

Board Accountability Mechanisms Committee 2018 Annual Report on Accountability Mechanisms

Reconsideration Requests
Independent Review Process (IRP) Requests
Documentary Information Disclosure Policy (DIDP) Requests

RECONSIDERATION REQUESTS

A. Bylaws Provisions Regarding Annual Report on Reconsideration Requests

- ICANN’s Reconsideration Process is set forth in [Article 4, Section 4.2](#) of ICANN’s Bylaws.
- This annual report is presented in fulfillment of subsection (u) of that Process, which calls for the Board Accountability Mechanisms Committee (BAMC) to provide the information found in this report.

B. Information on Specific Reconsideration Requests

Number, Nature, and Action

- Overview
 - Ten Reconsideration Requests were received from 26 October 2017 through 9 October 2018: Requests [17-5](#), [18-1](#), [18-2](#), [18-3](#), [18-4](#), [18-5](#), [18-6](#), [18-7](#), [18-8](#), and [18-9](#).
 - BAMC acted upon nine Reconsideration Requests during the period from 26 October 2017 through 9 October 2018: Requests [17-5](#), [18-1](#), [18-2](#), [18-3](#), [18-4](#), [18-5](#), [18-6](#), [18-7](#), and [18-8](#).
 - The Board acted upon eight Reconsideration Requests during the from 26 October 2017 through 9 October 2018: Requests [17-4](#), [17-5](#), [18-1](#), [18-2](#), [18-3](#), [18-4](#), [18-5](#), and [18-6](#).
 - Three Reconsideration Requests were withdrawn during the period from 26 October 2017 through 9 October 2018: Requests [14-30](#), [14-32](#), and [14-33](#).
- Requests [14-30](#), [14-32](#), and [14-33](#) (filed by Dot Registry LLC) – Following the issuance of the Final Declaration in the Dot Registry IRP, the Board (in [Resolution 2016.09.15.15](#)) directed the Board Governance Committee (BGC)¹ to re-evaluate Requests 14-30, 14-32, and 14-33 in light of the Final Declaration and “the issues identified therein with respect to the BGC’s actions in evaluating these Reconsideration Requests.” While Requests 14-30, 14-32, and 14-33 were pending, the ICANN Board

¹ Prior to 22 July 2017, the BGC was tasked with reviewing reconsideration requests. 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>. Following 22 July 2017, the Board Accountability Mechanisms Committee (BAMC) is tasked with reviewing and making recommendations to the Board on 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>.

directed ICANN org to undertake the Community Priority Evaluation (CPE) Process Review to evaluate the process by which ICANN org interacted with the CPE Provider.² The BGC thereafter determined that the CPE Process Review should also include: (i) an evaluation of whether the CPE criteria were applied consistently throughout and across each CPE report; and (ii) compilation of the research relied upon by the CPE Provider to the extent such research exists for the evaluations which are the subject of certain pending Reconsideration Requests relating to the CPE process.³ The BGC determined that the pending Reconsideration Requests regarding the CPE process, including Requests 14-30, 14-32, and 14-33 would be placed on hold until the CPE Process Review was completed and that the BGC would re-evaluate Requests 14-30, 14-32, and 14-33 following the completion of the CPE Process Review.⁴ Requests 14-30, 14-32, and 14-33 were subsequently withdrawn by the Requestor on 8 December 2017, 11 December 2017 and 15 February 2018, respectively.

