

## Clerical Corrections to Claimant's Memorial

### Errata in Text

Par.	Existing Text	Revised Text
6	Only ICANN's application was subjected to . . . .	Only <u>ICM's</u> application was subjected to . . . .
12	Finally, ICM also submits herewith 218 exhibits in support of the facts presented herein.	Finally, ICM also submits herewith 220 exhibits in support of the facts presented herein (which includes Exhibit 210, submitted along with this errata).
50	". . . . ICANN's headquarters are located in Marina del Ray because that is where Postel worked."	". . . . ICANN's headquarters are located in Marina del Rey, <u>largely</u> because that is where Postel worked."
54	. . . "did not believe that the kind of stability that the U.S. government provided could be replicated by an uncertain and vague new governance structure" . . . .	. . . "did not believe that the kind of stability that the U.S. government provided could be replicated by an uncertain and vague new governance <u>arrangement</u> " . . . .
85	. . . "the advice of the [GAC] on public policy issues shall be duly taken into account, both in the formulation and adoption of policies."	. . . "the advice of the [GAC] on public policy <u>matters</u> shall be duly taken into account, both in the formulation and adoption of policies."
189	. . . "[f]ollowing the 1 June vote, John Jeffrey, Kurt Pritz, and others at ICANN congratulated ICM on [its] success in getting the application approved."	. . . "[f]ollowing the 1 June vote, John Jeffrey, Kurt Pritz, and others at ICANN congratulated <u>[ICM]</u> on [its] success in getting the application approved."
235	. . . "during the contract negotiations so they could be addressed, rather than [springing them on ICM] after the fact as a reason for rejecting the registry agreement."	. . . "during the contract negotiations so they could <u>possibly</u> be addressed, rather than [springing them on ICM] after the fact as a reason for rejecting the registry agreement."
236	. . . "didn't produce the expected results" . . . .	. . . "didn't produce the <u>required and</u> expected results" . . . .
285	As Professor Goldsmith states in his Expert Report: The mismatch between ICANN's ostensible private status and its plenary government authority over one of the globe's most important resources generated significant controversy at ICANN's inception. . . .	As Professor Goldsmith states in his Expert Report: The mismatch between ICANN's ostensible private status and its plenary <u>governance</u> authority over one of the globe's most important resources generated significant controversy at ICANN's inception. . . .
302	Indeed, " <i>The very essence of the term 'arbitration' [in this context] connotes a binding award.</i> " (Blanton v. Womancare, Inc., 38 Cal. 3d at 402, (1985), citing Domke on Commercial Arbitration (rev ed. 1984 p. 1) . . . .	Indeed, " <i>The very essence of the term 'arbitration' [in this context] connotes a binding award.</i> " ( <i>Blanton v. Womancare, Inc., supra</i> , 38 Cal.3d at p. 402, 212 Cal.Rptr. 151, 696 P.2d 645, citing Domke on Commercial Arbitration (rev. ed. 1984) p. 1 . . . .
328	In short, the provisions of Article IV were added to the Articles of Incorporation as "a response to ICANN's legitimacy deficit, and were designed to bring accountability and international order to ICANN's decision."	In short, the provisions of Article IV were added to the Articles of Incorporation as "a response to ICANN's legitimacy deficit, and were designed to bring accountability and international <u>legal</u> order to ICANN's decisions."
340	As summarized by Professor Goldsmith, ICANN voluntarily subjected itself to "general principles" [of international law] in its Articles of Incorporation, something that both California law permits and that is typical in international arbitrations, especially when <u>the distribution</u> of public goods is at stake. . . . Moreover, ICANN is only a nominally private corporation. It exercises extraordinary authority, delegated from the U.S. government, over one of the globe's most important resources. Though for reasons just explained, its status as a de facto public entity is not necessary for the application of general principles here . . . .	As summarized by Professor Goldsmith, ICANN voluntarily subjected itself to <u>these</u> general principles [of international law] in its Articles of Incorporation, something that both California law permits and that is typical in international arbitrations, especially when public goods are at stake. . . . Moreover, ICANN is only nominally a private corporation. It exercises extraordinary authority, delegated from the U.S. <u>Government</u> , over one of the globe's most important resources. Though for reasons just explained[,] its status as a de facto public entity is not necessary for the application of general principles here . . . .
