

Potential areas for IOT Consideration to update the Supplementary Procedures, based upon review/experience with IRP

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Presented by ICANN organization to IOT

1. **Elimination of the Procedures Officer:** Experience has shown that the designation of an individual to handle consolidation, intervention and amicus requests is a cumbersome process, and those issues are better let to the discretion of the IRP panel handling the merits of the dispute.
2. **Updates to the Selection of Arbitrators:**
 - a. Consider better aligning Article 3 language with the ICDR Rules, which set out a specific procedure for selection of a third panelist where there is disagreement amongst the party-appointed arbitrators.
 - b. Consider adding a specification on the nationality of arbitrators and whether one or more arbitrators may be of the same nationality or of the same nationality as ICANN or the claimant.
 - c. Consider specifying the date of when an IRP Panel is in “in place”, to give clarity to when an Emergency Arbitrator might need to be empowered.
3. **Timing Issues:** Consider adding a clarification that the IRP is officially commenced when the ICDR Administrator actually receives a written statement dispute, as well as confirmation that ICDR Rule 36(3) governs a party’s failure to pay required fees. Clarifying timing requirements is important, as that sets the cadence for the full briefing schedule.
4. **Consolidation/Amicus:** Consider updating the rules to clarify the ability of properly intervening parties to obtain documentation so that they can participate on equal footing with the original parties to the IRP. Consider the need to confirm that requests to intervene/amicus need to be made in writing and specify the interest of the intervening party. Consider amicus access to evidentiary record and whether that should be left to the discretion of the IRP Panel.
5. **Interim Measures:** Consider codifying typical arbitral practice in clarifying that Emergency Panelist or the IRP Panel has authority to modify interim relief measures; for procedural equity consider defining a page limit and right of reply for requests for Interim Measures.