

Page 33

88. Accordingly, the Panel majority declares that in performing its duties of Reconsideration, the BGC must determine whether the CPE (in this case the EIU) and ICANN staff respected the principles of fairness, transparency, avoiding conflicts of interest, and non-discrimination as set out in the ICANN Articles, Bylaws and AGB.

Page 38

100 ... ICANN staff was obligated to follow the Articles and Bylaws

Page 43

106 ... breach by ICANN staff and the EIU of the transparency obligations found in the Articles, Bylaws, and AGB.

Page 44

111..... examine whether the EIU or ICANN staff engaged in unjustified discrimination or failed to fulfill transparency obligations.

Page 50

131 Elsewhere in the Bylaws and the Articles of Incorporation, as discussed above, ICANN undertakes general duties of transparency and accountability that are also implicated by ICANN's decision to shield relevant staff work from public disclosure by structuring the staff work to benefit from legal privilege.