392	Dr. Williams, head of the Sponsorship Evaluation Team, also made clear that she "[did] not believe that the evaluations should have been published when the applications were at different stages [in the process]," such that the reports could still harm certain applicants while others were immune; publishing the reports at such a time "was contrary to the process as described to [her] and the other evaluators."	Dr. Williams, head of the Sponsorship Evaluation Team, also made clear that she "[did] not believe that the evaluations should have been published when the applications were at different stages [in the process]," such that the reports could still harm certain applicants while others were immune; publishing the reports at such a time "was contrary to the process as described to [her] and the <u>[other]</u> evaluators."
424	According to ICM's attorney, ICM "would never have spent the time and money involved in [the] frustrating, drawn-out negotiation process if [they] had not believed—and been	According to ICM's <u>Chairman and President</u> , ICM "would never have spent the time and money involved in [the] frustrating, drawn-out negotiation process if [he] had not

	told—that the 1 June 2005 vote was an approval of the application and negotiations for the registry agreement would be related to purely commercial and technical terms.”	believed—and been told—that the 1 June 2005 vote was an approval of the application and negotiations for the registry agreement would be related to purely commercial and technical terms.”
450	In <i>MTD v. Chile</i> the Tribunal highlighted the Government’s approval of the project and referred to it as “a key element in the consideration of whether the Respondent fulfilled its obligation to treat the Claimant fairly and equitably.”	In <i>MTD v. Chile</i> the Tribunal highlighted the Government’s approval of the project and referred to it as “a key element in the consideration of whether the Respondent fulfilled its obligation to treat the Claimant fairly and equitably.” <i>See MTD Equity Sdn. Bhd. and MTD Chile S.A. v. Republic of Chile</i> (Award of 25 May 2004) 44 I.L.M. 91, at para. 159.
454-55	ICANN Should be Estopped From Withholding Approval of ICANN’s Application	ICANN Should be Estopped From Withholding Approval of ICM’s Application
475	Moreover, not only is the judicial deference doctrine narrow, but the <i>Lamden</i> holding specifically recognized that “the role of judicial deference to board decision-making can be limited” by the association’s or corporation’s “governing documents.”	Moreover, not only is the judicial deference doctrine narrow, but the <i>Lamden</i> holding specifically recognized that “the <u>rule</u> of judicial deference to board decision-making can be limited” by the association’s or corporation’s “governing documents.”

### **Errata in Footnotes**

No.	Existing Text	Revised Text
34	<i>Id.</i>	DAVID LINDSAY, INTERNATIONAL DOMAIN NAME LAW: ICANN AND THE UDRP § 1.4 (2007) (“LINDSAY”), Cl. Exh. 22.
60	“ . . . It was common at this time to refer to Postel as ‘the naming and numbering system.’”	“ . . . It was common at this time to refer to Postel as ‘the naming and numbering <u>authority</u> .’”
96	<i>Id.</i>	<i>Id.</i> , at 168.
114	. . . <i>See Reno v. American Civil Liberties Union</i> , 521 U.S. at 844, Cl. Exh. 17.	. . . <i>See Reno v. American Civil Liberties Union</i> , 521 U.S. at 844, Cl. Exh. 13.
119	Joint Project Agreement between the U.S. Department of Commerce and the Internet Corporation for Assigned Names and Numbers (29 Sept. 2006), available at <a href="http://www.ntia.doc.gov/ntiahomepage/domainname/agreements/jpa/icannjpa_09292006.htm">http://www.ntia.doc.gov/ntiahomepage/domainname/agreements/jpa/icannjpa_09292006.htm</a> (“JPA”), Cl. Exh. 33.	Joint Project Agreement between the U.S. Department of Commerce and the Internet Corporation for Assigned Names and Numbers (29 Sept. 2006), available at <a href="http://www.ntia.doc.gov/ntiahome/domainname/agreements/jpa/ICANNJPA_09292006.htm">http://www.ntia.doc.gov/ntiahome/domainname/agreements/jpa/ICANNJPA_09292006.htm</a> (“JPA”), Cl. Exh. 33.
