

Detailed comparison of complaint procedures vs proposed CCPDP-RM Review

Topic	Complaint Procedure/Escalation Process IANA Naming Function Contract (section 8.1 (a))	Mediation / IANA Naming Function Contract (section 8.1 (c))	WG Non-Binding Review Process
Prerequisite condition	(none beyond Standing)	Completion of Escalation Procedure	logical, independent step following the IFO Customer Service Complaint Procedure
Matter that is subject to process	Customer Service complaint (non- specific)	Customer service complaint (non-specific)	Limited set of decisions on delegation, transfer, retirement and revocation of ccTLDs. Decision that can be reviewed: significant issues in how the IFO complied with RFC 1591, the CCNSOFOI for RFC1591 as adopted by the ICANN Board, and any other policies
“Standing” Who may launch process?	“customer” means a gTLD registry operator, a ccTLD manager or other direct customer of Contractor (e.g., a root server operator or other non-root zone function).	“customer” means a gTLD registry operator, a ccTLD manager or other direct customer of Contractor (e.g., a root server operator or other non-root zone function).	ccTLD Manager, applicant for a ccTLD Delegation
Goal	Attempt to resolve it to the reasonable satisfaction of the person or entity who brought the Complaint	Discuss the dispute in good faith and attempt, with the mediator’s assistance, to reach an amicable resolution of the dispute	Optional and independent review mechanism inspired by arbitration, which is non-binding on the IFO or ICANN and will not prevent the Manager from using any other dispute resolution mechanism to address the

			IFO decision affecting it [binding procedure or court procedure]
Aspired result of procedure/process	Resolution of complaint	Amicable resolution of dispute	Provide Advice to the IFO (Claimant and the Board) whether significant issues with the IFO properly following its procedures and applying these fairly in arriving at its Decision
Publication of outcome?	Not published	Not published	Included in IANA Report and in Review site public webpage
"Panel"	Contractor Management, President of Contractor	Single Independent Mediator	Open (1 or 3 person panel)
Role of Panel/reviewer	Not defined	The mediator does not decide what is "fair" or "right," does not assess blame nor render an opinion on the merits or chances of success if the case were litigated.	Provide Advice to the IFO (Claimant and the Board) whether there were significant issues
Qualifications Panellist	Staff	Independent & licensed attorney with general knowledge of contract law and general knowledge of the DNS and ICANN	SME with respect to ccNSO policies, RFC1591 and its FOI as well as IFO procedures. Minimum qualification will be 10 years of practical experience in all these areas (proposal TBD in cooperation between the Administrator, the ccNSO and the IFO). Legal experience is also desirable.
Procedures	IANA Customer Service Complaint Resolution Process	Conduct the mediation in accordance with this Section 8.1(c), the laws of California and the rules	Defined by RM WG

	(https://www.iana.org/help/complaint-procedure)	and procedures of a well-respected international dispute resolution provider	
Principles	Not Applicable	Good faith negotiations	Fundamental fairness and basic arbitration principles and rules
Escalation/next step	Ombudsman	Not defined	Binding review, Court Procedure
Cost	Not mentioned. IFO internal procedure	ICANN shall bear all costs of the mediator	Low cost (10,000 to 100,000\$US maximum including all administrative and Arbitrator(s) costs for both parties. Who pays what is TBD