Open Proceeding Template

**Title of Open Proceeding:**

Provide a succinct, easy to understand, descriptive title for your open proceeding. **Maximum of 80 characters including spaces.**

**IRP-IOT – Proposed updates to the IRP Supplementary Procedures.**

**Description:**

Write a brief overview of the open proceeding. This description is displayed on the Public Comment homepage. **Maximum of 450 characters including spaces.**

The Independent Review Process (IRP) provides for third-party review of Board or Staff actions (or inactions) alleged to be inconsistent with ICANN's Articles or Bylaws. The IRP Implementation Oversight Team (IRP-IOT) seeks input on its proposed updates to the following 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

450 char

**Metadata Description:**

A metadata description is a one or two sentence summary of your open proceeding content. Web pages containing metadata descriptions rank higher in search results. Write the metadata description using the active voice, with simple and compelling language, and keywords from your open proceeding. **Maximum of 155 characters including spaces.**

The IRP-IOT seeks input on the IRP rules regarding Initiation, Panel selection, Time for Filing, Translation, Consolidation, Intervention and Amicus.

150 char

**Open for Submissions Date:**

When selecting submission open dates, consider official ICANN holidays and avoid Fridays.

Earliest possible after the ICANN 80 Kigali meeting.

**Closed for Submissions Date:**

At minimum, the close date should be 40 calendar days after the open date. Open proceedings that are open for less than 40 days require approval from two ICANN org executives except as documented in the ICANN Bylaws or ICANN community operational procedures. Do not include Public Meeting dates in the count. Consider official ICANN holidays and avoid Fridays.

September 15, 2024

**Summary Report Due Date:**

The default due date for your summary report is 14 calendar days after the close date but you may select a different report due date.

Monday 30 September, 2023

**Category:**

Select a single category from the following list that applies to your open proceeding.

* Governance

**Requester:**

Select one or more requesters from the following list. You should choose the organization that is requesting the open proceeding.

* Other

**ICANN org Contact(s):**

Include a staff email address

Samantha Eisner – [Samantha.eisner@icann.org](mailto:Samantha.eisner@icann.org)

Elizabeth Le – elizabeth.le@icann.org

**What We Need Your Input On:**   
Provide the overall purpose of your open proceeding and consider:

* Key questions
* Specifying sections in the *Proposals for Your Input*
* Explaining options
* Defining recurring acronyms
* Including a specific call to action

The ideal length of this *What We Need Your Input* *On* section is two paragraphs.

The IRP-IOT wishes to gather input from the ICANN community on each of the rules in its current proposals for updating the IRP Supplementary Procedures. The relevant rules are:

* 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

Respondents should clearly indicate in their comments if they support the changes made to each rule as a whole. If you do not support the changes, please provide a detailed explanation of why you do not support the changes to each rule.

569 characters

**Proposals for Your Input**:

Add links or attachments that are directly related to your open proceeding[[1]](#footnote-2).

**Background:**

Provide background about the decisions, steps, or work that led to your open proceeding. The ideal length of this *Background* section is two paragraphs.

At the outset of its work, the reconstituted IRP-IOT prioritized updating the

Supplementary rules as its first objective. In analyzing the current Interim Supplementary Rules, the IRP-IOT further prioritized the elements presented in this public consultation.

The changes proposed for each of these rules is the result of significant work over the past three and a half years by the IRP-IOT and represent compromises by all members, allowing the group to achieve consensus on all of these.

In some cases, such as Rule 4 - Time for Filing, some members of the IRP-IOT could not support the consensus but did support bringing the proposal to the community for input.

**Next Steps:**

Outline the next steps once an open proceeding closes. The ideal length of this *Next Steps* section is two paragraphs.

Following the Public Comment period, the inputs will be analyzed by the IRP-IOT, who will consider updating the amended rules in light of the comments received and will publish a report on the results of these considerations. If significant changes are required due to the Public Consultation, the IOT may opt to have a further Public comment period on these changes. If there are no significant changes these rules will be included in the Supplementary Procedures.

**Supporting Information**:

Add additional links or attachments that give more context about your open proceeding1. (This section is not required.)

