

**Reviewing the CEP  
CCWG – Accountability  
Work Stream 2**

**Interviews conducted by Anna Loup and Edward Morris**

**Interview number 7**

**Board / Staff     Community Member**

**Observations:**

- CEP is the last “in house” resort
- CEP must be the gatekeeper to the IRP
- Should lean towards informal on the formal / informal continuum, needs to be balance
- “Small claims concept” (non lawyers only, if situation allows) “makes sense”; good if ICALL Legal is not always the party on the other side of the table
- Third party in room is a good idea; should be selected from a standing panel as “newbies” would complicate things – need to have knowledge of ICANN: structured mediation
- does NOT want proceedings to be public: notification of proceedings, fine for notification, proceedings should be private although not secret (to avoid public posturing)
- need data on both CEP and IRP. Data collection should be built into the system if it is not already
- cep should not be allowed to be used for purposes of discovery
- Third party:
  - should be paid by ICANN
  - should be allowed to examine facts
  - CEP mediator should be able to examine facts
  - should be “soft mediator” “structured negotiation”
  - Mediator should be allowed to make statement at end of CEP: Does the case have legs or is it frivolous?
- Worried about misuse of process
- Any agreement that comes out of a CEP should be made public

- All parties need to be bound by confidentiality
- IRP should define who can use CEP
- Parties may bring in “material and relevant” 3<sup>rd</sup> / 4<sup>th</sup> parties, all of whom are bound by confidentiality
- Need CEP mechanism that may “throw back” issues to community groups who may have promulgated the dispute at issue.
- believes CEP serves a purpose, don’t blow it up, redefine it
- timing needs to be considered to prevent sbuse