**Introduction to the Third IOT Public Consultation (January 2024)**

Thank you for taking the time to comment on the Independent Review Process (IRP) Implementation Oversight Team’s (IOT) latest proposed updates to the IRP Supplementary Procedures.

**Background**

The IRP is a key accountability mechanism under ICANN’s Bylaws (Article 4.3) which provides for third-party review of Board or Staff actions or inaction which are alleged to exceed ICANN’s Mission or otherwise be inconsistent with its Articles or Bylaws. The procedural rules for the IRP are set out in *Supplementary Procedures for Internet Corporation for Assigned Names and Numbers (ICANN) Independent Review Process* (IRP Supplementary Procedures), which Supplement the International Arbitration Rules of the IRP Provider, the International Center for Dispute Resolution (ICDR).

Following the amendment of ICANN’s Bylaws as a result of the IANA Transition and work of the CCWG-Accountability, the IRP-IOT was convened in [July 2016?] to review and revise the IRP Supplementary Procedures, and in particular to accommodate the implementation of an IRP Standing Panel, which should be the primary source of Panelists for IRPs once it is established.

Between 2016 and 2019 the first iteration of the IRP-IOT worked to develop draft IRP Supplementary Procedures and held two public consultations:

* First Public Consultation in November 2016 on a set of draft updated IRP Supplementary Procedures. Following review of this public comment input revisions were made to the draft IRP Supplementary Procedures and once specific issue was identified as likely to benefit from further community input.
* Second Public Consultation in August 2018 on issues related to the time for submission of an IRP. The public comment input on this issue was not reviewed and acted upon by the first iteration of the IRP-IOT, but has been reviewed by the reconvened IRP-IOT.

In October 2018 the ICANN Board adopted [Interim IRP Supplementary Procedures](https://www.icann.org/en/system/files/files/irp-interim-supplementary-procedures-25oct18-en.pdf), which do not take into consideration the community input from the Second Public Consultation.

In January 2020 the IRP-IOT was reconvened with additional volunteers to continue the review and revision of the IRP Supplementary Procedures, including the input from the Second Public Comment and feedback from ICANN Legal and Practitioner members of the IRP-IOT of their experiences. The IRP-IOT now seeks further community input.

**Third Public Consultation**

The IRP-IOT seeks comments on its proposed updates to the following rules in the Interim IRP Supplementary Procedures:

* Rule 3 - Panel selection
* Rule 4 - Time for Filing, including:
  + 4A – Initiation of an IRP
  + 4B – Time to File
  + 4C - Timing considerations for a Claimant to File an IRP following a Request for Reconsideration (RFR)
  + 4D - Limited Circumstances for Requesting Permission to File After the 24 month limit
* Rule 5B - Translation
* Rule 7 - Consolidation, Intervention and Participation as an Amicus

It is important to note that what is being proposed is not final language. Where an existing rule is proposed to be amended, the IRP-IOT has proposed revisions but these have not yet been through a formal legal review. Where the IRP-IOT proposes additional rules not presently reflected in the Interim IRP Supplementary Procedures, in particular in rules 4A, C and D, it has proposed drafting instructions to the legal professionals who will produce the final language subject to the IRP-IOT’s approval. As such the IRP-IOT would appreciate comments on the principles and recommendations that are being proposed to update the IRP Supplementary Procedures and not on the detail of the language being presented at this time.

It is important to note that the IRP-IOT considered all the comments made in previous public consultations when working on this proposed update to the IRP Supplementary Procedures and have included a number of these in the proposals presented here.

The draft IRP Supplementary Procedures include a number of proposed time limits for taking various steps in the proceedings, intended to allow Parties a sufficient amount of time, but in the context of the Bylaws expectation that IRP proceedings should be concluded within 6 months. The IRP-IOT does intend to review all timings consistency prior to finalising the IRP Supplementary Procedures, but welcomes community input on these timings.

With respect to Rule 4, dealing with the time to file an IRP, the proposals are the result of substantial discussion amongst the members of the IRP-IOT and compromise. They do not reflect a full consensus of the IRP-IOT but do reflect a compromise that a consensus of the group could agree to put out to public comment. More explanation is contained within the Rule 4 document.

Given the breadth of the proposed changes the IRP-IOT is providing the following for comments:

* The current Interim IRP Supplementary Procedures.
* A red-line version of the proposed changes to the IRP Supplementary Procedures against the current Interim IRP Supplementary Procedures, which includes Rationales (in Italics and highlighted in grey) explaining why each major change is being proposed. The IOT is not seeking comments on the Rationales that are included in this document as they are simply meant to be explanations as to why the IOT is proposing these changes. These will not be included in the final updated version of the IRP Supplementary Procedures.
* A clean version of the proposed updates to the IRP Supplementary Procedures.

The IRP-IOT has maintained the same numbering system that is currently being used in the IRP Supplementary Procedures to facilitate reader’s referencing that document for this public consultation, however this does not imply that this numbering system will be used in the final version of the updated IRP Supplementary Procedures.

The IRP-IOT would ask commenters to clearly identify which sections of which documents they are referring to in their comments.