

2017 Reconsideration Requests – Status Update – 6 June 2018

No:	Requestor(s):	Filing Date:	Subject:	BGC/BAMC Action Date ^{1 2} :	Board Action Date:	Comments:
17-1	Russ Smith	9-Mar-2017	ICANN’s decision not to investigate a Whois SLA complaint.	1 June 2017 (Recommendation) Total days from Request: 84	24 June 2017 (Board Action) Total Days from Request: 107	Request supplemented by Requestor on 16 March; scheduling due ICANN58 and Board Workshop. BGC consideration of Request 17-1 took place on 1 June 2017. Board action on Request 17-1 took place on 24 June 2017.
17-2	DotMusic Limited	18-Jun-2017	ICANN’s Response to Requestor’s DIDP seeking disclosure of document relating to Community Priority Evaluation Process Review.	23 August 2017 (Recommendation) Total days from Request: 66	23 September 2017 (Board Action) Total days from Request: 97	Scheduling due to ICANN 59; organization of Board Committee per Bylaws amendment process.
17-3	Dotgay LLC	30-Jun-2017	ICANN’s Response to Requestor’s DIDP seeking disclosure of document relating to Community Priority Evaluation Process Review.	23 August 2017 (Recommendation) Total days from Request: 54	23 September 2017 (Board Action) Total days from Request: 85	Scheduling due to ICANN 59; organization of Board Committee per Bylaws amendment process.
17-4	DotMusic Limited and dotgay LLC	25-Jul-2017	ICANN’s Response to Requestor’s DIDP seeking disclosure of documents relating to Community Priority Process Review.	11 October 2017 (Recommendation) Total days from Request: 78	29 October 2017 (Board Action) Total days from Request: 96	

¹ Article 4, Section 4.2 of the Bylaws provide that “[t]he Board Accountability Mechanisms Committee shall make a final recommendation to the Board with respect to a Reconsideration Request within 30 days following its receipt of the Ombudsman’s evaluation (or 30 days following receipt of the Reconsideration Request involving those matters for which the Ombudsman recuses himself or herself or the receipt of the Community Reconsideration Request, if applicable), unless impractical, in which case it shall report to the Board the circumstances that prevented it from making a final recommendation and its best estimate of the time required to produce such a final recommendation. In any event, the Board Accountability Mechanisms Committee shall endeavor to produce its final recommendation to the Board within 90 days of receipt of the Reconsideration Request. (See Bylaws, Art. 4, § 4.2(q).) Article 4, § 4.2(r) of the Bylaws state that the Board “shall issue its decision on the recommendation of the Board Accountability Mechanisms Committee within 45 days of receipt of the Board Accountability Mechanisms Committee’s recommendation or as soon thereafter as feasible.” Requestors are regularly notified at each step of the proceedings, including whether there will be a delay beyond the suggested response deadline.

² Prior to 22 July 2017, the Board Governance Committee was designated by the ICANN Board to review and consider Reconsideration Requests pursuant to Article 4, Section 4.2 of the Bylaws. See ICANN Bylaws, 1 October 2016, Art. 4, § 4.2(e), available at <https://www.icann.org/resources/pages/bylaws-2016-09-30-en#article4>. Pursuant to the amended Bylaws effective 22 July 2017, the Board Accountability Mechanisms Committee (BAMC) is designated to review and consider Reconsideration Requests. See ICANN Bylaws, 22 July 2017, Art. 4, § 4.2(e), available at <https://www.icann.org/resources/pages/governance/bylaws-en/#article4>.

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17-5	DotKids Foundation	6-Dec-2017	.KIDS	5 April 2018 (Recommendation) Total days from Request: 120	13 May 2018 Total days from Request: 158	While the Bylaws specify that Board's final decision shall be made within 135 days of initial receipt of the Reconsideration Request by the BAMC, in this instance, the 135 days expired on same day at the deadline for the Requestor to submit a rebuttal. The Board previously expected to consider Request 17-5 at a meeting on 17 April 2018, before the 135-day deadline. However, as the Requestor indicated that he intended to submit a rebuttal, the Board did not take up this item on 17 April 2018 meeting, as it was important to issue a final determination on a full and complete record and allow the Requestor the opportunity to submit its rebuttal. As such, 13 May 2018 was the first practical opportunity that the Board has to consider this matter.