

2016 Reconsideration Requests – Status Update – 8 May 2017

No:	Requester:	Filing Date:	Subject:	BGC Action Date¹:	Board Action Date:	Comments:
16-1	Commercial Connect, LLC	26-Jan-2016	.SHOP	25 February 2016 (Determination); Total days from Request: 30	N/A	
16-2	Commercial Connect, LLC	10-Feb-2016	.SHOP	25 February 2016 (Determination); Total days from Request: 15	N/A	

¹ Reconsideration Requests initiated before 1 October 2016 are subject to the Bylaws in effect before 1 October 2016:

Article IV, Section 2.16 of the Bylaws provide that “[t]he Board Governance Committee shall make a final determination or a recommendation to the Board with respect to a Reconsideration Request within thirty days following its receipt of the request, unless impractical, in which case it shall report to the Board the circumstances that prevented it from making a final recommendation and its best estimate of the time required to produce such a final determination or recommendation.” (Bylaws, Art. IV, § 2.16.) Article IV, Section 2.17 of the Bylaws state that the Board “shall issue its decision on the recommendation of the Board Governance Committee within 60 days of receipt of the Reconsideration Request or as soon thereafter as feasible.” (Bylaws, Art. IV, §2.17.) Requestors are regularly notified at each step of the proceedings, including whether there will be a delay beyond the suggested response deadlines, and whether the matter will be submitted to the Board.

For Reconsideration Requests brought regarding staff action or inaction, and actions by third party panels in the New gTLD Program (including the expert dispute resolution panels) that are being treated as staff actions, the BGC has the option to issue final Determinations or to issue Recommendations to the Board. (*See* Article IV, Section 2.16 of the Bylaws; *see also*, BGC Recommendation on Reconsideration Request 13-5 at <https://www.icann.org/en/system/files/files/recommendation-booking-01aug13-en.pdf>.)

Reconsideration Requests initiated on or after 1 October 2016 are subject to the Bylaws in effect as of 1 October 2016:

Article 4, Section 4.2 of the Bylaws provide that “[t]he Board Governance Committee shall make a final recommendation to the Board with respect to a Reconsideration Request within 30 days following its receipt of the Ombudsman's evaluation (or 30 days following receipt of the Reconsideration Request involving those matters for which the Ombudsman recuses himself or herself or the receipt of the Community Reconsideration Request, if applicable), unless impractical, in which case it shall report to the Board the circumstances that prevented it from making a final recommendation and its best estimate of the time required to produce such a final recommendation. In any event, the Board Governance Committee shall endeavor to produce its final recommendation to the Board within 90 days of receipt of the Reconsideration Request. (*See* Bylaws, Art. 4, § 4.2(q).) Article 4, § 4.2(r) of the Bylaws state that the Board “shall issue its decision on the recommendation of the Board Governance Committee within 45 days of receipt of the Board Governance Committee’s recommendation or as soon thereafter as feasible.” Requestors are regularly notified at each step of the proceedings, including whether there will be a delay beyond the suggested response deadline.

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16-3	dotgay LLC	17-Feb-2016	.GAY	26 June 2016 (Recommendation); Total days from Request: 131		BGC consideration delayed because the Requester sought and was granted opportunity to make presentation to the BGC, which took place on 15 May 2016. The BGC issued its recommendation to the Board on 26 June 2016 and the Board was to consider it on 15 September 2016. On 13 September 2016, the Requester submitted a lengthy report for Board consideration. Accordingly, the Board deferred consideration to provide time for review of the report. Thereafter, dotgay submitted additional materials for the Board’s consideration. ² The materials have been provided to the Board for consideration and have been published on the Reconsideration page under Request 16-3. The Board has also directed the President and CEO to undertake a review of various aspects of the CPE process. Board’s consideration of Request 16-3 is on hold pending completion of CPE review.
16-4	Roman Belichenko	9-Feb-2016	Complaint made to ICANN regarding dispute between Requester and Registrar was not considered properly.	26 June 2016 (Determination); Total days from Request: 138	N/A	The BGC considered at its 12 April 2016 meeting, and asked staff to obtain additional information from the relevant registrar for its consideration.
16-5	DotMusic Limited	24-Feb-2016	.MUSIC	Total days from Request: TBD		The Requester asked consideration be placed on hold pending a response to the Requester’s DIDP Request, and also sought and was granted opportunity to make presentation to the BGC, which took place on 17 September 2016. BGC consideration of Request 16-5 is on hold pending completion of CPE review.

² See letter from Arif Ali to ICANN Board of Directors, 17 Oct. 2016, available at <https://www.icann.org/en/system/files/correspondence/ali-badgett-to-icann-board-17oct16-en.pdf>; and letter from Arif Ali to ICANN Board of Directors, 15 Nov. 2016, available at <https://www.icann.org/en/system/files/correspondence/ali-to-icann-board-15nov16-en.pdf>.

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16-6	DotKids Foundation	23-Apr-2016	.KIDS	21 July 2016 (Determination); Total days from Request: 86	N/A	23 April 2016 submission was not complete, but ICANN accepted the original date of 23 April 2016 as filing date; delay due to time for the Requester to complete submission and intervening ICANN meeting.
16-7	DotMusic Limited	30-May-2016	.MUSIC	26 June 2016 (Determination); Total days from Request: 27	N/A	
16-8	CPA Australia Ltd	15-Jul-2016	.CPA	Total days from Request: TBD		Delay due to timing of filing and pre-set BGC meeting schedule. BGC consideration of Request 16-8 is on hold pending completion of CPE review.
16-9	Ruby Glen, LLC and Radix FZC	17-Jul-2016	.WEB	21 July 2016 (Determination); Total days from Request: 4	N/A	
16-10	gTLD Registries Stakeholder Group (RySG)	9-Aug-2016	(i) ICANN's improper expansion of the scope of the Thick Whois Policy to include requirements for registry operators to include RDAP. (ii) ICANN's ignoring of objections to the RySG's proposed operational profile for RDAP, and ICANN's attempt to impose the adoption of the profile on registry operators despite any contractual basis for doing so.	Total days from Request: TBD		The Requester asked that Request be placed on hold pending the Requester's planned discussions with staff.

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16-11	Travel Reservations SRL, Spring McCook, LLC, Minds + Machines Group Limited, Famous Four Media Limited, dot Hotel Limited, Radix FZC, dot Hotel Inc., Fegistry, LLC	25-Aug-2016	.HOTEL	Total days from Request: TBD		The Requester sought and was granted opportunity to make presentation to the BGC, which took place on 16 December 2016. BGC's consideration of Request 16-11 is on hold pending completion of CPE review.
16-12	Merck KGaA	25-Aug-2016	.MERCK	Total days from Request: TBD		The Requester sought and was granted opportunity to make presentation to the BGC on 29 March 2017. BGC's consideration of Request 16-12 is on hold pending completion of CPE review.
16-13	Merck KGaA	23-Sep-2016	.PHARMACY	2 November 2016 (Determination); Total days from Request: 40	N/A	Delay due to timing of filing and intervening ICANN meeting.
16-14	Fraser Lee	15-Dec-2016	ICANN's decision not to investigate Requester's abuse complaint made to registrar regarding an allegation of defamation.	1 February 2017 Total days from Request: 48		Delay due to end of the year holiday schedules.