

IRP

Implementation Oversight Team

CCWG Face-to-Face Meeting

Copenhagen

March 10, 2017

IRP IOT

- New ICANN Bylaws effective Oct. 1, 2016
- Revised IRP set forth in Bylaw Section 4.3

IRP IOT

- IRP to review claims that ICANN board/staff, by action/inaction, violated Articles/Bylaws. Without limitation, this includes:
 1. Claims of exceeding scope of Mission.
 2. Claims regarding action taken in response to input from an SO/AC that may violate Articles/Bylaws.
 3. Claims resulting from decisions of process-specific expert panels that may violate Articles/Bylaws.
 4. Claims resulting from a response to a DIDP request that may violate Articles/Bylaws.
 5. Claims involving rights of the Empowered Community as set forth in the Articles/Bylaws.

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- IRP can also review:
 - Claims that ICANN board or staff have not enforced ICANN's contractual rights with respect to the IANA Naming Function Contract; and
 - Claims regarding PTI service complaints by direct customers of the IANA naming functions that are not resolved through mediation.

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- Bylaw Article 4, Section 4.3(n)(i):
 - (i) An **IRP Implementation Oversight Team** shall be established in consultation with the Supporting Organizations and the Advisory Committees and comprised of members of the global Internet community. The IRP Implementation Oversight Team, and once the Standing Panel is established the IRP Implementation Oversight Team in consultation with the Standing Panel, shall develop clear published rules for the IRP ("**Rules of Procedure**") that conform with international arbitration norms and are streamlined, easy to understand and apply fairly to all parties. Upon request, the IRP Implementation Oversight Team shall have assistance of counsel and other appropriate experts.

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- The road to the new IRP:
 - New Bylaws – Done October 1, 2016.
 - IRP Admin Support Organization – ICDR is in place from prior IRP – could be re-tendered by ICANN (Bylaw 4.3(j)(ii)(A)).
 - Rules of Procedure – **in process** by IOT (considering community comments) (Bylaw 4.3(n)).
 - Request Expressions of Interest from persons interested in serving on Standing IRP Panel - ICANN **working** on Eol form (Bylaw 4.3(j)(ii)(B)).
 - Select Standing Panel – **to be done** following expressions of interest – SOs/ACs to nominate panelists/Board to confirm (Bylaw 4.3(j)(ii)(C) and (D))

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- IRP IOT presently considering **public comments** to draft rules of procedure. Some representative concerns from such comments:
 - **Time limitations** within which a complainant must file a claim or lose it.
 - **Retroactivity** of rules and IRP bylaw provisions.
 - **Parties** – Consolidation, Intervention, Joinder.
 - **Discovery**.
 - **Hearings** – manner of conducting and availability.
 - **Consensus policies** – challenges.