* WS1 – Annex 07 –Recommendation #7: Strengthening ICANN’s Independent Review Process [https://community.icann.org/display/acctcrosscomm/Development+of+Final+Report?preview=/56989168/58723275/CCWGV4-Annex%207-FinalDraftV01.1-Clean-Final.pdf](https://community.icann.org/display/acctcrosscomm/Development+of+Final+Report?preview=/56989168/58723275/CCWGV4-Annex%25207-FinalDraftV01.1-Clean-Final.pdf)
* IRP-IOT Wiki - [https://community.icann.org/display/IRPIOTI/Independent+Review+Process+-+Implementation+Oversight+Team+%28IRP-IOT%29+Home](https://community.icann.org/display/IRPIOTI/Independent+Review+Process+-+Implementation+Oversight+Team+(IRP-IOT)+Home)
* Interim Supplementary Procedures for Internet Corporation for Assigned Names and Numbers (ICANN) Independent Review Process(IRP) – October 2018 – Redline - [https://community.icann.org/display/IRPIOTI?preview=/96211302/96212607/REDLINE%20-%2031%20Oct%202017%20to%2025%20Sept%202018%20UpdatedInterim%20Supplementary%20Procedures%20for%20Internet%20Corporation%20for%20Assigned%20Names%20and%20Numbers%5B2%5D.pdf](https://community.icann.org/display/IRPIOTI?preview=/96211302/96212607/REDLINE%2520-%252031%2520Oct%25202017%2520to%252025%2520Sept%25202018%2520UpdatedInterim%2520Supplementary%2520Procedures%2520for%2520Internet%2520Corporation%2520for%2520Assigned%2520Names%2520and%2520Numbers%255B2%255D.pdf)
* First IRP-IOT Public Consultation - Updated Supplementary Procedures for Independent Review Process (IRP) – 28 November 2016 - <https://www.icann.org/en/public-comment/proceeding/updated-supplementary-procedures-for-independent-review-process-irp-28-11-2016>
* Second IRP-IOT Public Consultation - The Independent Review Process Implementation Oversight Team (IRP-IOT) Draft Recommendations – 22 June 2018 - <https://www.icann.org/en/public-comment/proceeding/the-independent-review-process-implementation-oversight-team-irp-iot-draft-recommendations-22-06-2018>
* International Centre for Dispute Resolution (ICDR) Rules (ICDR is ICANN’s IRP Provider) - [https://www.adr.org/sites/default/files/ICDR%20Rules\_0.pdf](https://www.adr.org/sites/default/files/ICDR%2520Rules_0.pdf)

-------------------------------------------- **TEMPLATE END ------------------------------------------------------**

Publishing Your Open Proceeding

Step 1 Submit to the Policy Development Support Team for Proofing and Publishing

* Create an email to [public-comment@icann.org](mailto:public-comment@icann.org) and include:
  + - Name of Legal reviewer.
    - Name of Communications reviewer.
    - Name of Executive approver (or names of two Executive approvers if the open proceeding is less than the minimum 40 days).
* Add the following attachments:
  + - * Your completed open proceeding template as a Word file.
      * Your completed submission form as a Word file (if applicable).
      * Any files that need to be published at the same time.
* Public Comment Announcements: The Policy Development Support team will **create AND publish the accompanying** <https://icann.org> **announcement for this open proceeding. You DO NOT need to create the announcement.** By default, the announcement will be shared across ICANN’s social media platforms. If you require additional promotion, please contact your Communications liaison.
* The Policy Development Support team will:
  + - Review your open proceeding content.
    - Approve the open and closed for submissions dates, and summary report due date.
    - Return the proofed open proceeding, submission form, and any proceeding documents, to you with tracked changes.
    - If there are significant changes, your content may require another review by your executive and Legal, and another proof from the Policy Development Support team.
    - **Once all open proceeding-related content finalized, no further action from you is required**. The Policy Development Support team will publish all the open proceeding-related content and create and publish the accompanying announcement. The Policy Development team will share links to your open proceeding page and announcement once these items are published on <https://icann.org>.
    - The Policy Development Support team will send you a pre-populated summary report template to get you started.

**Background**

ICANN operates a separate process for independent third-party review of Disputes – the Independent Review Process (IRP). (See Bylaw Section 4.3.) 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.

As a result of the ICANN Transition from USG oversight the ICANN Bylaws were modified to incorporate the recommendations of the Cross Community Working Group Work Stream 1 (CCWG-WS1) and Work Stream 2 (CCWG-WS2), which included significant modifications to section 4.3 of the Bylaws concerning the IRP.

The Independent Review Process Implementation Oversight Team (IRP-IOT) was created to complete the review of the IRP rules per recommendation 7 of the CCWG-WS1. The IRP-IOT has the following objectives:

* Finish Supplementary Rules of Procedure;
* Develop rules for Cooperative Engagement Process;
* Recommend training for Standing Panel;
* Develop recall process for members of Standing Panel;
* Consider designing specialized rules for PTI service complaints;
* Develop procedures if ICANN elects not to respond to an IRP;
* Develop standards/rules governing appeals
* Consider developing additional independence requirements for panelists.

The IRP-IOT held two previous consultations on its work on 28 November 2016 and 23 June 2018. The IRP-IOT also approved a set of interim supplementary rules in 2018 to address the issue that the then-current Supplementary Rules were no longer valid due to the 2016 transition and the accompanying update to the ICANN Bylaws.

After undergoing a lull in its activities in 2019 the IRP-IOT was relaunched in January 2020 with a new set of members selected by the ICANN Board.

The relaunched IRP-IOT reviewed the work of the previous IRP-IOT and began updating the supplementary rules after agreeing on priorities for doing this.

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1. If you are including attachments that need to be published at the same time as this open proceeding, please note if the attachments need to be added to an existing <https://icann.org> page or if the attachments need to be added to thiopen proceeding page. [↑](#footnote-ref-2)