120	Mueller Expert Report at 13.	Mueller Expert Report at 11.
124	<i>Id.</i> at 11.	<i>Id.</i> at 10.
140	<i>Id.</i> , Art. II, § 3 (emphasis added)	Bylaws, Art. II, § 3 (emphasis added), Cl. Exh. 5.
155	<i>See generally id.</i> , Article XI.	<i>Id.</i> , Art. XI-A, § 2.
185	<i>Id.</i> , para. 11. As noted in paragraph 56, ICANN has distinguished between “unsponsored” and “sponsored” top level domains (“TLDs”) . . . .	<i>Id.</i> , para. 11. As noted in paragraph 27, ICANN has distinguished between “unsponsored” and “sponsored” top level domains (“TLDs”) . . . .
221	<i>Id.</i>	Opinion of the Governmental Advisory Committee on New Generic Top Level Domains (16 Nov. 2000), available at <a href="http://www.icann.org/en/committees/gac/new-tld-opinion-16nov00.htm">http://www.icann.org/en/committees/gac/new-tld-opinion-16nov00.htm</a> (“Opinion of the GAC on New gTLDs”), Cl. Exh. 59.
230	Executive Minutes, ICANN Governmental Advisory Committee Meeting, Rio de Janeiro, Brazil, Cl. Exh. 67;	Executive Minutes, ICANN Governmental Advisory Committee Meeting, Rio de Janeiro, Brazil, Cl. Exh. 68;
251	. . . Williams Witness Statement, para. 32 (quoting ICANN, <i>New gTLD Program Explanatory Memorandum: Morality and Public Order Objection Considerations in New gTLDs</i> (29 Oct. 2008), available at <a href="http://www.icann.org/en/topics/new-gtld-morality-public-order-draft-29oct08-en.pdf">http://www.icann.org/en/topics/new-gtld-morality-public-order-draft-29oct08-en.pdf</a> (“New gTLD Program Explanatory Memorandum”), Cl. Exh. 81. The methodology for objections based on such concerns has not yet been fully developed, beyond the broad suggestion that legitimate reasons for limiting freedom of expression include	. . . Williams Witness Statement, para. 32 (quoting ICANN, <i>New gTLD Program Draft Applicant Guidebook</i> (Draft RFP), p. 3-1, 24 Oct. 2008, available at <a href="http://www.icann.org/en/topics/new-gtld-draft-rfp-24oct08-en.pdf">http://www.icann.org/en/topics/new-gtld-draft-rfp-24oct08-en.pdf</a> , attached as Williams Exh. 22). The methodology for objections based on such concerns has not yet been fully developed, beyond the broad suggestion that legitimate reasons for limiting freedom of expression include “[i]ncitement to violent lawless action[,] . . . [i]ncitement to or

	“[i]ncitement to violent lawless action[,] . . . [i]ncitement to or promotion of discrimination based upon race, color, gender, ethnicity, religion or national origin[,] . . . and [i]ncitement to or promotion of child pornography or other sexual abuse of children.” <i>Id.</i>	promotion of discrimination based upon race, color, gender, ethnicity, religion or national origin[,] . . . and [i]ncitement to or promotion of child pornography or other sexual abuse of children.” <i>New gTLD Program Explanatory Memorandum: Morality and Public Order Objection Considerations in New gTLDs</i> (29 Oct. 2008), available at <a href="http://www.icann.org/en/topics/new-gtld-morality-public-order-draft-29oct08-en.pdf">http://www.icann.org/en/topics/new-gtld-morality-public-order-draft-29oct08-en.pdf</a> (“New gTLD Program Explanatory Memorandum”), Cl. Exh. 81.
