

ICANN'S RECONSIDERATION PROCESS

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Scope and Purpose

- ⦿ An accountability mechanism provided by Article 4, Section 4.2 of the ICANN Bylaws
- ⦿ Purpose: Board review or reconsideration of an action or inaction of the ICANN Board or Org that has been alleged to materially affect a person or entity
- ⦿ The scope of reconsideration excludes the following:
 - Disputes relating to country code top-level domain delegations and re-delegations;
 - Disputes relating to Internet numbering resources; and
 - Disputes relating to protocol parameters.

Standard of Review

A person/entity may submit a reconsideration request if

- the person/entity has been adversely affected
- by one or more of the following:
 - ICANN Board or Org action(s) or inaction(s) that contradict ICANN's Mission, Commitments, Core Values and/or established ICANN policy(ies); or
 - ICANN Board or Org action(s) or inaction(s) that have been taken or refused to be taken without consideration of material information, unless the Requestor could have submitted, but did not submit, the information for the Board's or Staff's consideration at the time of action or refusal to act; or
 - ICANN Board or Org action(s) or inaction(s) that are taken as a result of the Board's or Staff's reliance on false or inaccurate relevant information.

Absent a showing of these standards, the reconsideration process is not a mechanism for reconsideration of an action or inaction simply because the person/entity does not agree with the action or inaction.

Requests must be timely - must be submitted within 30 days after the date on which a Requestor became aware of, or reasonably should have become aware of, the challenged action or inaction.

The Reconsideration Process

- ⦿ 2 processes: standard vs. urgent
- ⦿ Initial procedural review by Board Accountability Mechanisms Committee (BAMC) to determine if request is sufficiently stated.
 - Request may be summarily dismissed if (i) the Requestor fails to meet the requirements for bringing a Reconsideration Request; or (ii) it is frivolous.
- ⦿ Ombudsman provided the opportunity to review request and submit his/her evaluation to the BAMC or recuse him/herself from the matter.
- ⦿ BAMC shall endeavor to review reconsideration request and to provide a final recommendation to the ICANN Board within 90 days of receipt to the request .
- ⦿ Requestor may file a rebuttal to the BAMC's recommendation within 15 days of receipt of recommendation.
- ⦿ ICANN Board shall review and issue a final determination on the request within 135 days of receipt of request.

Additional Resources

- ⦿ ICANN Bylaws, Article 4, Section 4.2,
<https://www.icann.org/resources/pages/governance/bylaws-en/#article4>
- ⦿ Reconsideration Request webpage,
<https://www.icann.org/resources/pages/accountability/reconsideration-en>
- ⦿ Standard Reconsideration Request Process Timeline,
<https://www.icann.org/en/system/files/files/reconsideration-request-timeline-24oct17-en.pdf>
- ⦿ Urgent Reconsideration Request Process Timeline,
<https://www.icann.org/en/system/files/files/urgent-reconsideration-request-process-timeline-26apr18-en.pdf>

Thank You & Questions