- [Request 17-5](#) (filed by DotKids Foundation) – The Requestor sought reconsideration of ICANN’s decision for taking the Requestor’s .KIDS gTLD application off hold before the CPE Process Review is completed. On 21 January 2018, pursuant to Article 4, Section 4.2(l)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 17-5. On 5 April 2018, the BAMC issued Recommendation on Request 17-4, recommending that Request 17-5 be denied. The Requestor did not submit a rebuttal to the BAMC’s Recommendation. On 13 May 2018, the Board adopted the BAMC’s Recommendation on Request 17-5.
- [Request 18-1](#) (filed by DotMusic Limited) – The Requestor sought reconsideration of ICANN’s Response to Requestor’s DIDP seeking disclosure of documents relating to the CPE Process Review. On 17 April 2018, pursuant to Article 4, Section 4.2(l)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-1. On 5 June 2018, the BAMC recommended that the Board deny Reconsideration Request 18-1. On 20 June 2018, the Requestor submitted a rebuttal to the BAMC’s Recommendation. On 18 July 2018, the Board adopted the BAMC’s Recommendation on Request 18-1.
- [Request 18-2](#) (filed by dotgay LLC) – The Requestor sought reconsideration of ICANN’s Response to Requestor’s DIDP seeking disclosure of documents relating to the CPE Process Review. On 17 April 2018, pursuant to Article 4, Section 4.2(l)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-2. On 5 June 2018, the BAMC recommended that the Board deny Reconsideration Request 18-2. On 20 June 2018, the Requestor submitted a rebuttal to the BAMC’s Recommendation.

² <https://www.icann.org/resources/board-material/resolutions-2016-09-17-en#1.a>.

³ <https://www.icann.org/resources/board-material/minutes-bgc-2016-10-18-en>.

⁴ <https://www.icann.org/en/system/files/correspondence/disspain-letter-review-new-gtld-cpe-process-26apr17-en.pdf>. The eight Reconsideration Requests that the BGC placed on hold pending completion of the CPE Process Review are: 14-30 (.LLC) (withdrawn on 7 December 2017, *see* <https://www.icann.org/en/system/files/files/dotregistry-llc-withdrawal-redacted-07dec17-en.pdf>), 14-32 (.INC) (withdrawn on 11 December 2017, *see* <https://www.icann.org/en/system/files/files/reconsideration-14-32-dotregistry-request-redacted-11dec17-en.pdf>), 14-33 (.LLP) (withdrawn on 15 February 2018, *see* <https://www.icann.org/en/system/files/files/reconsideration-14-33-dotregistry-request-redacted-15feb18-en.pdf>), 16-3 (.GAY), 16-5 (.MUSIC), 16-8 (.CPA), 16-11 (.HOTEL), and 16-12 (.MERCK).

On 18 July 2018, the Board adopted the BAMC's Recommendation on Request 18-2.

- [Request 18-3](#) (filed by Astutum Ltd.) – The Requestor seeks reconsideration of ICANN's decision to terminate Registrar Accreditation Agreement following registrar's failure to cure breaches. Pursuant to Article 4, Section 4.2(l)(ii) of the ICANN Bylaws, on 4 May 2018, the Ombudsman submitted to the BAMC his substantive evaluation of Request 18-3. On 5 June 2018, the BAMC recommended that the Board deny Reconsideration Request 18-3. On 20 June 2018, the Requestor submitted a rebuttal to the BAMC's Recommendation. On 18 July 2018, the Board adopted BAMC's Recommendation on Request 18-3 and directed ICANN org to continue termination process of the Requestor's Registrar Accreditation Agreement.
- [Request 18-4](#) (filed by dotgay LLC) – The Requestor sought reconsideration of ICANN Board's resolutions regarding the CPE Process Review (i.e. [Resolutions 2018.03.15.08 - 2018.03.15.11](#)). On 21 May 2018, pursuant to Article 4, Section 4.2(l)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-4. On 14 June 2018, the BAMC recommended that the Board deny Reconsideration Request 18-4. On 29 June 2018, the Requestor submitted a rebuttal to the BAMC's Recommendation. On 18 July 2018, the Board adopted the BAMC's Recommendation on Request 18-4.
- [Request 18-5](#) (filed by DotMusic Limited) – The Requestor sought reconsideration of ICANN Board's resolutions regarding the CPE Process Review (i.e. [Resolutions 2018.03.15.08 - 2018.03.15.11](#)). On 21 May 2018, pursuant to Article 4, Section 4.2(l)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-5. On 14 June 2018, the BAMC recommended that the Board deny Reconsideration Request 18-5. On 29 June 2018, the Requestor submitted a rebuttal to the BAMC's Recommendation. On 18 July 2018, the Board adopted the BAMC's Recommendation on Request 18-5.
- [Request 18-6](#) (filed by Travel Reservations SRL, Minds + Machines Group Limited, Radix FZC, dot Hotel Inc., Fegistry LLC) – The Requestors sought reconsideration of ICANN Board's resolutions regarding the CPE Process Review (i.e. [Resolutions 2018.03.15.08 - 2018.03.15.11](#)). On 23 May 2018, pursuant to Article 6, Section 4.2(l)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-6. On 14 June 2018, the BAMC recommended that the Board deny Reconsideration Request 18-6. On 29 June 2018, the Requestors submitted a rebuttal to the BAMC's Recommendation. On 18 July 2018, the Board adopted the BAMC's Recommendation on Request 18-6.
- [Request 18-7](#) (filed by Afilias Domains No. 3 Limited) – The Requestor sought reconsideration of ICANN org's response to the Afilias' request for documents, pursuant to ICANN org's Documentary Information Disclosure Policy (DIDP), relating to the .WEB contention set. The BAMC determined that Request 18-7 is not sufficiently stated because the Request does not demonstrate that Afilias is materially or adversely affected by an action or inaction of ICANN org. On 5 June 2018, the BAMC summarily dismissed Request 18-7 pursuant to Article 4, Section 4.2(k) of the Bylaws.
- [Request 18-8](#) (filed by Afilias Domains No. 3 Limited) – The Requestor seeks