301	<i>Id.</i>	Telnic Limited, New sTLD RFP Application (posted 19 Mar. 2004), available at <a href="http://www.icann.org/en/tlds/std-apps-19mar04/tel-telnic.htm">http://www.icann.org/en/tlds/std-apps-19mar04/tel-telnic.htm</a> (“TEL (Telnic) Application”), Cl. Exh. 98.
314	Lawley Witness Statement, para. 29.	ICM Confidential Application at 3, Cl. Confid. Exh. B.
331	Williams Witness Statement, para. 14.	Williams Witness Statement, para. 15.
362	ICANN Board Meeting (30 Mar. 2007).	ICANN Board Meeting (30 Mar. 2007), Cl. Exh. 121.
384	<i>Id.</i>	Letter from Stuart Lawley to Kurt Pritz, 9 Oct. 2004, Cl. Exh. 125.
391	<i>Id.</i>	Letter from Stuart Lawley to Kurt Pritz, 9 Oct. 2004, Cl. Exh. 125.
402	<i>Id.</i>	Letter from Stuart Lawley to Vinton Cerf, 16 Dec. 2004, Cl. Confid. Exh. F.
417	Emails between John Jeffrey and Becky Burr, 3 May 2005, Cl. Exh. 120.	Emails between John Jeffrey and Becky Burr, 3 May 2005, Cl. Exh. 135.
425	Lawley Witness Statement, para 51.	Lawley Witness Statement, para 49.
451	. . . Given that there had been some debate in the GAC at the Luxembourg meetings regarding ICM’s 159;	. . . Given that there had been some debate in the GAC at the Luxembourg meetings regarding ICM’s application, Cl. Exh. 159;
453	Following this meeting, the U.S. Representative to the GAC, in an internal Department of Commerce email, noted that “happily... there is no mention of . . . .XXX in the final [GAC] communiqué.” Email from Meredith Attwell, senior advisor at the NTIA to Jeffrey Joyner, NTIA, <i>et al.</i> , 14 June 2005, Cl. Exh. 160.	Following this meeting, the U.S. Representative to the GAC, in an internal Department of Commerce email, noted that “happily . . . there is no mention of . . . .XXX in the final [GAC] communiqué.” Burr Witness Statement, para. 41 (citing email from Suzanne Sene to Fiona Alexander <i>et al.</i> , 13 July 2008, Burr Exh. 44).
463	Additionally, the U.S. representative to the GAC was arguing at the Luxembourg GAC meetings in July 2005 that it was too late to object to the application, and noted in an email following that meeting that “happily . . . there was no mention of . . . .XXX in the final [GAC] communiqué.” <i>Id.</i>	Additionally, the U.S. representative to the GAC was arguing at the Luxembourg GAC meetings in July 2005 that it was too late to object to the application, and noted in an email following that meeting that “happily . . . there was no mention of . . . .XXX in the final [GAC] communiqué.” Burr Witness Statement, para. 41 (citing email from Suzanne Sene to Fiona Alexander <i>et al.</i> , 13 July 2008, Burr Exh. 44).
470	. . . “his anxiety about the .XXX registry agreement as a result of this intervention.” <i>Id.</i>	. . . “his anxiety about the .XXX registry agreement as a result of this intervention.” <i>Id.</i> , para. 27.
484	<i>Id.</i> at 47.	<i>Id.</i> at 46 and 47.
487	Following this meeting, the Board received a communication from Taiwan’s representative to the GAC, noting that the proposed registry agreement would be both technically workable and would assist in the labeling and filtering of adult entertainment websites, but requesting that approval of the proposal take into consideration customs, culture, social conditions, and legal conditions of different countries.	Following this meeting, the Board received a communication from Taiwan’s representative to the GAC, noting that the proposed registry agreement would be both technically workable and would assist in the labeling and filtering of adult entertainment websites, but requesting that approval of the proposal take into consideration customs, culture, social conditions, and legal conditions of different countries. Letter from Kai Sheng-Kao, GAC Representative of Taiwan, to ICANN Board of Directors, 30 Sept. 2005, Cl. Exh. 169.
