

**COOPERATIVE ENGAGEMENT AND INDEPENDENT REVIEW PROCESSES
STATUS UPDATE – 4 DECEMBER 2018**

ACTIVE COOPERATIVE ENGAGEMENT PROCESS (CEP) PROCEEDINGS¹

Request Date(s)	Requestor(s)	Subject Matter(s)
17-Feb-2014	GCCIX, W.L.L.	.GCC
20-Jan-2015	Asia Green IT System Ltd.	.PERSIANGULF
11-Jul-2016	American Institute of Certified Public Accountants (AICPA)	.CPA
17-Jul-2016	CPA Australia Ltd.	.CPA
14-Sep-2016 6-Oct-2017 7-Nov-2017 1-Aug-2018	DotMusic Limited	.MUSIC
6-Oct-2017 7-Nov-2017 1-Aug-2018	dotgay LLC	.GAY
2-Oct-2018	Travel Reservations SRL, Minds + Machines Group Limited, Radix FZC, dot Hotel Inc., Fegistry LLC	.HOTEL
19-Oct-2018	Asia Green IT System Ltd.	.HALAL .ISLAM

¹ The Cooperative Engagement Process (CEP) is a process voluntarily invoked by a complainant prior to the filing of an Independent Review Process (IRP) for the purpose of resolving or narrowing the issues that are contemplated to be brought to the IRP. (*See* Bylaws, Art. 4 § 4.3(e).) The requesting party may invoke the CEP by providing written notice to ICANN, noting the invocation of the process, identifying the Board action(s) at issue, identifying the provisions of the ICANN Bylaws or Articles of Incorporation that are alleged to be violated, and designating a single point of contact for the resolution of the issue. Further information regarding the CEP is available at: <https://www.icann.org/en/system/files/files/cep-11apr13-en.pdf>.

**COOPERATIVE ENGAGEMENT AND INDEPENDENT REVIEW PROCESSES
STATUS UPDATE – 4 DECEMBER 2018**

RECENTLY CLOSED COOPERATIVE ENGAGEMENT PROCESS (CEP) PROCEEDINGS

Request Date	Requestor	Subject Matter	IRP Filing Deadline²
18-Jun-2018	Afilias plc and Afilias Domains No. 3 Limited	.WEB	27-Nov-2018
20-Jan-2016	Donuts Inc. and Foggy Sunset, LLC	.SPA	N/A (Withdrawn)

² The CEP process provides that “[i]f ICANN and the requestor have not agreed to a resolution of the issues upon the conclusion of the cooperative engagement process, or if issues remain for a request for independent review, the requestor’s time to file a request for independent review designated in the Bylaws shall be extended for each day of the cooperative engagement process, but in no event, absent mutual written agreement by the parties, shall the extension be for more than fourteen (14) days.” (<https://www.icann.org/en/system/files/files/cep-11apr13-en.pdf>)

**COOPERATIVE ENGAGEMENT AND INDEPENDENT REVIEW PROCESSES
STATUS UPDATE – 4 DECEMBER 2018**

ACTIVE INDEPENDENT REVIEW PROCESS (IRP) PROCEEDINGS³

Date ICANN Received Notice of IRP	Date IRP Commenced by ICDR	Requestor	Subject Matter	Status
14-Nov-2018	26-Nov-2018	Afilias Domains No. 3 Limited https://www.icann.org/resources/pages/irp-afili-as-v-icann-2018-11-30-en	.WEB	<p><u>Panel Selection:</u> IRP commenced on 26 November 2018; no panelists have been selected.</p> <p><u>Materials:</u> Written submissions, Declaration(s), and Scheduling Order(s) are posted here.</p> <p><u>Hearing(s):</u> 14 January 2019 – Hearing on Afilias Request for Interim Measures of Protection.</p>

³ IRP proceedings initiated before 1 October 2016 are subject to the Bylaws in effect before 1 October 2016: The Independent Review Process (IRP) is a process by which any person materially affected by a decision or action by the Board that he or she asserts is inconsistent with the Articles of Incorporation or Bylaws may submit a request for independent review of that decision or action. (See Bylaws, Art. IV, § 3.) In order to be materially affected, the person must suffer injury or harm that is directly and causally connected to the Board's alleged violation of the Bylaws or the Articles of Incorporation, and not as a result of third parties acting in line with the Board's action. Further information regarding the IRP is available at: <https://www.icann.org/resources/pages/mechanisms-2014-03-20-en>.

