

Board Accountability Mechanisms Committee Activities Report

1 July 2022 – 31 December 2022¹

Summary:

Completed Activities:

1. Procedural Evaluation of Reconsideration Request 22-3
2. Procedural Evaluation of Reconsideration Request 22-4
3. Consideration of Reconsideration Request 22-5
4. Revision to the ICANN Documentary Information Disclosure Policy (DIDP)

On-Going Activities:

1. Update on status of Independent Review Process (IRP) re: .GCC
2. Update on status of IRP re: .HOTEL
3. Update on status of IRP re: .BIZ, .INFO, and .ORG
4. Discussion of Final Declaration IRP re: .WEB
5. Update on Update on IRP Implementation Oversight Team (IOT) and IRP Standing Panel Composition Progress
6. Litigation Update

¹ This report is intended to capture the activities of the BAMC from 1 July 2022 to 31 December 2022. However, because the report was prepared in January 2023, a few activities that occurred in July 2023 are also captured in the report.

Completed Activities

Item	Description of BAMC Activity	BAMC Completion Date	Accomplishments/Outcome
1. Procedural Evaluation of Reconsideration Request 22-3	<p>The BAMC conducted a procedural evaluation of Reconsideration Request 22-3 in accordance with Article 4, Section 4.2(k) of the Bylaws, submitted ZyduS Lifesciences Ltd. (Requestor), which sought reconsideration of a decision in a Uniform Domain Name Dispute Resolution Policy (UDRP) proceeding to which the Requestor was a party (UDRP Decision). The Requestor alleged that the UDRP Decision was "not in adherence with the ICANN Rules and contradicts ICANN's Mission, Commitments, Core Values and established ICANN policies." Pursuant to Article 4, Section 4.2(k) of the ICANN Bylaws a request that is not sufficiently stated cannot withstand reconsideration and will be summarily dismissed. The BAMC found that Request 22-3 was not sufficiently stated because the Requestor did not challenge an action of the ICANN Board or Staff.</p>	23 July 2022	<p>On 23 July 2022, the BAMC summarily dismissed the Reconsideration Request 22-3. (See BAMC Summary Dismissal)</p>
2. Procedural Evaluation of Reconsideration Request 22-4	<p>The BAMC conducted a procedural evaluation of Reconsideration Request 22-4 in accordance with Article 4, Section 4.2(k) of the Bylaws. Request 22-4 sought reconsideration of ICANN Contractual Compliance department's (Contractual Compliance) investigation of and decision to close the Requestor's abuse complaint concerning the domain name adultsearch.com and the domain registrar, after ICANN's investigation demonstrated that there had been no violation of the 2013 Registrar Accreditation Agreement (RAA). The Requestor asks that the Board "[c]ompel these registrars to honor their commitment defined in the RAA." Pursuant to Article 4, Section 4.2(k) of the ICANN Bylaws, a request that is not sufficiently stated cannot withstand reconsideration and will be summarily dismissed. The BAMC concluded that Request 22-4 did not meet the sufficiently stated standard because the</p>	23 August 2022	<p>On 23 August 2022, the BAMC summarily dismissed the Reconsideration Request 22-4. (See BAMC Summary Dismissal)</p>

Item	Description of BAMC Activity	BAMC Completion Date	Accomplishments/Outcome
	Requestor has not established that he has been materially harmed and adversely affected by the challenged action.		
3. Consideration of Reconsideration Request 22-5	The BAMC considered Reconsideration Request 22-5 seeking reconsideration of the BAMC's summary dismissal of Reconsideration Request 22-3, which was also filed by the same Requestor. The BAMC concluded that the summary dismissal of Request 22-3 did not violate the ICANN org Bylaws and policies on which the Requestor relies. Section 4.2 of ICANN's Bylaws permit reconsideration only of actions or inactions of the ICANN Board or Staff. Summary dismissal of Request 22-3 was thus fully consistent with the ICANN Bylaws. Accordingly, the BAMC recommended that the Board deny Request 22-5.	21 November 2022	The BAMC recommended that the Reconsideration Request 22-5 be denied, which the Board adopted on 14 December 2022. (See Resolution 2022.12.14.02)
4. Revision to the ICANN Documentary Information Disclosure Policy (DIDP)	The Committee considered the proposed revisions to the DIDP as part of the implementation work of the Board-approved Cross-Community Working Group on Enhancing ICANN Accountability Work Stream 2's recommendations on revisions to the DIDP. The proposed revisions were published for public comment, and where appropriate, comments received were incorporated into the proposed revisions to the DIDP. Following discussion, the Committee approved a recommendation to the Board to approve the revised DIDP.	13 December 2022	On 13 December 2022, the Committee approved a recommendation to the Board to approve the revised DIDP, which the Board approved on 21 January 2023. (See Resolution 2023.01.21.03.)

On-Going Activities

1. Update on status of IRP re: .GCC	The BAMC considered matters related to the .GCC IRP and application.	TBD	The BAMC will continue to consider matters related to the .GCC IRP and application.
2. Update on status of IRP re: .HOTEL	The BAMC received updates on the status of the .HOTEL IRP.	TBD	The BAMC will continue to receive regular updates on this matter.
3. Update on status of IRP re: .BIZ, .INFO and .ORG	The BAMC received updates on the status of the IRP re: .BIZ, .INFO and .ORG.	TBD	The BAMC will continue to discuss this matter, including the Final Declaration that was issued on 26 December 2022.
4. Discussion of the Final Declaration in the IRP re: .WEB	The BAMC considered the .WEB IRP Final Declaration and the recommendations set forth therein.	TBD	The BAMC will continue to consider the .WEB IRP Final Declaration and the recommendations set forth therein.
5. Update on IRP-IOT and IRP Standing Panel Composition Progress	The BAMC received briefings on the progress of the work underway in the IRP Implementation Oversight Team (IOT) and on the establishment of the IRP omnibus Standing Panel.	N/A	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.
6. Litigation Update	The BAMC received updates on pending litigation and dispute matters in which ICANN is a party or has an interest.	N/A	The BAMC will continue to receive regular updates on pending litigation matters or disputes in which ICANN is a party or has an interest.