

ICANN ORG'S PROPOSED REVISIONS TO RULE 4: TIME FOR FILING

- A. A CLAIMANT shall file a written statement of a DISPUTE with the ICDR within the following timeframes:
- i. for DISPUTES challenging Board or Staff action, within 120 days after the date on which the CLAIMANT became aware of, or reasonably should have become aware of, the action being challenged in the DISPUTE; or
 - ii. for DISPUTES challenging Board or Staff inaction, within 120 days after the date on which the CLAIMANT reasonably concluded, or reasonably should have concluded, that action would not be taken in a timely manner.
- B. A statement of a DISPUTE may not be filed more than [*length TBD by IRP IOT; currently 12 months*] months from the date of such action or inaction being challenged in the DISPUTE.
- C. An IRP Panel may permit CLAIMANT to file its written statement of a DISPUTE after the timeframes set forth in (A) and (B) above under certain exceptional circumstances. A CLAIMANT may seek leave to file a late written statement of DISPUTE by demonstrating by clear and convincing evidence that:
- i. the CLAIMANT satisfies the standing requirements set forth in the Bylaws; and either
 - ii. extraordinary circumstances not caused by the CLAIMANT prevented the CLAIMANT from becoming aware of the action or inaction being challenged in the DISPUTE within the timeframes set forth in 4.A or 4.B; or
 - iii. extraordinary circumstances not caused by the CLAIMANT prevented the CLAIMANT from being able to file a written statement of a DISPUTE within [*length TBD by IRP IOT; currently 12 months*] months from the date of the action or inaction being challenged in the DISPUTE within the timeframes set forth in 4.A or 4.B.

- D. Any request for leave to file a written statement of a DISPUTE under 4.C shall be accompanied by CLAIMANT's proposed statement of a DISPUTE and must be filed within 30 calendar days of:
- i. the CLAIMANT becoming aware of the action or inaction being challenged in the DISPUTE, if the late filing is requested under 4.C.ii above; or
 - ii. the CLAIMANT becoming able to file a written statement of a DISPUTE, if the late filing is requested under 4.C.iii above.
- E. For avoidance of doubt, ICANN shall have a right to respond to a CLAIMANT's request for leave to file submitted pursuant to 4.C and D.
- F. Under no circumstances may a CLAIMANT seek to file a statement of a DISPUTE more than four years after the date of the action or inaction being challenged in the DISPUTE.
- G. In order for an IRP to be deemed to have been timely filed, all fees must be paid to the ICDR within three business days (as measured by the ICDR) of the filing of a statement of a DISPUTE.