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REVIEWING THE CEP

WS 2 Subgroup

What is the CEP?

- The Cooperative Engagement Process (CEP) is contained in §4.3(e) of the ICANN Bylaws.
- It is important to note that §4.3 itself concerns the Independent Review Process (IRP).
- The CEP is designed to be the first step towards an IRP and is not conceived of as a wholly independent accountability mechanism.

Task Of This Subgroup

- Development of the initial set of CEP Rules, and/or principals thereof is the principle task of the Reviewing the CEP subgroup.

Work To Date

- One of the challenges initially confronting the subgroup was the opaque and confidential nature of the current version of the CEP.
- Faced with a lack of readily available data concerning past practice, the subgroup chose to conduct a series of interviews with community members, staff members and Board members with experience in or an expressed interest in the CEP.
- During our past two meetings the subgroup has analyzed interview responses. Questions and concerns emanating from these interviews form the basis of that which we turn to the plenary for guidance.

Issues Under Consideration

- Purpose
- Structure/ Derogation
- Third Party
- Timelines
- Transparency
- Discovery

Goals For This Session

- To engage the plenary in a discussion about critical issues that have arisen during our work on the review of the CEP
- While we have engaged a variety of community, board, and ICANN staff members we want your input!

Purpose Guided Questions

- To what extent should the subgroup consider building the CEP Rules in a way that emphasizes resolution of the underlying dispute, eliminating the need for an IRP, as opposed to identifying and narrowing the issues for an IR?
- Gatekeeper function

Structure/ Derogation Guided Questions

- Should the CEP subgroup pursue the creation of a “small claims” version of the CEP?
- If so, what should be the trigger for establishing this version of the CEP and what other concerns should the subgroup consider in it's creation?

Third Party Neutral Guided Questions

- Should an alternative be considered for the CEP neutral other than that of utilizing the services of those already on the IRP Standing Panel?
- Should the third party neutral be able / required to render an opinion concerning the relative merits of a case?

Timelines Guided Questions

- Should filing for a CEP toll any such IRP commencement timeline requirement?
- If not, how do we ensure that parties filing for an IRP can take full advantage of the CEP, including the economic incentive for CEP participation, without endangering their ability to timely file for an IRP?

Transparency Guided Questions

- How transparent should this process be?
- What should be reported about the process?
- Is the current reporting sufficient?

NEXT MEETINGS

- Wed. July 12th at 1900 UTC
- Wed. July 19th at 13:00 UTC