reconsideration of ICANN org's DIDP response, for documents relating to the .WEB contention set. Specifically, the Requestor claims that, in declining to produce certain requested documents, ICANN org violated its Commitments established in the Bylaws concerning accountability, transparency, and openness. On 20 July 2018, pursuant to Article 4, Section 4.2(I)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-8. On 28 August 2018, the BAMC issued its Recommendation on Request 18-8. The Requestor did not submit a rebuttal to the BAMC's Recommendation. Request 18-8 is currently pending Board consideration.

- [Request 18-9](#) (filed by DotKids Foundation) – The Requestor seeks reconsideration of ICANN org's response to the Requestor's request, pursuant to the "Final Report of the Joint SO/AC New gTLD Applicant Support Working Group (JAS)" for financial support for engaging in the string contention resolution process for the .KID/.KIDS contention set. Specifically, the Requestor claims that "ICANN's premature rejection of the request stating that [ICANN org] is 'unable to provide such financial assistance' and that 'additional funding past evaluations ... is currently out of scope' goes against the community developed final report by the [JAS]." (Request 18-9 at Pg. 3.) The Requestor also asserts that ICANN organization's decision goes "against ICANN's core value to ascertain the global public interest." On 4 October 2018, pursuant to Article 4, Section 4.2(I)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-9. Request 18-9 is pending consideration by the BAMC.

Number of Reconsideration Requests Pending

- As of 9 October 2018, seven Reconsideration Requests are pending BAMC consideration, one Reconsideration Request is pending Board action (following action already taken by the BAMC).
- Seven Reconsideration Requests are pending BAMC consideration: Requests 14-42, 16-3, 16-5, 16-8, 16-11, 16-12, and 18-9.
- As of 9 October 2018, six Reconsideration Requests are pending BAMC consideration for more than 90 days.
 - [Request 14-42](#) (filed by Badr Boubker Seddik, Director of Digital Economy at the Ministry of Trade, Industry, Investment and Digital Economy of the Kingdom of Morocco on 28 September 2014) – Subsequent events have caused ICANN to seek further review from the Geographic Names Panel (GNP). The applicant was granted five extensions of time to provide the requisite support for the GNP review, but failed to do so and is now listed as "will not proceed". Request 14-42 may be withdrawn.
 - [Request 16-3](#) (filed by dotgay LLC on 17 February 2016), [Request 16-5](#) (filed by DotMusic Limited et al. on 24 February 2016), [Request 16-8](#) (filed by CPA Australia on 15 July 2016), [Request 16-11](#) (filed by Travel Reservations SRL, Spring McCook, LLC, Minds + Machines Group Limited, Famous Four Media Limited, dot Hotel Limited, Radix FZC, dot Hotel Inc., Fegistry, LLC on 25 August 2016), and [Request 16-12](#) (filed by Merck KGaA on 25 August 2016) – Consideration of these requests were placed on hold pending the completion of

