

Registries Stakeholder Group Statement

Issue: **The Independent Review Process Implementation Oversight Team (IRP-IOT) Draft Recommendations**

Date statement submitted: **10 August 2018**

Reference URL: <https://www.icann.org/public-comments/irp-iot-recs-2018-06-22-en>

Registries Stakeholder Group (RySG) comment:

Introduction:

The RYSG wishes to thank the IRP IOT for the work it is doing toward implementing the post-IANA Transition IRP.

Comments:

The RySG submits these comments on draft Rule #4, Time for Filing:

1. The RySG agrees with the change from 45 to 120 days for filing a claim. The former seems too short and the latter seems just right, affording potential claimants enough time to consider the merits and costs of filing for IRP. The calculation of the 120-day deadline should exclude the time in which the IRP Claimant was engaged in CEP, an ongoing Reconsideration Request Process, the first ongoing Ombudsman review, or the first or second ongoing Documentary Information Disclosure Policy request, relating to the issues being referred to IRP.
2. On the separate 12-month limitation, the RySG does not support the new proposal that deletes this idea – we believe there must be a reasonable limitation period from the date of ICANN’s action or inaction. We believe that some cap is needed to allow for predictability and for the final establishment of a reliable body of precedent. We believe that 12 months is inadequate. The RySG believes that the calculation of the overall limitation should not include the time in which the IRP Claimant was engaged in certain accountability mechanisms. We provide alternative proposals, either of which is acceptable to the RySG.
 - a. 36-month limitation, excluding the time in which the IRP Claimant was engaged in CEP or an ongoing Reconsideration Request process relating to the issues being referred to IRP; or
 - b. 24-month limitation, excluding the time in which the IRP Claimant was engaged in CEP, an ongoing Reconsideration Request Process, the first ongoing Ombudsman review, or the first or second ongoing Documentary Information Disclosure Policy request, relating to the issues being referred to IRP.

The RySG believes that the purposes of the IRP, and the fundamental fairness to all concerned (including the ICANN community) that the IRP process is based upon, require a limitation of this nature.

We also believe that the establishment of a body of reliable precedent envisioned in the new IRP requires an element of reasonable finality.

The RySG notes that potential Claimants at IRP will not fail to have access to reasonable remedy under such a limitation. Not only will they have IRP open to them for a reasonable period of time, but they will continue to have access to courts just as they otherwise would have.
