

**COOPERATIVE ENGAGEMENT AND INDEPENDENT REVIEW PROCESSES
STATUS UPDATE – 5 AUGUST 2019**

ACTIVE COOPERATIVE ENGAGEMENT PROCESS (CEP) PROCEEDINGS¹

| Request Date | Requestor(s) | Subject Matter(s) |
|---------------------|--|--------------------------|
| 17-Feb-2014 | GCCIX, W.L.L. | .GCC |
| 20-Jan-2015 | Asia Green IT System Ltd. | .PERSIANGULF |
| 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
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RECENTLY CLOSED COOPERATIVE ENGAGEMENT PROCESS (CEP) PROCEEDINGS

| Request Date(s) | Requestor(s) | Subject Matter | IRP Filing Deadline² |
|---|---------------------|-----------------------|--|
| 6-Oct-2017 7-Nov-2017 1-Aug-2018 | dotgay LLC | .GAY | N/A (Withdrawn) |
| 14-Sep-2016 6-Oct-2017 7-Nov-2017 1-Aug-2018 | DotMusic Limited | .MUSIC | N/A (Withdrawn) |
| 15-Feb-2019 | DotKids Foundation | .KIDS | N/A (Withdrawn) |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 – 5 AUGUST 2019**

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-afilias-v-icann-2018-11-30-en | .WEB | <p><u>Panel Selection:</u> IRP commenced on 26 November 2018; two panelists have been appointed; awaiting appointment of remaining panelist.</p> <p><u>Materials:</u> Written submissions, Declaration(s), and Scheduling Order(s) are posted here.</p> <p><u>Hearing(s):</u> No hearings are currently scheduled.</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)

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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>)