the CPE Process Review, which was declared completed by the ICANN Board on 15 March 2018.⁵

- As of 9 October 2018, average length of time for which the six pending Reconsideration Requests have been pending BAMC consideration is 963 days.
- One Reconsideration Request is pending Board action, following action already taken by the BAMC: Request 18-8.

Number of Reconsideration Requests the BAMC Declined to Consider

- The BAMC has not declined consideration of any Reconsideration Requests submitted between the Annual General Meeting in 2017 and the Annual General Meeting in 2018.

Other Accountability Mechanisms Available to Denied Requestors

- ICANN makes available the Ombudsman and the Independent Review Process as additional mechanisms to enhance ICANN accountability to persons materially affected by its decisions. The Ombudsman separately reports on his activities.

INDEPENDENT REVIEW PROCESS (IRP) REQUESTS

A. General Information Regarding IRPs

In accordance with Article 4, section 4.3 of ICANN's Bylaws, ICANN has designated the International Centre for Dispute Resolution as the body to process requests for independent review of Board actions alleged by any affected party to be inconsistent with ICANN's Articles of Incorporation or Bylaws. Many parties invoke the voluntary Cooperative Engagement Process (CEP) prior to the filing of an IRP, for the purpose of narrowing the issues that are stated within the request for independent review.

B. Information on Specific IRPs

Number and Nature

- From 26 October 2017 through 9 October 2018, no IRPs were initiated, two IRPs have concluded, and one IRP is pending further Board consideration.

Pending Further Board Consideration

- Amazon EU S.à.r.l. v. ICANN IRP (.AMAZON and related IDNs) – Amazon EU S.à.r.l. (Amazon) filed its IRP Request on 2 March 2016. Amazon claimed that, in accepting the GAC advice, the Board: (a) did not act transparently and in accord with Amazon's expectations; (b) did not apply documented policies neutrally and objectively, and with integrity, fairness and due diligence; (c) discriminated in its treatment of Amazon's

⁵ <https://www.icann.org/resources/board-material/resolutions-2018-03-15-en#2.a>.

applications for .AMAZON and the related IDNs; and (d) acted with a conflict of interest. The Final Hearing took place on 1-2 May 2017.

The IRP Panel issued its Final Declaration on 11 July 2017. The IRP Panel declared that Amazon is the prevailing party and that ICANN shall reimburse Amazon for its IRP costs. The Panel also recommended that the Board promptly re-evaluate the Amazon applications and independently determine whether there are well-founded, public policy reasons for denying the Amazon applications. On 23 September 2017, the Board considered the Panel's Final Declaration and took the following decisions:

- Resolved (2017.09.23.15), the Board accepts that the Panel declared the following: (i) Amazon is the prevailing party in the Amazon EU S.à.r.l. v. ICANN IRP; and (ii) ICANN "shall reimburse Amazon the sum of US\$163,045.51."
- Resolved (2017.09.23.16), the Board directs the President and CEO, or his designee(s), to take all steps necessary to reimburse Amazon in the amount of US\$163,045.51 in furtherance of the Panel's Final Declaration.
- Resolved (2017.09.23.17), further consideration is needed regarding the Panel's non-binding recommendation that the Board "promptly re-evaluate Amazon's applications" and "make an objective and independent judgment regarding whether there are, in fact, well-founded, merits-based public policy reasons for denying Amazon's applications."
- Resolved (2017.09.23.18), the Board asks the Board Accountability Mechanisms Committee (BAMC) to review and consider the Panel's recommendation that the Board "promptly re-evaluate Amazon's applications" and "make an objective and independent judgment regarding whether there are, in fact, well-founded, merits-based public policy reasons for denying Amazon's applications," and to provide options for the Board to consider in addressing the Panel's recommendation.

