

Board Governance Committee 2012 Annual Report on Reconsideration Requests



Board Governance Committee (BGC) Members

Bruce Tonkin (Chair)

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Bylaws Provisions Re: Annual Report on Reconsideration Requests

- ICANN's Reconsideration Policy is set forth in Article IV, section 2 of ICANN's Bylaws.
- This annual report is presented in fulfillment of subsection 19 of that policy, which calls for the BGC to provide the information found in the following slides.



Information on Specific Reconsideration Requests



Number and Nature of Requests Received in 2012

Two Requests were received in 2012

- Reconsideration Request 12-1: Reconsideration of New gTLD Program Committee decision to not adopt GNSO Recommendations on IOC/Red Cross Protections in New gTLDs
- Reconsideration Request 12-2: Reconsideration of .CAT Registry Agreement amendment on Whois output



Number of Requests Acted Upon

For the period of 14 October 2011 through 13 October 2012, the BGC, and subsequently the Board, acted upon two Requests:

- Request 12-1 (New gTLD Program Committee decision on GNSO Recommendations)
- Request 12-2 (Board approval of .CAT Registry Agreement amendment on Whois output)



Number of Requests Acted Upon

Request 12-1

- On 1 June 2012, the BGC Recommended that the Board (through the New gTLD Program Committee) deny the request to reconsider the decision to not take any action “at this time” on the GNSO Recommendations regarding enhanced protections for IOC and Red Cross names in the New gTLD Program.



Number of Requests Acted Upon

Request 12-1, cont.

- The BGC also recommended that the New gTLD Program Committee should evaluate if the matter is now ripe for determination, as the public comment was now closed.
- The New gTLD Program Committee approved the recommendation on [27 June 2012](#).



Number of Requests Acted Upon

Request 12-2

- On 3 July 2012 the BGC recommended that the Board the Board deny the request to reconsider the approval of amendments to the .CAT registry agreement related to changing Whois output requirements.



Number of Requests Acted Upon

Request 12-2

- The BGC also recommended that the initial Board resolution be clarified to more accurately describe the effect of the amendment.
- The Board approved this recommendation on [28 August 2012](#).



Number of Requests Pending

- As of 13 October 2012, no Reconsideration Requests are Pending
- No Reconsideration Requests were pending at conclusion of the 2011 calendar year.



Number of Reconsideration Requests The BGC Declined to Consider

- The BGC considered all Reconsideration Requests submitted between the Annual general Meeting in 2011 and the Annual General Meeting in 2012.



Other Accountability Mechanisms Available to Denied Requesters

- ICANN makes available the Ombudsman and the Independent Review Process as additional mechanisms to enhance ICANN accountability to persons materially affected by its decisions
- An Accountability Structures Expert Panel has been commissioned to review how ICANN's accountability may be improved via these mechanisms.
Recommendations to be delivered and posted for public comments in November 2012



Use of Other Available ICANN Accountability Mechanisms

- Independent Review - In accordance with Article IV, section 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 an affected party to be inconsistent with ICANN's Articles of Incorporation or Bylaws.



Use of Other Available ICANN Accountability Mechanisms, cont.

Independent Review, Cont.

- On 16 November 2012, a company named Manwin filed a Notice of Independent Review to challenge ICANN's March 2011 decision approving the entry of a the .XXX Registry Agreement with ICM.
- The Board's decision to enter the Registry Agreement was itself a result of a Independent Review filed in 2009.
- The IRP is ongoing.



Thank You

