

Independent Appeals Panel (IAP)

Update and Questions for ccTLD
Community

Pre-Frankfurt Views of ccTLDs

- ICANN 51, Los Angeles:
 - near unanimous support for ‘an appeal mechanism’
- ccTLD survey, 94% of respondents agreed that:
 - If the IANA operator does not perform well or abuses its position the affected ccTLD should have the opportunity to (have access to) an independent and binding appeal process.

Frankfurt Proposal on IAP

- *Suggested that decisions and actions affecting the Root Zone be subject to an independent and binding appeals panel.*
- *Specifically indicated that the mechanism could be used in disputes over the consistency of ccTLD delegation or redelegation decisions*

IAP after Frankfurt

- There has been no further elaboration of the IAP proposal by the CWG since last December
- The CCWG of Accountability has begun to elaborate its own work which it has said will include consideration of binding redress mechanisms
- The CCWG however has also said that it has no intention to give an accountability mechanism decision-making powers relating to the (re)delegation of ccTLDs.

IAP after Frankfurt ⁽²⁾

- A survey of CWG (~40 answers) members was made December-January.
- Findings (e.g.):
 - Strong support that ccTLDs and gTLDs appeals should be managed differently
 - 2/3 think appeals should be addressed by the accountability review

Expectations on naming community

- Discussion in CWG RFP3 on Jan. 30 noted that the IAP is in response to request from ccTLDs
- RFP3 requested that “ccTLD members and participants in CWG to come up with a consistent proposal on IAP”.

Questions

1. Do the ccTLDs present support the development of an appeal mechanism specific to ccTLD delegations and redelegations?
2. Which ccTLDs would be willing to join a group to develop such a mechanism?

Q1: Is there a need for an IAP?

Why?

Q1b: What concrete measures and actions are there to appeal (if we limit the discussion to most ccTLD:s)?

e.g.

- a) Only specific technical and operational issues (CSC realm) is mandated to ICANN. National law always overturn a central appeals function.
- b) All kind of actions should be able to appeal, also delegation and redelegation (Fol issues).

Q2: If there is a need for an IAP – how would that function relate to challenging national law?
Is that a problem?

Today:

no proposal *replacing the NTIA Authorization Function*

However: plans for automatisisation of the root zone update

Automation of root zone updates may imply a decentralization of any kind policy implementation, giving the policy decision back to the local TLD.

Q3 Is today's NTIA authorization function ('the veto') also needed in a post transition order?

Q4:

- How should Naming community develop work within the coming weeks?
- What concrete measures should the ccTLD community do to a develop a 'ccTLD specific appeals mechanism'?
- Is this an issue for the naming community (CWG) or is this an issue for accountability (CCWG?). Why?