

The implications for ICANN Supporting Organizations in implementing and using IRP.

Here are the provisions of the Bylaw that pertain to the IRP (all from Bylaw Section 4.3):

Concerning an SO as claimant:

1. The definition of **Claimant** (Bylaw 4.3(b)(i)) specifically includes an SO;
2. An SO should participate in the **Cooperative Engagement Process** under Bylaw 4.3(e)(i) and (ii) or else it might have to pay if it loses. (The Empowered Community is exempt from this provision.)
3. An SO as claimant shall select one panelist for its case from the standing panel (4.3(k)(ii)) – ICANN will pick another and the two selected panelists will select the third. (Panelists shall be independent of ICANN and the SOs/ACs – see 4.3(q).)
4. Each claimant bears its own legal expenses (ICANN will pay the administrative costs of the IRP) and may have to pay more if the panel decides its claim was frivolous or abusive (4.3(r)). (However, 4.3(y) provides: “ICANN shall seek to establish means by which community, non-profit Claimants and other Claimants that would otherwise be excluded from utilizing the IRP process may meaningfully participate in and have access to the IRP process.”)

Concerning an SO in its capacity as having approved a PDP:

1. Bylaw section 4.3(c)(i) provides that an IRP has no scope to hear a claim from the Empowered Community challenging the results of a PDP unless the SO(s) that approved the PDP supports the claim.

Concerning the role of SOs in establishing the IRP Standing Panel:

1. An SO has several duties in this respect, all under Section 4.3(j)(ii), including:
 - a. Work with ICANN (consulting with the IRP IOT) to put in place admin support for IRP (4.3(j)(ii)(A)) – there already is support in place through the International Centre for Dispute Resolution but ICANN and SOs/ACs can revisit this;
 - b. Work with ICANN staff and Board to solicit, review, and vet applications for the standing panel (4.3(j)(ii)(B)) to segment well-qualified ones;
 - c. Along with other SOs and ACs nominate members of the standing panel from the well-qualified candidates.

Concerning the IRP IOT:

1. Section 4.3(n)(i) gives SOs/ACs a consulting role in establishing the IRP IOT – this was how the IOT was set up by the chartering organizations of the CCWG but is now a provision of the bylaws.