On 29 October 2017, the Board further considered the Panel's Final Declaration and took the following decisions:

- Resolved (2017.10.29.02), the Board asks the GAC if it has: (i) any information to provide to the Board as it relates to the "merits-based public policy reasons," regarding the GAC's advice that the Amazon applications should not proceed; or (ii) any other new or additional information to provide to the Board regarding the GAC's advice that the Amazon applications should not proceed.
- Resolved (2017.10.29.03), the Board asks the GAC that if it has any new or additional information (as requested above) to provide to the Board, it does so by the conclusion of the ICANN61 meeting scheduled to take place from 10-15 March 2018, in order to assist the Board's appropriate and prompt consideration.

On 1 November 2017, the GAC issued its [Abu Dhabi Communiqué](#):

- “The GAC expressed the need to find a mutually acceptable solution in the case of the .amazon gTLD applications for the countries affected and for the Amazon corporation.”
- “The GAC advises the ICANN Board to: continue facilitating negotiations between the Amazon Cooperation Treaty Organization’s (ACTO) member states and the Amazon corporation with a view to reaching a mutually acceptable solution to allow for the use of .amazon as a top level domain name.”

On 15 March 2018, the GAC issued its [Puerto Rico Communiqué](#), which included an attached letter to the ICANN Board that indicated:

- “At this time the GAC does not have any additional information to provide to the Board on this matter, beyond referring to the GAC Abu Dhabi Communiqué, in particular, to the Advice to the Board contained therein i.e. to ‘*continue facilitating negotiations between the Amazon Cooperation Treaty Organization’s (ACTO) member states and the Amazon corporation with a view to reaching a mutually acceptable solution to allow for the use of .amazon as a top level domain name*’, the expressed ‘*...need to find a mutually acceptable solution in the case of the .amazon gTLD applications for the countries affected and for the Amazon corporation*’ as well as to the call drawing the attention of ‘*...all parties to the final transcript of the relevant sessions where these issues were discussed, these will be available at <https://icann60abudhabi2017.sched.com/event/CbHz/gac-meeting-with-amazoncom>*’.”

Discussions between Amazon and the ACTO member states are ongoing.

Concluded

- [Gulf Cooperation Counsel \(GCC\) v. ICANN IRP \(.PERSIANGULF\)](#) – The GCC challenged the Expert Determination denying the GCC’s community objection to the .PERSIANGULF application submitted by Asia Green IT System Ltd. The Final Hearing was held on 7 July 2016.

The Final Declaration was issued on 19 October 2016. The Final Declaration found GCC to be the prevailing party and ordered the parties to provide further briefing regarding the award of costs. The IRP Panel issued its Final Declaration As To Costs on 15 December 2016 directing ICANN to reimburse the GCC for costs. On 16 March 2017 and on 15 March 2018, the Board considered the Panel’s Final Declarations and took the following decisions:

- Resolved (2017.03.16.08), the Board has determined that further consideration and analysis of the Final Declaration is needed, and directs the ICANN President and CEO, or his designee(s), to conduct or cause to be conducted a further

analysis of the Panel's factual premises and conclusions, and of the Board's ability to accept certain aspects of the Final Declaration while potentially rejecting other aspects of the Final Declaration.

