

Agenda

1. Review agenda and updates to SOIs
2. Action items
3. Standing Panel Selection Update
4. IRP Panel Selection (Rule 3) and next steps on IRP Rules
5. Other responsibilities of the IRP-IOT:
 - a) Overview of other responsibilities assigned under Bylaws
 - b) Discussion on Training requirements for Standing Panel

Other Responsibilities of the IRP-IOT Under the Bylaws

Tasks relating to the Standing Panel

1. Recommended training for Standing Panel (Bylaws 4.3(j)(i))
2. Recall Process for Standing Panel to be developed (Bylaws 4.3(j)(iii))
3. Standing Panel Conflicts of Interest (Bylaws 4.3(q)(i)(B))

Other Rules

4. Rules for the Co-operative Engagement Process (Bylaws 4.3(e)(i))
5. Appeals (covered in brief in Art 14 of IRP Rules) and any Limitations on Appeals (Bylaws 4.3(w))
6. Consider designing specialised rules for PTI service complaints (Bylaws 4.3(a)(v))

Standing Panel

1. Recommended training for Standing Panel (Bylaws 4.3(j)(i))

“There shall be an omnibus standing panel of at least seven members (the "Standing Panel") each of whom shall possess significant relevant legal expertise in one or more of the following areas: international law, corporate governance, judicial systems, alternative dispute resolution and/or arbitration. Each member of the Standing Panel shall also have knowledge, developed over time, regarding the DNS and ICANN's Mission, work, policies, practices, and procedures. **Members of the Standing Panel shall receive at a minimum, training provided by ICANN on the workings and management of the Internet's unique identifiers and other appropriate training as recommended by the IRP Implementation Oversight Team (described in Section 4.3(n)(i)).**”

- 4.3(n)(i) describes that an IRP-IOT be established
- Prioritise task in light of the expected appointment of the Standing Panel?

2. Recall Process for Standing Panel to be developed (Bylaws 4.3(j)(iii))

“Appointments to the Standing Panel shall be made for a fixed term of five years with no removal except for specified cause in the nature of corruption, misuse of position, fraud or criminal activity. **The recall process shall be developed by the IRP Implementation Oversight Team.**”

- Is there any other existing recall process that we could build off, e.g. for the Standing Panel for the PICDRP?

Standing Panel

3. Standing Panel Conflicts of Interest (Bylaws 4.3(q)(i)(B))

“Conflicts of Interest

(i) Standing Panel members must be independent of ICANN and its Supporting Organizations and Advisory Committees, and so must adhere to the following criteria:

(A) Upon consideration for the Standing Panel and on an ongoing basis, Panelists shall have an affirmative obligation to disclose any material relationship with ICANN, a Supporting Organization, an Advisory Committee, or any other participant in an IRP proceeding.

(B) Additional independence requirements to be developed by the IRP Implementation Oversight Team, including term limits and restrictions on post-term appointment to other ICANN positions.

(ii) The IRP Provider shall disclose any material relationship with ICANN, a Supporting Organization, an Advisory Committee, or any other participant in an IRP proceeding.”

- Term limits already set as above at “a fixed term of five years”. What else is envisaged by “term limits”?

Other Rules

4. Rules for the Co-operative Engagement Process (Bylaws 4.3(e)(i))

“(i) Except for Claims brought by the EC in accordance with this Section 4.3 and Section 4.2 of Annex D, prior to the filing of a Claim, the parties are strongly encouraged to participate in a non-binding Cooperative Engagement Process ("CEP") for the purpose of attempting to resolve and/or narrow the Dispute. **CEPs shall be conducted pursuant to the CEP Rules to be developed with community involvement, adopted by the Board, and as amended from time to time.**

(ii) The CEP is voluntary. However, except for Claims brought by the EC in accordance with this Section 4.3 and Section 4.2 of Annex D, if the Claimant does not participate in good faith in the CEP and ICANN is the prevailing party in the IRP, the IRP Panel shall award to ICANN all reasonable fees and costs incurred by ICANN in the IRP, including legal fees.

(iii) Either party may terminate the CEP efforts if that party: (A) concludes in good faith that further efforts are unlikely to produce agreement; or (B) requests the inclusion of an independent dispute resolution facilitator ("IRP Mediator") after at least one CEP meeting.

(iv) Unless all parties agree on the selection of a particular IRP Mediator, any IRP Mediator appointed shall be selected from the members of the Standing Panel (described in Section 4.3(j) below) by its Chair, but such IRP Mediator shall not thereafter be eligible to serve as a panelist presiding over an IRP on the matter.”

- This task is not specifically identified as being assigned to the IRP-IOT, but rather “developed with community involvement”. Does the IOT believe this task falls to us?

Other Rules

5. Appeals (covered in brief in Art 14 of IRP Rules) and any Limitations on Appeals (Bylaws 4.3(w))

“Subject to any limitations established through the Rules of Procedure, an IRP Panel decision may be appealed to the full Standing Panel sitting en banc within sixty (60) days of issuance of such decision.”

Interim Supplementary Procedures Art 14: Appeal of IRP Panel Decisions

“An IRP PANEL DECISION may be appealed to the full STANDING PANEL sitting en banc within 60 days of the issuance of such decision. The en banc STANDING PANEL will review such appealed IRP PANEL DECISION based on a clear error of judgment or the application of an incorrect legal standard. The en banc STANDING PANEL may also resolve any disputes between panelists on an IRP PANEL or the PROCEDURES OFFICER with respect to consolidation of CLAIMS or intervention.”

- Previously discussed and concluded that any specific rules on appeals would be better dealt with separately to the IRP Rules. Any concerns?

6. Consider designing specialised rules for PTI service complaints (Bylaws 4.3(a)(v))

(a) In addition to the reconsideration process described in Section 4.2, ICANN shall have a separate process for independent third-party review of Disputes (defined in Section 4.3(b)(iii)) alleged by a Claimant (as defined in Section 4.3(b)(i)) to be within the scope of the Independent Review Process ("IRP"). The IRP is intended to hear and resolve Disputes for the following purposes ("Purposes of the IRP"): ...

- v. Provide a mechanism by which direct customers of the IANA naming functions may seek resolution of PTI (as defined in Section 16.1) service complaints that are not resolved through mediation.

- Is there any need for PTI-specific rules?