

Supplementary Procedures for Internet Corporation for Assigned Names and Numbers (ICANN) Independent Review Process

Table of Contents

1. Definitions	1
2. Scope	2
3. Number of Independent Review Panelists	2
4. Conduct of the Independent Review	2
5. Written Statements	2
6. Interim Measures of Protection	2
7. Declarations	2
8. Form and Effect of an IRP Declaration	2
9. Costs	3
10. Emergency Measures of Protection	3

These procedures supplement the International Centre for Dispute Resolution's International Arbitration Rules in accordance with the independent review procedures set forth in Article IV, Section 3 of the ICANN Bylaws.

1. Definitions

In these Supplementary Procedures:

ICDR refers to the International Centre for Dispute Resolution, which has been designated and approved by ICANN's Board of Directors as the Independent Review Panel Provider (IRPP) under Article IV, Section 3 of ICANN's Bylaws.

ICANN refers to the Internet Corporation for Assigned Names and Numbers.

INTERNATIONAL DISPUTE RESOLUTION PROCEDURES OR RULES refer to the ICDR's International Arbitration Rules that will govern the process in combination with these Supplementary Procedures.

INDEPENDENT REVIEW PANEL (IRP) refers to the neutral(s) appointed to decide the issue(s) presented.

INDEPENDENT REVIEW refers to the procedure that takes place upon the filing of a request to review ICANN Board actions or inactions alleged to be inconsistent with ICANN's Bylaws or Articles of Incorporation.

DECLARATION refers to the decisions/opinions of the IRP.

2. Scope

The ICDR will apply these Supplementary Procedures, in addition to the INTERNATIONAL DISPUTE RESOLUTION PROCEDURES, in all cases submitted to the ICDR in connection with the Article IV, Section 3(4) of the ICANN Bylaws. In the event there is any inconsistency between these Supplementary Procedures and the RULES, these Supplementary Procedures will govern. These Supplementary Procedures and any amendment of them shall apply in the form in effect at the time the request for an INDEPENDENT REVIEW is received by the ICDR.

3. Number of Independent Review Panelists

Either party may elect that the request for INDEPENDENT REVIEW be considered by a three-member panel: in absence of any such election, the issue shall be considered by a one-member panel.

4. Conduct of the Independent Review

The IRP should conduct its proceedings by electronic means to the extent feasible. Where necessary, the IRP may conduct telephone conferences

5. Written Statements

The IRP may request additional written submissions from the party seeking review, the Board, the Supporting Organizations, or from other parties.

6. Interim Measures of Protection

An IRP may recommend that the Board stay any action or decision, or that the Board take any interim action, until such time as the Board reviews and acts upon the IRP declaration.

7. Declarations

Where there is more than one IRP member, any DECLARATION of the IRP shall be made by a majority of the IRP members. If any IRP member fails to sign the DECLARATION, it shall be accompanied by a statement of the reason for the absence of such signature.

8. Form and Effect of an IRP Declaration

- a. DECLARATIONS shall be made in writing, promptly by the IRP, based on the documentation, supporting materials and arguments submitted by the parties.
- b. The DECLARATION shall specifically designate the prevailing party.
- c. A DECLARATION may be made public only with the consent of all parties or as required by law. Subject to the redaction of Confidential information, or unforeseen circumstances, ICANN will consent to publication of a DECLARATION if the other party so request.

d. Copies of the DECLARATION shall be communicated to the parties by the ICDR.

9. Costs

The IRP shall fix costs in its DECLARATION. The party not prevailing in an IRP shall ordinarily be responsible for bearing all costs of the proceedings, but under extraordinary circumstances the IRP may allocate up to half of the costs to the prevailing party, taking into account the circumstances of the case, including the reasonableness of the parties' positions and their contribution to the public interest.

10. Emergency Measures of Protection

Article 37 of the RULES will not apply.

©2011 American Arbitration Association, Inc. All rights reserved. These rules are the copyrighted property of the American Arbitration Association (AAA) and are intended to be used in conjunction with the AAA's administrative services. Any unauthorized use or modification of these rules may violate copyright laws and other applicable laws. Please contact 800.778.7879 or websitemail@adr.org for additional information.