

## **Board Accountability Mechanisms Committee Activities Report**

1 January 2022 – 30 June 2022

### **Summary:**

#### Completed Activities:

1. Procedural Evaluation of Reconsideration Request 21-3
2. Update on Independent Review Process (IRP) Implementation Oversight Team (IOT) and IRP Standing Panel Composition Progress
3. Litigation Update
4. Update on .WEB Independent Review Process (IRP)
5. Procedural Evaluation of Reconsideration Request 22-1
6. Consideration of Request for Urgent Consideration of Reconsideration Request 22-2
7. Legal Invoices for Dispute Matters
8. Procedural Evaluation of Reconsideration Request 22-2
9. Update on .GCC Independent Review Process (IRP)

**Section I: Completed Activities**

Item	Description of BAMC Activity	BAMC Completion Date	Accomplishments/Outcome
1. Procedural Evaluation of Reconsideration Request 21-3	The BAMC conducted a procedural evaluation of Reconsideration Request 21-3 in accordance with Article 4, Section 4.2(k) of the Bylaws. Request 21-3 was submitted by Dot Hip Hop, LLC (Requestor), challenging alleged ICANN staff inaction on a request for assignment of the .HIPHOP generic top-level domain (gTLD) from the current registry holder, UNR Co. (UNR), to the Requestor. Specifically, the Requestor alleged that ICANN staff’s “failure to approve the assignment” violated the Registry Agreement between UNR and ICANN and ICANN org’s Mission, Commitments, and Core Values.” The BAMC concluded that Request 21-3 was sufficiently stated and will continue to be processed under the reconsideration request process.	11 January 2022	The BAMC determined that Request 21-3 was sufficiently stated pursuant to Article 4, Section 4.2(k) of the ICANN Bylaws, however the Requestor withdrew Request 21-3, effective 13 January 2022.
2. Update on IRP-IOT and IRP Standing Panel Composition Progress	The BAMC received briefings on the progress of the work underway in the Independent Review Process (IRP) Implementation Oversight Team (IOT) and on the establishment of the IRP omnibus Standing Panel.	24 February 2022 12 April 2022 18 May 2022 2 June 2022	In its accountability mechanisms oversight function, the BAMC will continue to receive regular updates on the progress of the IRP-IOT and the work on the establishment of the IRP Standing Panel.
3. Litigation Update	The BAMC received updates on pending litigation and dispute matters in which ICANN is a party or has an interest.	12 April 2022 2 June 2022	The BAMC will continue to receive regular updates on pending litigation matters or disputes in which ICANN is a party or has an interest.
4. Update on .WEB Independent Review Process (IRP)	The BAMC received updates on the status of the .WEB IRP.	24 February 2022 12 April 2022 2 June 2022	The BAMC will continue to receive regular updates on this matter.
5. Procedural Evaluation of	The BAMC conducted a procedural evaluation of Reconsideration Request 22-1 in accordance with Article 4, Section 4.2(k) of the Bylaws. Request 22-1 sought	16 May 2022	On 16 May 2022, the BAMC summarily dismissed the

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Reconsideration Request 22-1	<p>reconsideration of alleged ICANN Board and staff action and inaction regarding the redaction of certain information from <a href="#">Resolutions 2022.01.16.01 – 2022.2016.04</a> (Resolutions). The Resolutions approved contract renewals with two vendors to provide support services to augment ICANN E&amp;IT capacity. The Requestor asserted that the redactions violate Article 3.1 of the ICANN Bylaws on openness and transparency and preclude the public from determining whether the requirements for the direct contracting selection process under Section 3.3 of the ICANN Procurement Guidelines were met. The Requestor explicitly stated, however, that he was not challenging the Board's underlying decision to approve the renewal of the contracts.</p>		Reconsideration Request 22-1 (see <a href="#">BAMC Summary Dismissal</a> ).
6. Consideration of Request for Urgent Consideration of Reconsideration Request 22-2	<p>The BAMC considered whether Reconsideration Request 22-2 qualifies for urgent treatment as requested by the Requestors pursuant to Article 4, Section 4.2(s) of the Bylaws. Request 22-2 sought reconsideration of alleged ICANN staff action regarding a travel waiver that participants were required to accept to attend the ICANN74 Public Meeting in person (ICANN74 In-Person Travel Waiver or Waiver). The Requestors alleged that the Waiver is "unduly wide and harsh". The Requestors claimed that urgent reconsideration was warranted because ICANN74 was to be held on 13-16 June 2022 at The Hague and "[t]ravel arrangements must be made, and the closer it gets to the deadline the more difficult and expensive they become."</p> <p>The BAMC concluded that urgent consideration is available of only "Board action or inaction," not staff action or inaction. The BAMC found that Request 22-2 does not qualify for urgent treatment because the Requestors are not challenging a Board action or inaction. The BAMC noted that the Requestors were free to file a new reconsideration request within "the regular time frame" set forth in the Bylaws, and that in the interest of</p>	14 April 2022	On 14 April 2022, the BAMC denied the Requestor's Request for Urgent Consideration of Request 22-2 (see <a href="#">BAMC Determination</a> ).

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	time, rather than requiring the Requestors to re-file, ICANN org will proceed with Request 22-2 under the regular time frame of the reconsideration process. The BAMC will ensure that Request 22-2 will be handled expeditiously, to the extent feasible and practicable.		
7. Legal Invoices for Dispute Matters	The BAMC approved recommendations to the Board to approve a tranche of money for payment of legal invoices and fees relate to certain dispute matters.	18 May 2022	On 26 May 2022, the Board approved a tranche of money to pay existing and upcoming outside legal fees and Independent Review Process (IRP) Panel fees for two IRP matters (see <a href="#">Resolutions 2022.05.26.02 – 2022.05.26.05</a> ).
8. Procedural Evaluation of Reconsideration Request 22-2	The BAMC conducted a procedural evaluation of Reconsideration Request 22-2 which challenges the ICANN 74 In Person Participation and Travel Waiver as “unduly wide and harsh” because, among other things, it “constitutes a blanket exclusion of liability,” grants ICANN employees, agents, and representatives discretion to require a participant to leave the event, and requires foreign nationals to review a U.S. website (the U.S. Centers for Disease Control and Prevention website) for health travel advisories. The BAMC determined that Request 22-2 was not sufficiently stated and therefore did not satisfy the procedural evaluation because the Requestors did not satisfy the requirements to maintain a Reconsideration Request under Article 4, Section 4.2(c) of the ICANN Bylaws.	1 June 2022	On 1 June 2022, the BAMC summarily dismissed the Reconsideration Request 22-2 (see <a href="#">BAMC Summary Dismissal</a> ).
9. Update on .GCC Independent Review Process (IRP)	The BAMC received updates on the status of the .GCC IRP.	18 May 2022 2 June 2022	The BAMC will continue to receive regular updates on this matter.