INDEPENDENT REVIEW PROCESS

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION

ICDR Case No. 01-14-0001-5004

In the matter of an Independent Review

DOT REGISTRY, LLC,

Claimant

And

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS,

Respondent

AMENDED PROCEDURAL ORDER NO. 2

Independent Review Panel:

The Honorable Charles N. Brower

Mark Kantor

M. Scott Donahey, Chair

March 26, 2015

1. On February 11, 2015, the Panel requested the parties' suggestions regarding the conduct of these proceedings. Having received and considered the suggestions of the parties, the Panel has determined the initial steps to be taken by the parties in the process.

2. Pursuant to the Articles of Incorporation and Bylaws of the Internet Corporation for Assigned Names and Numbers ("ICANN") and the International Arbitration Rules and Supplementary Procedures for Internet Corporation for Assigned Names and Numbers (ICANN) Independent Review Process of the International Centre for Dispute Resolution ("ICDR"), the Panel hereby requires ICANN to produce to the Panel and Dot Registry, LLC ("Dot Registry") no later than April 3, 2015, all non-privileged communications and other documents within its possession, custody or control referring to or describing (a) the engagement by ICANN of the Economist Intelligence Unit ("EIU") to perform Community Priority Evaluations, including without limitation any Board and staff records, contracts and agreements between ICANN and EIU evidencing that engagement and/or describing the scope of EIU's responsibilities thereunder, and (b) the work done and to be done by the EIU with respect to the Determination of the ICANN Board of Governance Committee on Dot Registry's Reconsideration Requests Nos. 14-30 (.LLC), 14-32 (.INC) and 14-33 (.LLP), dated July 24, 2014, including work done by the EIU at the request, directly or indirectly, of the Board of Governance Committee on or after the date Dot Registry filed its Reconsideration Requests, and (c) consideration by ICANN of, and acts done and decisions taken by ICANN with respect to the work performed by the EIU in connection with Dot Registry's applications for .INC, .LLC, and/or .LLP, including at the request, directly or indirectly, of the Board of Governance Committee.

3. Not later than April 24, 2015, Dot Registry shall be entitled to make an additional written submission, to which shall be appended the witness statements, expert reports and other relevant and material evidence on which Dot Registry relies. Without limiting such matter as Dot Registry may choose to address therein, that written submission shall (a) identify with specificity the material disputed matters of fact, if any, at issue in this proceeding, (b) identify with specificity its allegations under ICANN Bylaws Art. IV, Sections 3.1 and 3.2, if any, that ICANN has failed to comply with its obligations under paragraph 4 of the ICANN Articles of Incorporation, and (c) discuss the standard to be applied by this Panel in resolving any such allegations to the extent the allegation does not fall within the

scope of the standards of review mentioned in ICANN Bylaws Art. IV, Section 4 or Supplementary Procedures Paragraph 8.

4. Not later than May 15, 2015, ICANN shall be entitled to make an additional written submission, to which shall be appended the witness statements, expert reports and other relevant and material evidence on which ICANN relies, replying to Dot Registry's additional submission referred to in paragraph 3, above. Without limiting such matters as ICANN may choose to address therein, that written submission shall (a) identify with specificity the material disputed matters of fact, if any, at issue in this proceeding, (b) address any specific allegations made by Dot Registry under ICANN Bylaws Art. IV, Sections 3.1 and 3.2, if any, that ICANN has failed to comply with its obligations under Paragraph 4 of the ICANN Articles of Incorporation, and (c) discuss the standard to be applied by this Panel in resolving any such allegation by Dot Registry to the extent such allegation does not fall within the scope of the standards of review mentioned in ICANN Bylaws Art. IV, Section 4 or Supplementary Procedures Paragraph 8.

5. The Panel shall advise the parties (a) promptly after receipt of the documents referred to in Paragraph 2, above, as to page limits, if any, for the written submissions referred to in Paragraphs 3 and 4, above, and (b) promptly after receipt of ICANN's written submission referred to in Paragraph 4, above, as to whether the Panel would find an additional round of written submissions useful.

6. The Panel defers ruling on Dot Registry's request for authorization to make document production requests and Dot Registry's request for an in-person hearing until after completion of the steps specified in Paragraphs 1 through 4, above.

7. The Panel also defers ruling on (a) whether the designation of a *situs* for this proceeding is, or is not, appropriate and, if so, what location should be designated and (b) whether the determinations of the Panel, are, or are not, binding. The Panel notes that a *situs* for this proceeding may be relevant for issues of convenience and fairness, if an in-person hearing proves to be appropriate in the Panel's view, as well as for legal issues if the determinations of the Panel are later asserted by a party to be binding. The Panel invites the parties to seek to reach mutual agreement on a *situs* for this proceeding other than one in the State of California or in the District of Columbia, on a without prejudice basis as to the issues aforementioned.

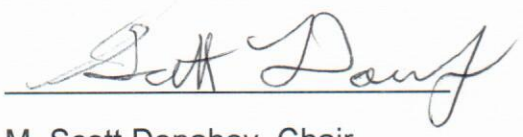
8. In light of the fact that Dot Registry elected not to include with its Request for Independent Review Process "[a]ll necessary evidence to demonstrate requestor's claims," including "expert evidence in writing," which evidence Paragraph 5 of the Supplementary Procedures states "should be part of the ['initial written'] submission" seeking an Independent Review, the Panel is presently disposed to take such election into account at such time as it may be called upon to deal with issues of costs.

9. The Panel anticipates that the parties will direct the attention of the Panel to filings and rulings in other IRP matters as appropriate. Notwithstanding, the Panel wishes to remind the parties that the IRP filings and rulings are publicly available and that the Panel may consult such filings and rulings even if they are not called to the Panel's attention by the parties.

10. Written submissions by the parties shall be served both by email and by express delivery routed as follows:

    a. One copy for each Panelist;
    b. One copy for the other party;
    c. One copy for the Case Manager of the ICDR.

On behalf of the Panel



M. Scott Donahey, Chair