492	<i>See, e.g.</i> , Email from Sidse Aegidius to Stuart Lawley, 25 Sept. 2005, Cl. Exh. 173 (“I would however like to [clarify] the Danish position. The remarks I have made have solely addressed the fact that ICANN board has not followed the procedures that it – according to the bylaws – must follow when making decisions. In other words my remarks could have concerned any other TLD with possible public policy	<i>See, e.g.</i> , Email from Sidse Aegidius to Stuart Lawley, 25 Oct. 2005, Cl. Exh. 173 (“I would however like to clarify the Danish position. The remarks I have made have solely addressed the fact that ICANN board has not followed the procedures that it – according to the bylaws – must follow when [making] decisions . . . . In other words my remarks could have concerned any other TLD with possible public

	implications, and [Denmark] has not taken any position on [XXX] as such . . . my remarks could have concerned any other TLD with possible public policy implications.”); Memorandum from Stuart Duncan to Paul Twomey, 3 Dec. 2005, Cl. Exh. 174.	policy implications, and [Denmark] has not taken any position on [XXX] as such.”); Memorandum from Stuart Duncan to Paul Twomey, 3 Dec. 2005, Cl. Exh. 174.
497	Email from Becky Burr to John Jeffrey and Paul Twomey, 27 Jan. 2005, Cl. Exh. 177.	Email from Becky Burr to John Jeffrey and Paul Twomey, 27 Jan. 2006, Cl. Exh. 177.
498	See Email from Becky Burr, 19 March 2006, Cl. Exh. 178	See Email from Esme Smith to Becky Burr, 17 March 2006, Cl. Exh. 210.
503	GAC 2006 Communiqué # 24—Wellington, New Zealand (28 Mar. 2006) . . . .	GAC Final 2006 Communiqué —Wellington, New Zealand (28 Mar. 2006) . . . .
505	<i>Id.</i> , para. 53.	<i>Id.</i> , para. 52.
531	<i>Id.</i> (emphasis added).	Voting Transcript of ICANN Board Meeting (10 May 2006), Cl. Exh. 189.
538	Lawley Witness Statement, para. 60.	Lawley Witness Statement, para. 62.
544	<i>Id.</i> ICM spent approximately US\$ 50,000 to establish and maintain this pre-reservation program. Lawley Witness Statement, para. 29.	<i>Id.</i> ICM spent approximately US\$ 50,000 to establish and maintain this pre-reservation program. Lawley Witness Statement, para. 61.
545	Lawley Witness Statement, para. 61.	Lawley Witness Statement, para. 43.
550	Burr Witness statement, para. 63.	Burr Witness Statement, para. 69.
552	See Burr Witness Statement, para. 67.	<i>Id.</i>
554	<i>Id.</i>	<i>Id.</i> , para. 69.
557	Burr Witness Statement, para. 96;	Burr Witness Statement, para. 69;
559	Burr Witness Statement, note 119.	Burr Witness Statement, note 120.
561	The Wellington Communiqué, as discussed above, had asked the Board to ensure that any registry agreement with ICM “include enforceable provisions covering all of ICM Registry’s commitments.” GAC 2006 Communiqué # 24—Wellington, New Zealand, Cl. Exh. 181.	The Wellington Communiqué, as discussed above, had asked the Board to ensure that any registry agreement with ICM “include enforceable provisions covering all of ICM Registry’s commitments.” GAC 2006 Final Communiqué —Wellington, New Zealand (28 Mar. 2006), Cl. Exh. 181.
562	See Lawley Witness Statement, para. 42.	See Lawley Witness Statement, para. 43.
619	The Ombudsman is to be appointed by the Board “to act as a neutral dispute resolution practitioner.” Bylaws Article V, §§ 1,2, Cl. Exh. 4.	The Ombudsman is to be appointed by the Board “to act as a neutral dispute resolution practitioner.” Bylaws Article V § 2, Cl. Exh. 5.
