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1.1 Reminder about the IRP at ICANN

ICANN operates a separate process for independent third-party review of Disputes – the Independent Review Process (IRP). The International Centre for Dispute Resolution (ICDR) currently administers ICANN's Independent Review Processes. ICANN IRPs are governed by the ICDR's International Dispute Resolution Procedures **as modified by Supplementary Procedures for ICANN's IRP.**

1.2 Reminder about the IRP at ICANN

⊙ **Bylaw 4.3(a) – "Purposes of IRP" include (among others):**

  ○ **(i) ensure ICANN compliance with Articles/Bylaws; stays within Mission.**

  ○ **(ii) empower community/claimants to <u>enforce</u> such compliance.**

  ○ **(iv) and (v) handle IANA Naming Function claims;**

  ○ **(vi) and (viii) create precedent with 'binding, final resolutions' that are enforceable.**

2.1 Review of the history leading to the creation of the IOT

◉ **Going into CCWG-Accountability WS1 there was significant community support to review the current IRP rules. Some of the major areas of concern included:**

- ○ **Timeframes for filing an IRP request**
- ○ **Enforceability of decisions**
- ○ **Lack of a standing panel (panelists who are familiar with ICANN)**
- ○ **Who can participate in an IRP request.**

◉ **The CCWG-Accountability Work Stream 1 (WS1) in its final report included Recommendation 7 regarding the IRP which required that further work be undertaken by a CCWG to complete developing the changes required to the IRP.**

2.2 Review of the history leading to the creation of the IOT

◉ **This WS1 recommendation was included in the ICANN Bylaws under Section 4.3(n)(i) which required the creation of an IRP Implementation Oversight Team (IOT - a CCWG) to undertake this work.**

◉ **Although the IOT was meant to be an independent process it was bundled in with the CCWG-Accountability WS2 for administrative simplicity while WS2 was ongoing.**

◉ **The IOT is now an independent CCWG project given WS2 has made its recommendations.**

3.1 Objectives of the IOT

○ **Complete recommendations to update the supplementary rules of procedure;**

○ **Develop rules for Cooperative Engagement Process (CEP);**

○ **Address standards and rules governing appeals;**

○ **Consider panelist term limits, additional independence considerations.**

4.1 Current status of the IOT

○ **The IOT has completed two public consultations on draft supplementary rules.**

○ **Most elements of the supplementary rules have been agreed to and should be implemented by ICANN in an interim set of supplementary rules until all points are agreed to.**

○ **The remaining points of the supplementary rules include:**

- **Time to file considerations.**
- **Types of hearings.**

4.2 Current status of the IOT

○ **In order to complete its work, the IOT needs some additional members. Therefore, we are looking to the community to identify qualified members (preferably with legal experience/training) who are willing to participate in the important work that remains. See:**

- **Bylaw section 4.3(n)(i):**
  - **An IRP Implementation Oversight Team shall be established in consultation with the Supporting Organizations and Advisory Committees …**

5.1 Establishment of Standing Panel

○ **Establishment of Standing Panel (currently ongoing) is a <mark>requirement</mark> for the new IRP which is in the Bylaws (section 4.3(j)) which requires input from the SOs and ACs.**

- **At least seven members "with relevant legal expertise";**
- **ICANN Org to issue request for Expressions of Interest;**
- **ICANN Org to work with SOs/ACs/Board to solicit, review, and vet applications.**
- **SOs/ACs "<u>shall nominate</u>" panel members – Board to confirm.**

5.2 Establishment of Standing Panel

○ **Panel members need to be nominated.**

○ **The community needs to confirm the process it will use to participate in the selection process to nominate panel members.**

6.1 Remaining work

- Complete recommendations to update the supplementary rules of procedure - underway
- Develop rules for Cooperative Engagement Process (CEP) – Needs to be started.
- Address standards and rules governing appeals – needs to be started.
- Consider panelist term limits, additional independence considerations – needs to be started.

7.1 Conclusion

○ **The IRP is the cornerstone of the accountability reforms at ICANN given its decisions are binding on ICANN.**

○ **The work must be completed effectively and expeditiously.**