IRP proceedings initiated on or after 1 October 2016 are subject to the Bylaws in effect as of 1 October 2016: The IRP is intended to hear and resolve Disputes for the following purposes: (i) ensure that ICANN does not exceed the scope of its Mission and otherwise complies with its Articles of Incorporation and Bylaws; (ii) empower the global Internet community and Claimants to enforce compliance with the Articles of Incorporation and Bylaws through meaningful, affordable and accessible expert review of Covered Actions (as defined in § 4.3(b)(i)); (iii) ensure that ICANN is accountable to the global Internet community and Claimants; (iv) address claims that ICANN has failed to enforce its rights under the IANA Naming Function Contract (as defined in Section 16.3(a)); (v) provide a mechanism by which direct customers of the IANA naming functions may seek resolution of PTI (as defined in Section 16.1) service complaints that are not resolved through mediation; (vi) reduce Disputes by creating precedent to guide and inform the Board, Officers (as defined in Section 15.1), Staff members, Supporting Organizations, Advisory Committees, and the global Internet community in connection with policy development and implementation; (vii) secure the accessible, transparent, efficient, consistent, coherent, and just resolution of Disputes; (viii) lead to binding, final resolutions consistent with international arbitration norms that are enforceable in any court with proper jurisdiction; and (ix) provide a mechanism for the resolution of Disputes, as an alternative to legal action in the civil courts of the United States or other jurisdictions. (See Bylaws, Art. 4, § 4.3)

**COOPERATIVE ENGAGEMENT AND INDEPENDENT REVIEW PROCESSES
STATUS UPDATE – 4 DECEMBER 2018**

RECENTLY CLOSED INDEPENDENT REVIEW PROCESS (IRP) PROCEEDINGS

Date ICANN Received Notice of IRP	Date IRP Commenced by ICDR	Requestor	Subject Matter	Date IRP Closed	Date of Board Consideration of IRP Panel’s Final Declaration⁴
5-Dec-2014	8-Dec-2014	Gulf Cooperation Council https://www.icann.org/resources/pages/gcc-v-icann-2014-12-06-en	.PERSIANGULF	24-Oct-2016	16-Mar-2017 (See here) 23-Sep-2017 (See here) 15-Mar-2018 (See here) 3-Oct-2018 (See here)
1-Mar-2016	2-Mar-2016	Amazon EU S.à.r.l. https://www.icann.org/resources/pages/irp-amazon-v-icann-2016-03-04-en	.AMAZON	11-Jul-2017	23-Sep-2017 (See here) 29-Oct-2017 (See here)
15-Dec-2016	16-Dec-2016	Asia Green IT Systems Bilgisayar San. ve Tic. Ltd. Sti. https://www.icann.org/resources/pages/irp-agit-v-icann-2015-12-23-en	.ISLAM .HALAL	30-Nov-2017	15-Mar-2018 (See here) 3-Oct-2018 (See here)

⁴ IRP proceedings initiated before 1 October 2016 are subject to the Bylaws in effect before 1 October 2016: Pursuant to Article IV, Section 3.21 of the ICANN Bylaws, “[w]here feasible, the Board shall consider the IRP Panel declaration at the Board’s next meeting. The declarations of the IRP Panel, and the Board’s subsequent action on those declarations, are final and have precedential value.” (<https://www.icann.org/resources/pages/governance/bylaws-en#IV>)

IRP proceedings initiated on or after 1 October 2016 are subject to the Bylaws as of 1 October 2016: IRP proceedings initiated Pursuant to Article 4, § 4.3(x)(iii)(A) of the ICANN Bylaws, “[w]here feasible, the Board shall consider its response to IRP Panel decisions at the Board’s next meeting, and shall affirm or reject compliance with the decision of the public record based on an expressed rationale. The decision by the IRP Panel, or en banc Standing Panel, shall be final regardless of such Board action, to the fullest extent allowed by law. (<https://www.icann.org/resources/pages/governance/bylaws-en/#article4>)