620	The mandate of this Committee is to review requests submitted by any person adversely affected by ICANN actions which either contradict established ICANN policies or which are taken without consideration of material information. <i>Id.</i>	The mandate of this Committee is to review requests submitted by any person adversely affected by ICANN actions which either contradict established ICANN policies or which are taken without consideration of material information. <i>Id.</i> at Art. IV, § 2.
623	Moreover, when ICANN selected the ICDR, one of its most important requirements for an arbitration provider was that it be “an international arbitration provider with an appreciation for and understanding of applicable international law.” <i>Internet Operations Oversight, Hearing before the Senate Subcommittee on Communications of the Committee on Commerce, Science and Transportation, 108<sup>th</sup> Cong. (31 July 2003) (statement of Mr. Paul Twomey, ICANN’s current President and CEO), Cl. Exh. 10.</i>	Moreover, when ICANN selected the ICDR, one of its most important requirements for an arbitration provider was that it be “an international arbitration provider with an appreciation for and understanding of applicable international laws . . . .” <i>Internet Operations Oversight, Hearing before the Senate Subcommittee on Communications of the Committee on Commerce, Science and Transportation, 108<sup>th</sup> Cong. (31 July 2003) (Statement of Mr. Paul Twomey, ICANN’s current President and CEO), Cl. Exh. 10.</i>
626	See, e.g., Jan Paulsson, <i>Arbitration Without Privity</i> , 10 ICSID Rev. – FILJ 232 (1995) (discussing “arbitration on the basis of a unilateral promise contained in an investment promotion law”);	See, e.g., Jan Paulsson, <i>Arbitration Without Privity</i> , 10(2) ICSID Rev. – FILJ 232 (1995) (discussing “arbitration on the basis of a unilateral promise contained in an investment promotion law”);
654	ICANN Bylaws, Article IV, sec.3, Cl. Exh. 4.	Bylaws, Art. IV § 3(8)(b), Cl. Exh. 5.
662	see also Angela Proffitt, <i>Drop the Government, Keep the Law: New International Body for Domain Name Assignment Can Learn from United States Trademark Experience</i> , 19 LOY. L.A. ENT. L.J. 601, 608 (1999) (noting the concerns of the European Union, the Australian government, and others that the United States had “too much control over the DNS”), Cl. Exh. 209.”	see also Angela Proffitt, <i>Drop the Government, Keep the Law: New International Body for Domain Name Assignment Can Learn from United States Trademark Experience</i> , 19 LOY. L.A. ENT. L.J. 601, 608 (1999) (noting the concerns of the European Union, the Australian government, and others that the United States had “too much control over the DNS”), Cl. Exh. 208.”

663	See ICANN, Minutes of Special Meeting (21 November 1998), available at <a href="http://www.icann.org/en/minutes/minutes-21nov98.html">http://www.icann.org/en/minutes/minutes-21nov98.html</a> ;	See ICANN, Minutes of Special Meeting (21 November 1998), available at <a href="http://www.icann.org/en/minutes/minutes-21nov98.html">http://www.icann.org/en/minutes/minutes-21nov98.html</a> ;
665	Letter from Ester Dyson, ICANN Interim Chairman of the Board, to J. Beckwith Burr, Acting Associate Administrator, National Telecommunications and Information Administration, United States Department of Commerce (23 Nov. 1998), available at <a href="http://www.icann.org/en/announcements/letterpr23nov98.htm">http://www.icann.org/en/announcements/letterpr23nov98.htm</a> , Cl. Exh. 208;	Letter from Ester Dyson, ICANN Interim Chairman of the Board, to J. Beckwith Burr, Acting Associate Administrator, National Telecommunications and Information Administration, United States Department of Commerce (23 Nov. 1998), available at <a href="http://www.icann.org/en/announcements/letterpr23nov98.htm">http://www.icann.org/en/announcements/letterpr23nov98.htm</a> , Cl. Exh. 207;
686	REDFERN & HUNTER at 114.	REDFERN & HUNTER at 115.
689	IAN BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW 35 (7th ed. 2008).	IAN BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW 35 (6th ed. 2003).
