANT is any legal or natural person, group, or entity including, but not limited to the Empowered Community, a Supporting Organization, or an Advisory Committee, that has been materially affected by a Dispute. To be materially affected by a Dispute, the Claimant must suffer an actual or imminent injury or harm that is directly and causally connected to the conduct complained of."*
ISPCP	
Karl Auerbach	*"The standing requirement that one be " materially affected" is excessively legalistic and narrow. ICANN exists to serve the community of internet users. ... - "The foundation for standing should be broadened to recognize several factors. At a minimum it should encompass any person who uses a domain name, IP address, or IANA protocol parameter. At a minimum it should encompass any person or entity listed in any "whois" entry. It ought to encompass any person or entity that constitutes the "public" as construed by the California law of "public benefit" corporations under which ICANN has obtained its legal existence. Ideally, as has been said "the internet is for everyone", and thus "everyone" ought to have standing to complain when ICANN goes awry"*

Kathryn A. Kleiman	
Linx	
Paul Rosensweig	
Richard Hill	
RySG	
Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Translation and Interpretation**
AFNIC	Supports Govts of Spain and Switzerland - "*We agree with their proposal to add to the Supplementary Procedures the appropriate measures to ensure translation and interpretation at no charge during the hearings when requested by the claimant.* "
ALAC	
Delhi - National Law University	
Dot Music	

Dot Registry	
Government of Spain	*"The selection of English as primary working language may hamper the implementation of the diversity principle that drives the IRP" - "The following aspects could be added to the supplementary procedures: a) Interpretation services should be granted and provided at no charge if requested by the Claimant. b) Any documents submitted in English should be accompanied by a translation in whole or in part into the language requested by the Claimant. c) For the purpose of calculating a period of time under these Rules, such period shall begin to run on the day following the day when a notice or other communication is received, only if the translated documents referred to in the above letter have been sent to the Claimant. Otherwise, the period shall only begin to run when the aforementioned documents have been received. I kindly ask that these comments be taken into account by the drafting team."*
Government of Switzerland	*"For instance, the supplementary procedures could provide, inter alia, the following concretizations of the above (translation) rule: - That translation also means interpretation during hearings. - That, when translation services are required, they are granted per default (and rejection is ruled out generally). - Also that the translated documents are provided at the same time as the original English documents or, at least, that the corresponding deadlines only count whenever the translated document has also reached the interested party, etc."*
gNSO-BC	

gNSO-IPC	
gNSO-NCSG	

INTA	
ISPCP	*"While the draft text adequately describes the importance of location and region by allowing virtual hearings, the question of language or accommodation is not addressed. The ISPCP asks that appropriate text regarding language be included. Again, even if the expectations for language and ICANN's are defined elsewhere in the Bylaws, it is beneficial to restate them here in the IRP section."*
Karl Auerbach	

Kathryn A. Kleiman	
Linx	
Paul Rosensweig	
Richard Hill	
RySG	
Steven Sullivan	

IRP-IOT Public consultation Analysis	
Respondant	**Types of hearings**
AFNIC	
ALAC	
Delhi - National Law University	
Dot Music	*"The phrase "[w]here necessary" should be removed from the sentence "[w]here necessary, the IRP Panel may conduct live telephonic or video conferences." Some members of the IOT also suggested to remove the phrase "where necessary."The parties should be also permitted to engage in an in-person hearing for all IRPs, instead of only under "extraordinary circumstances." Claimants should have the opportunity to present their arguments directly before the Panel and not have to meet such a high threshold."*

Dot Registry	
Government of Spain	
Government of Switzerland	

gNSO-BC	*"...the proposed threshold for witness testimony and cross examination should be less stringent." - "The panel should only consider the time and expense of witness testimony after first considering the fairness and furtherance of the IRP and the gravity of actual or potential harm to the claimant." - "Further, the panel should only consider the time and expense related to witness testimony and cross examinations if one party to the claim can provide proof that such a delay or expense would create a legitimate and unjustifiable financial hardship. A claimant should not be precluded from offering witness testimony or conducting cross examinations simply because it might increase expenses or slightly delay the resolution of the dispute."*
gNSO-IPC	
gNSO-NCSG	*"Everywhere else, all parties to the underlying proceeding have the right to intervene -- the right to be heard in the challenge to their proceeding. Here too, such a Right of Intervention (a material change to Section 7 of these Procedures) must be added." - "Emergency Panels and Interim Measures of Protection Must be Openly Heard with All Relevant Parties Present"*

INTA	*"INTA believes that witness testimony and interrogatories are important methods of discovery that should not be peremptorily ruled out" - "INTA recommends that a claimant be given an opportunity to demonstrate a good faith need for either a deposition or interrogatories based on the standard used to determine whether a witness is necessary at the hearing, namely, that the deposition or interrogatory requests (1) are necessary for a fair resolution of the claim; (2) are necessary to further the purposes of the IRP; and (3) considerations of fairness and furtherance of the purposes of the IRP outweigh the time and financial expense of the deposition and/or interrogatory requests. INTA would support that a limited number of requests for admissions be allowed."*
ISPCP	
Karl Auerbach	

Kathryn A. Kleiman	
Linx	
Paul Rosensweig	
Richard Hill	*"Regarding article 5, Conduct, I support the language that restricts in-person hearings. As mentioned in my previous comment, I see the IRP as a kind of administrative law proceeding, and, in my experience, in-person hearings are not usually required for such proceedings, because the evidence is normally found in written documents, and written pleadings on the legal issues suffice to inform the arbitrators. This is particularly the case when, as here, the applicable law is relatively concise, consisting in our case of the ICANN bylaws and policies." - "Regarding article 14, Appeal, you may wish to consider making the grounds for appeal more precise. You could consider the grounds for appeal of the UN labor-dispute process..."*
RySG	
Steven Sullivan	