

Meeting of 25th May 2017

Timing Issue

IRP Implementation Oversight Team

Time based on claimant's knowledge of harm

- Strong sense in public comment that our original proposal of 45 days was too short.
- Compromise consensus reached on 120 days
- **Proposed 1st reading approach:** To be based on earlier of
 - Claimant's knowledge of harm; or
 - When claimant ought reasonable to have known of harm

Time based on ICANN's originating decision

- Strong sense in public comment that any time limit based on the starting date would undermine accountability and be unfair to claimants
 - Cut-off date for filing a case should never be earlier than when claimants are first entitled to file a case.
- Sidley argue basing time on date of ICANN's decision is inconsistent with bylaws, which refer directly to claimant's knowledge
 - ICANN Legal disagree and would prefer a limit based on this date to remain
- **Proposed 1st reading approach:** Time limit to be based on date of awareness of harm (as per previous slide) only, not on date of ICANN's decision.

Proposed 1st reading of timing issue

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 **120 days** after a CLAIMANT becomes aware, **or ought reasonably to have been aware**, of the material affect of the action or inaction giving rise to the DISPUTE .

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.