

Independent Review Process (IRP) Implementation Oversight Team (IOT)

Update

Reconstituted IOT



January 2020

Current Status of IOT: The IOT was reconstituted at the end of 2019.

- **Members:**

Kavouss Arasteh	Helen Lee	Kurt Pritz
Scott Austin	Hector Ariel Manoff	Nigel Roberts, ICANN Board Member Liaison
Becky Burr, ICANN Board Member Liaison	David McAuley	Mike Rodenbaugh
Samantha Eisner, ICANN organization Member Liaison	Susan Payne	Kristina Rosette
Robin Gross	Flip Petillion	Greg Shatan
Malcolm Hutty	Dusan Popović	Mike Silber
		Bruce Tonkin

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 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.**

Remaining work for the IOT

- 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.

Brief Overview of the IRP at ICANN

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.

Brief overview of 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 enforce such compliance.**
 - **(iv) and (v) handle IANA Naming Function claims;**
 - **(vi) and (viii) create precedent with ‘binding, final resolutions’ that are enforceable.**

Parallel effort: Establish a Standing Panel

- Establishment of Standing Panel (currently ongoing) is a **requirement** 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 “shall nominate” panel members – Board to confirm.**