

## Time for Filing Issue(s)

### Current Draft

(footnotes removed, no spell check)

### Time for Filing

An INDEPENDENT REVIEW is commenced when CLAIMANT files a written statement of a DISPUTE. A CLAIMANT shall file a written statement of a DISPUTE with the ICDR no more than 45 days after a CLAIMANT becomes aware of the material affect of the action or inaction giving rise to the DISPUTE; provided, however, that a statement of a DISPUTE may not be filed more than twelve (12) months from the date of such action or inaction.

In order for an IRP to be deemed to have been timely filed, all fees must be paid to the ICDR within three business days (as measured by the ICDR) of the filing of the request with the ICDR.

### Sidley Recommendation

(language in blue added to current draft; language in brackets for consideration to bring the provision in line with the Bylaws and the CCWG Report):

A CLAIMANT shall file a written statement of a DISPUTE with the ICDR no more than 45 days after a CLAIMANT becomes aware of [or reasonably should have become aware of] the material effect of the action or inaction giving rise to the DISPUTE; provided, however, that a statement of a DISPUTE may not be filed more than twelve (12) months from the date of such action or inaction. Challenges which allege that a COVERED ACTION is invalid for all applications (“facially invalid”) may be brought at any time within 45 days after CLAIMANT becomes aware of [or reasonably should have become aware of ]the material effect of the COVERED ACTION giving rise to the DISPUTE without regard to the 12-month limitation.

***12 Month (Overall) Limit (representative (not all) comments)***

**Linx:**

Recommend moratorium on limits until further studies.

**Richard Hill:**

Issues of challenge of policy [**facial challenges?**] vs challenge to decision under the policy [**as applied challenges**].

**Business Constituency (GNSO):**

Facial challenges should not be time-barred. As-applied challenges should have not less than three year time-bar.

**Intellectual Property Constituency (GNSO):**

12 month time-bar should be removed for all claims, or at least for facial challenges.

***45 Days (from awareness) Limit (representative (not all) comments)***

**AFNIC:**

Too short, should be six months.

**Business Constituency (GNSO):**

Serious concerns – should be at least one year.

**INTA:**

Insufficient time to file – should be 90 days.

**Linx:**

Too short – rule should be withdrawn pending further work.