Staff Report of Public Comment Proceeding

Updated Supplementary Procedures for Independent Review Process (IRP)	
Publication Date:	2 August 2017
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Public Comment Proceeding	
Open Date:	28 November 2016
Close Date:	1 February 2017
Staff Report Due Date:	29 May 2017

Important Information Links
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Public Comment Proceeding
View Comments Submitted

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Section I: General Overview and Next Steps

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 the ICANN Independent Review Processes. ICANN IRPs are governed by the ICDR's International Dispute Resolution Procedures as modified by Supplementary Procedures for the ICANN IRP.

The CCWG-Accountability Work Stream 1 (WS1) in its final report included the following under Implementation for Recommendation 7 concerning the IRP:

"The CCWG-Accountability proposes that the revised IRP provisions be adopted as Fundamental Bylaws. Implementation of these enhancements will necessarily require additional detailed work. Detailed rules for the implementation of the IRP (such as rules of procedure) are to be created by the ICANN community through a CCWG (assisted by counsel, appropriate experts, and the Standing Panel when confirmed), and approved by the Board, such approval not to be unreasonably withheld."

In early in 2016 the CCWG-Accountability created the IRP Implementation Oversight Team (IOT), which has been working on updating the Supplementary Rules of Procedures.

Given the IRP IOT is recommending significant changes to the Supplementary Rules of Procedures it published these for public comments.

The IRP-IOT has received feedback through the first public comment period which was generally favorable but did register a number of concerns with the draft document. The IOT will consider modifying the draft Supplementary Rules based on the results of the public consultation on the original draft.

Section II: Contributors

At the time this report was prepared, a total of nineteen (19) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
AFNIC	Marianne Georgelin	AFNIC
ALAC	Leon Sanchez	ALAC
gNSO – Business Constituency	Steve Delbianco	GNSOBC
gNSO – IPC	Greg Shatan	IPC
gNSO – ISPCP	Mark McFadden	ISPCP
gNSO – NCSG	Mathew Shears	NCSG
gNSO – RySG		RYSG
Government of Spain	Rafael Pérez Galindo	GOVES
Government of Switzerland	Jorge Cancio	GOVCH
INTA	Lori Schulman	INTA
LINX	Malcolm Hutty	LINX
National Law University, Delhi	Puneeth Nagaraj	NLUD

Individuals:

Name	Affiliation (if provided)	Initials
Constantine Roussos	DotMusic	CR
Desiree Boxberger	Dot Registry LLC	DB
Karl Auerbach	ASO	KA
Kathryn A. Kleiman	Fletcher, Heald & Hildreth	KK
Paul Rosenzweig	Red Branch Consulting, PLLC	PR
Richard Hill		RH
Steven Sullivan		SS

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

The most commented issues were:

- Section 4 – Time for filing – 12 month limit:
  - 13 of the 19 respondents had issues with this proposal and either opposed it or proposed significant changes (GNSOBC, IPC, ISPCP, NCSG, RYSG, INTA, LINX, NLUD, CR, KA, PR, RH, SS)

- Section 4 – Time for filing – 45 days:
    - 11 of the 19 respondents had issues with this proposal and either opposed it or proposed significant changes (AFNIC, GNSOBC, IPC, ISPCP, NCSG, RYSG, INTA, LINX, CR, KA, RH)

Issues of note, among others, included:

- Interpretation and translation requirements for IRP proceedings
- Joinder
- Retroactive application of rules
- Challenges to consensus policies

Section IV: Analysis of Comments

Analysis of the comments will be undertaken by the IRP-IOT.