

**COOPERATIVE ENGAGEMENT AND INDEPENDENT REVIEW PROCESSES
STATUS UPDATE – 4 DECEMBER 2020**

ACTIVE COOPERATIVE ENGAGEMENT PROCESS (CEP) PROCEEDINGS¹

Request Date	Requestor(s)	Subject Matter(s)
17-Feb-2014	GCCIX, W.L.L.	.GCC
3-Dec-2020	Merck Registry Holdings, Inc. and Merck KGaA	.MERCK

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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ACTIVE INDEPENDENT REVIEW PROCESS (IRP) PROCEEDINGS²

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	<u>Panel Selection:</u> Full Panel confirmed on 20 August 2019. <u>Materials:</u> Written submissions, Declaration(s), and Scheduling Order(s) are posted here . <u>Hearing(s):</u> Merits hearing took place on 3-11 August 2020.
18-Nov-2019	16-Dec-2019	Fegistry, LLC, Minds + Machines Group, Ltd., Radix Domain Solutions Pte. Ltd., and Domain Ventures Partners PCC Limited https://www.icann.org/resources/pages/irp-fegistry-et-al-v-icann-hotel-2019-12-20-en	.HOTEL	<u>Panel Selection:</u> Two Panelists have been selected. <u>Materials:</u> Written submissions, Declaration(s), and Scheduling Order(s) are posted here . <u>Hearing(s):</u> No hearings are currently scheduled.
25-Feb-2020	26-Feb-2020	Namecheap, Inc. https://www.icann.org/resources/pages/irp-namecheap-v-icann-2020-03-03-en	.ORG .INFO .BIZ	<u>Panel Selection:</u> Full Panel confirmed on 14 July 2020. <u>Materials:</u> Written submissions, Declaration(s), and Scheduling Order(s) are posted here . <u>Hearing(s):</u> Hearing on ICANN’s Motion to Dismiss is scheduled for 3 February 2021.

² 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 Declaration³
There are no recently closed IRPs.					

³ 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>)