

Subject: [DIDP] DIDP request - Litigation Documents and IRP

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From: George Kirikos <gkirikos@yahoo.com>

To: didp@icann.org <didp@icann.org>

Hello,

With fresh leadership in place, it's time for ICANN to raise the bar in its performance, and improving transparency is "low hanging fruit" in accomplishing that goal. Key pieces of transparency are the Litigation Documents page at:

<http://www.icann.org/en/news/litigation>

as well as the Independent Review Process page at:

<http://www.icann.org/en/news/irp>

and of course their subpages, which have long been neglected. Documents are either not posted all, or are not posted in a timely manner. For example, there are 3 cases that I know of that have not been posted at all to those pages, namely:

(i) the Afternic case from 2000:

<http://www.icann.org/en/news/announcements/advisory-20jun00-en.htm>

(ii) Name.Space lawsuit on new TLDs

<http://www.thevillager.com/?p=8176>

(iii) IOD lawsuit regarding .web

<http://domainincite.com/10783-original-web-gtld-applicant-sues-icann>

There may be other cases that are in a similar situation.

Some of the active cases are known to be incomplete (e.g. comparing the docket in PACER vs. what ICANN has posted, e.g. the ICM case), and presumably the historic cases are also incomplete (e.g. Manwin IRP hasn't been updated since May 2012; Employ Media arbitration was filed in May 2011, and still not complete? Arbitration is supposed to be cheaper and faster than the courts).

The public, in its desire to stay informed and engage on policy matters, needs to be aware of what's really going on, and in a timely manner. The "public" is not just the sophisticated North American corporations with lots of money to throw at PACER or other private databases, but the civil society activists in Africa or in South America who wish to be on an equal footing when engaging in debates.

I hereby request that ICANN:

(1) post complete sets of documents for all cases (both litigation and IRP), with highest priority given to the active

cases (i.e. active cases within the 30 days of the DIDP response period, and the rest within 90 days).

(2) post ALL (worldwide, not just in the USA) litigation that it is or has been involved with, and specify which cases had not been posted prior to this DIDP request (there are at least 3, as noted above)

(3) develop procedures so that new documents are posted on the website within 3 business days of them being filed in court (or arbitration, as the case may be) or otherwise received. This "procedure" might be as simple as buying a Fujitsu ScanSnap document scanner, and knowing that when anything new comes in (or goes out to court), that it should be scanned to PDF in order to get posted.

(4) add a litigation topic (or topics) to the MyICANN.org portal (which is a great step forward), so that notifications of new legal documents are sent to opt-in subscribers daily.

(5) (over the long-term) reformat/reorganize those sections of the website (e.g. like the correspondences page, add new columns for dates, status (active/settled/decided), etc.) to make them easier to navigate/use. RSS feeds would be nice (although notices via MyICANN.org, see #4 above, are fine too)

The ICANN DIDP page indeed has specifically categorized "Litigation Documents" as a category of "documents that are already made public as a matter of due course", so it's somewhat troubling that I have to file this DIDP request to get ICANN to post the missing documents that should have already been "made public as a matter of due course." Posting litigation documents in a timely fashion should be as regular, normal, and systematic as posting the Monthly Registry reports or the Board meeting minutes.

I trust that the new leadership will see this as an easy task to accomplish, and will help to improve an area that the public relies upon but which has not lived up to its potential under prior leadership.

Sincerely,

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