- Resolved (2018.03.15.12), the Board accepts that the Panel declared the following: (i) the GCC is the prevailing party in the *Gulf Cooperation Council v. ICANN* IRP; and (ii) ICANN "shall reimburse the GCC the sum of \$107,924.16 upon demonstration by [the] GCC that these incurred costs have been paid."
- Resolved (2018.03.15.13), the Board directs the President and CEO, or his designee(s), to take all steps necessary to reimburse the GCC in the amount of US\$107,924.16 in furtherance of the IRP Panel's Costs Declaration upon demonstration by the GCC that these incurred costs have been paid.
- Resolved (2018.03.15.14), the Board directs the BAMC: (i) to follow the steps required as if the GAC provided non-consensus advice to the Board pursuant to Module 3.1 (subparagraph II) of the Applicant Guidebook regarding .PERSIANGULF; (ii) to review and consider the relevant materials related to the .PERSIANGULF matter; and (iii) to provide a recommendation to the Board as to whether or not the application for .PERSIANGULF should proceed.

On 3 October 2018, the Board further considered the Panel's Final Declarations and took the following decision:

- Resolved (2018.10.03.01), the Board adopts the portion of the IRP Panel's recommendation that the application for .PERSIANGULF submitted in the current new gTLD round not proceed and directs the President and CEO, or his designee(s), to take all steps necessary to implement this decision.
- Asia Green IT Systems Ltd. v. ICANN (.HALAL/.ISLAM) – Asia Green IT Systems Ltd. ("AGIT") alleged that "the following actions and inaction of the ICANN Board and Staff [have] violated ICANN's Bylaws and Articles: (1) [c]onsulting in secret with the GAC and with Objectors regarding delay or denial of AGIT's applications[;] (2) [r]efusing to specifically identify the Objectors' concerns, how those concerns might be resolved by AGIT, or any process by which the concerns might be resolved[;] (3) [c]reating new policy, without community input, which allows effective, far-from-consensus government veto of just two applications[;] (4) [d]eciding such policy via NGPC resolution, ignoring unanimous advice from the GNSO Council and resolution of the Board that ICANN, *inter alia*, must provide clear criteria for evaluation of all applications[;] (5) [r]efusing to provide documents reasonably requested by AGIT, which would illuminate and narrow the scope of the IRP, and thus reduce costs and time to decision[; and] (7) [r]efusing to acknowledge that IRP decisions are binding and precedential, causing expensive and unnecessary relitigation of settled issues." The Final Hearing took place on 4 May 2017.

The IRP Panel issued its Final Declaration on 30 November 2017. The IRP Panel

declared that AGIT is the prevailing party, and that the ICANN Board acted in a manner inconsistent with ICANN's Articles of Incorporation and Bylaws. On 15 March 2018, the Board considered the Panel's Final Declaration and took the following decisions:

- Resolved (2018.03.15.15), the Board accepts that the Panel declared the following: (i) AGIT is the prevailing party in the Asia Green IT System Bilgisayar San. ve Tic. Ltd. Sti. v. ICANN IRP; and (ii) ICANN shall reimburse AGIT the sum of US\$93,918.83.
- Resolved (2018.03.15.16), the Board directs the President and CEO, or his designee(s), to take all steps necessary to reimburse AGIT in the amount of US\$93,918.83 in furtherance of the Panel's Final Declaration.
- Resolved (2018.03.15.17), the Board directs the BAMC to re-review the GAC non-consensus advice (as defined in Section 3.1 subparagraph II of the Applicant Guidebook) as well as the subsequent communications from or with objecting and supporting parties, in light of the Final Declaration, and provide a recommendation to the Board as to whether or not the applications for .HALAL and .ISLAM should proceed.

On 3 October 2018, the Board further considered the Panel's Final Declaration and took the following decision:

- Resolved (2018.10.03.02), the Board directs the President and CEO, or his designee(s), that the pending application for .HALAL and the pending application for .ISLAM not proceed.

DOCUMENTARY INFORMATION DISCLOSURE POLICY (DIDP) REQUESTS

A. General Information Regarding DIDP

- The DIDP was developed as a part of the Accountability and Transparency Frameworks and Principles to help enhance ICANN's accountability and transparency.
- The DIDP provides that "information contained in documents concerning ICANN's operational activities, and within ICANN's possession, custody, or control" at the time the DIDP request is made, will be made available to the public unless there is a compelling reason for confidentiality, such as the Defined Conditions of Nondisclosure.
- All DIDP requests and responses are posted at:
<https://www.icann.org/resources/pages/governance/transparency-en>.

