
Conflicts of Interest Process

Deleted: for Vendors and Subcontractors

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1. Conflicts of Interest Process

The information below provides an overview of the process by which ICANN org ensures that entities and individuals, contracted by ICANN org to support services or processes for the New gTLD Program are free from conflicts of interest. These individuals and entities ("the Parties") include:

- Evaluation Panel Firms and individual persons appointed by the Panel Firm to conduct an evaluation
- Dispute Resolution Service Providers and dispute resolution expert panelists
- Independent Objectors Firms and Independent Objectors.

[Placeholder for full list]

1.1 Prior to Contracting

1. The Parties for the New gTLD Program are selected through ICANN's standard procurement process.
2. Call for Expression of Interest, Requests for Proposals, and Requests for Information are issued to solicit qualified Parties to perform activities for many aspects of the Program, including evaluation, and dispute resolution.
3. Certain services may require more than one Party to perform a particular Program activity. This approach allows ICANN to address any conflict of interest issues.
4. ICANN requires potential Parties to provide background information, including information about their parent company, a list of their top customers, and references.
5. To be considered, potential Parties must demonstrate to ICANN org's satisfaction that there are no material conflicts, as per the Conflict of Interest Guidelines described in AGB Section [cross-reference] at the time of the bid and that the Parties have controls in place to ensure new or changed resources do not have conflicts.
6. ICANN org reviews for conflicts before contracting with the Party, but this matter may become relevant once applications are submitted, where a Party may have a conflict with one or more applicants.

1.2 Contracted Vendors

7. If selected, the Parties enter into a contract with ICANN.
8. Prior to allocating any applications to the Parties, ICANN requires that the Parties perform conflict of interest checks for the panelists in accordance with the requirements of the AGB, and to provide ICANN with the results. ICANN allocates applications taking these results into account.

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9. ~~The Parties~~ are also required to contractually comply with and document acknowledgement that they understand ICANN's Conflict of Interest policies and guidelines established in Section ~~[cross-reference]~~ of the AGB.¹
10. Accordingly, the ~~Parties are~~ required to complete and deliver annually a "Contractor Conflicts of Interest Disclosure" Form. ICANN has developed this Form to assist it in identifying those business and family relationships between or among itself, its Directors, Liaisons, Officers, Employees and Contractors that may create a current or future actual or potential conflict of interest. Additionally, this Form is designed to facilitate compliance with disclosure obligations described in ICANN's Conflicts of Interest Policy.
11. In the event that the ~~Party~~ is an entity, the Conflicts of Interest Disclosure Form is to be completed by an authorized person of the entity representing the responses are provided in an individual capacity to the best of his/her knowledge.
12. The completed Conflicts of Interest Disclosure Form is sent to ICANN by the ~~Parties~~.
13. The Conflicts of Interest Disclosure Form is reviewed by ICANN to make sure it aligns with existing ICANN conflicts of interest policies and guidelines.
14. In the event that there are any material changes during the current year in the information provided in the Conflicts of Interest Disclosure Form, the ~~Parties~~ should promptly notify ICANN.

In addition, the ~~Parties are~~ also required to agree that it will revise and update the Conflicts of Interest Disclosure Form when and to the extent to which it becomes aware of circumstances that would require such a revision, and in all events at least annually.

15. To the extent that conflicts of interest are identified that do not embody ICANN's mission and purpose, ICANN may ~~seek to, according to the negotiated terms regarding termination~~ terminate the ~~Parties~~ agreement.

1.3 Subcontractors

16. With respect to third-party subcontractors, ICANN org requires that subcontractors must be disclosed to ICANN org and approved before providing services.
17. ICANN's current Contractor Agreement includes a standard provision whereby no other individuals or third-party subcontractors will be engaged on a project or have access to the confidential information provided by ICANN regarding the project. Exceptions may be made on a case-by-case basis if approved by ICANN.
18. If approved, ICANN will provide revised language to use for the ~~Contractor~~ Agreement and a checklist of required documents (i.e., non-disclosure agreement, conflict of interest form, etc.).
19. ICANN will review the completed documents to ensure the information provided aligns with existing ICANN's conflicts of interest policies and guidelines.

Disclaimer: This process will be updated as necessary.

¹ The Conflict of Interest Guidelines in the AGB define the minimum standards with which vendors have to comply.

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Annex: Relevant Recommendations

Recommendation 8.1: ICANN must develop a transparent process to ensure that dispute resolution service provider panelists, Independent Objectors, and application evaluators are free from conflicts of interest. This process must serve as a supplement to the existing Code of Conduct Guidelines for Panelists, Conflict of Interest Guidelines for Panelists, and ICANN Board Conflicts of Interest Policy.²

² <https://www.icann.org/resources/pages/governance/coin#:~:text=The%20purpose%20of%20this%20Board,the%20Internet%20community%2C%20as%20a>