693	Goldsmith Expert Report, para. 7.	Goldsmith Expert Report, paras. 7, 10.
712	Whether “transparency” is or should be recognized as a general principle in itself has been debated, but it certainly has a strong relationship to general principles of law such as due process.	Whether “transparency” is or should be recognized as a general principle in itself has been debated, but it certainly has a strong relationship to general principles of law such as due process.
715	ICANN Response at 39 . . . .	ICANN Response, para. 83 . . . .
751	Jan Paulsson, <i>Arbitration of International Sports Disputes</i> , Vol. 9 n. 4 ARBITRATION INTERNATIONAL 359 (1993).	Jan Paulsson, <i>Arbitration of International Sports Disputes</i> , 9(4) ARB INT’L 359 (1993).
778	<i>Id.</i> paras. 48-50; Lawley Witness Statement, para. 22.	<i>Id.</i> , paras. 48-50.
781	<i>Id.</i> at para. 48-50; Lawley Witness Statement at para. 22.	<i>Id.</i> , paras. 48-50.
788	Burr Witness Statement, paras. 39, 60, 65, 68-69.	Burr Witness Statement, paras. 60, 65, 68-69.
794	Goldsmith Expert Report at para. 19.	Goldsmith Expert Report, para. 33.
839	World Bank Administrative Tribunal, Decision No. 209 (1999).	World Bank Administrative Tribunal <u>Reports</u> , Decision No. 209 (1999).
840	World Bank Administrative Tribunal Reports, Prescott (2001), Decision No. 253 par. 25.	World Bank Administrative Tribunal Reports, Decision No. 253 (2001) para. 25.
842	See e.g., <i>International Thunderbird Gaming Corp. v. United Mexican States</i> (NAFTA) Separate Opinion of Thomas Walde (26 Jan. 2006) . . . .	See e.g., <i>International Thunderbird Gaming Corp. v. United Mexican States</i> (NAFTA/ <u>UNCITRAL</u> ), Separate Opinion of Thomas Walde (Dec. 2005) . . . .
850	<i>Tecmed</i> at paras. 82-83.	<i>Southern Pacific Properties (Middle East) Limited v. Arab Republic of Egypt</i> (ICSID Case No. ARB/84/3), 3 ICSID Reports 189, paras. 82-83 (20 May 1992).
854	<i>Schunfeld Case</i> (U.S. v. Guatemala), II Rep. Int’l Arb. Awards 1081 (1930).	<i>Shufeldt Case</i> (U.S. v. Guatemala), II Rep. Int’l Arb. Awards 1081 (1930).
856	<i>Amco</i> , Decision on Jurisdiction of September 25, 1983, I.L.M. vol. 23 (1984), p. 551, para. 47.	<i>Amco Asia v. Indonesia</i> , ICSID Case No. ARB 81/1, Decision on Jurisdiction of 25 September 1983, I.L.M. vol. 23 (1984) 551, para. 47.
861	Burr Witness Statement, paras. 41, 46, 68; Lawley Witness Statement, paras. 49, 60.	Burr Witness Statement, paras. 64, 65; Lawley Witness Statement, para. 62.
868	<i>Hearing Before the H. Subcommittee on Commerce, Trade, and Consumer Protection and Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce</i> , 109 <sup>th</sup> Cong. 19 (2006).	<i>Hearing Before the H. Subcommittee on Commerce, Trade, and Consumer Protection and Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce</i> , 109 <sup>th</sup> Cong. 19 (2006), Cl. Exh 9 at 19.
869	ICANN Response at 40.	ICANN Response, para. 87.
870	ICANN Response at 29.	ICANN Response, para. 92.
892	<i>Id.</i> (citing <i>Dawkins v. Antrobus</i> [1881] 17 Ch.D. 615).	<i>Id.</i> (citing <i>Dawkins v. Antrobus</i> [1881] <u>LR</u> 17 Ch.D. 615).
905	See <i>supra</i> at para. 259.	See <i>supra</i> paras. 259-276.