B. Information on Specific DIDP Requests

Number and Nature

- From 26 October 2017 through 9 October 2018, 11 DIDP Requests have been submitted and 10 were responded to. One DIDP Request was withdrawn.

- Request 20180110-1: DotMusic Limited (10 January 2018) – The DIDP Request sought disclosure of “the documents provided by ICANN to FTI Consulting (“FTI”) in connection with FTI’s so-called independent review of ICANN’s Community Priority Evaluation (“CPE”), which purports to encompass the CPE review of DotMusic’s community application for the .MUSIC gTLD.” The DIDP Response provided the Requestor with extensive information and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure.
- Request 20180115-1: dotgay LLC (15 January 2018) – The DIDP Request sought disclosure of “the documents provided by ICANN to FTI Consulting (“FTI”) in connection with FTI’s so-called independent review of ICANN’s Community Priority Evaluation (“CPE”), which purports to encompass the CEP review of dotgay’s community application for the .GAY gTLD.” The DIDP Response provided the Requestor with extensive information and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure
- Request 20180201-1: Michael Karanicolas (1 February 2018) – The DIDP Request sought disclosure of 1) criteria for selecting regional fellows for ICANN 62; 2) budget allocated for ICANN 62 regional fellows; and 3) total number of regional fellows being selected for ICANN 62. The DIDP Response provided the Requestor with extensive information and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure
- Request 20180223-1: Afilias Domains No. 3 Ltd. (23 February 2018) – The DIDP Request sought disclosure of documents relating to the .WEB/.WEBS contention set. The DIDP response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure
- Request 20180308-1: Brian Winterfeldt on behalf of complainants of .FEEDBACK Public Interest Commitment Dispute Resolution Procedure (PICDRP) (8 March 2018) – The DIDP Request sought disclosure of documents relating to the .FEEDBACK evaluation conducted by the PICDRP Panel. The request was withdrawn on 7 April 2018.
- Request 20180325-1: Jonathan Matkowsky on behalf of RiskIQ, Inc. (25 March 2018) – The DIDP Request sought disclosure of all documents or correspondence referring or relating to enforcement forbearance from General Data Protection Regulation (GDPR), specifically including policies, plans, and correspondence with DPAs or any other authorities and any responses thereto. The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public

disclosure pursuant to the DIDP Defined Conditions for Nondisclosure

- Request 20180326-1: The Centre for Internet & Society (26 March 2018) – The DIDP Request sought disclosure of the “financial breakdown of ICANN’s revenue by source for the period ending 30 June 2017.” The DIDP Response advised the Requestor that ICANN org will soon publish a document with the requested information. On 1 June 2018, ICANN published the Detail Revenue by Source Report for FY17 and notified the Requestor.
- Request 20180423-1: Afilias Domains No. 3 Limited (23 April 2018) – The DIDP Request seeks disclosure of documents relating to the .WEB/.WEBS contention set. The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure.
- Request 20180525-1: The Centre for Internet & Society (25 May 2018) – The DIDP Request sought disclosure of the information relating to income of the ICANN org employees. The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure.
- Request 20180610-1: George Kirikos (10 June 2018) – The DIDP Request sought disclosure of the information relating to: (1) certain calls between IGO PDP Co-Chairs, GNSO Council Chair and ICANN Staff; (2) all documents and recordings between ICANN Staff, GNSO Council Members and the IGO PDP Co-Chairs relating to the handling of the Section 3.7 Appeal Process under the GNSO WG Guidelines; and (3) all documents and recordings between ICANN Staff and the IGO PDP Co-Chairs relating to the anonymous survey held in October 2017. The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure.
- Request 20180716-1: The Centre for Internet & Society (16 July 2018) – The DIDP Request sought disclosure of information relating to “racial diversity of the employees at ICANN.” The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure.