

JONES DAY

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Contact Information Redacted

April 28, 2018

VIA EMAIL

Arif Hyder Ali, Esq.
Dechert LLP
1900 K. Street NW
Washington, DC. 20006

Re: .WEB

Dear Arif:

On behalf of ICANN, I am responding to your letter dated April 16, 2018 regarding .WEB.

I am going to ignore most of the rhetoric in your letter because it is so self-serving and beyond the point. Many of your letters to ICANN have made sensational accusations, but just writing the words do not make them true, and ICANN vehemently disputes your characterizations. Indeed, in this particular matter, ICANN has been quite transparent, including in papers publicly filed in the federal district court action that Ruby Glen initiated.

As to your specific requests, your letter asks for: (i) an update on the status of the .WEB contention set; (ii) an update on the status of ICANN's investigation; and (iii) sixty days' prior notification if ICANN proceeds toward delegation of .WEB to NDC.

As to the status of the .WEB contention set, first you state that you understand the .WEB contention set to be "on hold." Then, you ask for various additional rights to which you are not entitled, just in case the contention set is *not* "on hold." To be clear, and as you already well know, the .WEB contention set is on hold. When the contention set is updated, your client – along with all other members of the contention set – will be notified promptly, as ICANN has always done when there is a status change with contention sets.

As to an update on the status of ICANN's investigation, in your letter of February 23, 2018, you asked for various information, and ICANN accepted the letter as a request for documentary information under the ICANN Documentary Information Disclosure Policy (DIDP) and furnished information to you. (See <https://www.icann.org/en/system/files/files/didp-20180223-1-ali-response-24mar18-en.pdf>.) In that regard, ICANN notified you that there are applicable conditions for non-disclosure for some of the information that you have requested, and that we would inquire of the third parties whether they wished to permit disclosure. (See *id.*)

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ICANN has now received responses from the third parties and will provide an update on this matter through the DIDP Process.

As to your request for 60 days prior notice of a change to the “on hold” status of the .WEB contention set, ICANN will continue to follow its processes. Providing Afilias with a special notice that is not available to others similarly situated would constitute preferential treatment and would contradict Article 2, Section 2.3 of the ICANN Bylaws. ICANN will not violate its Bylaws by providing such a notice period merely because you would prefer to have a notice that I suspect you would challenge if your client were one of the other .WEB applicants.

Very truly yours,

/s/

Jeffrey A. LeVee

cc: John Jeffrey, Esq.
Amy Stathos, Esq.

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