United TLD Holdco Ltd.

Ugland House
South Church Street
George Town KY1-1104
Cayman Islands

September 10, 2012

ICANN 12025 Waterfront Drive, Suite 300 Los Angeles, CA 90094

Dear Messrs. Atallah, Pritz and Jeffrey:

I am writing to respond to a letter dated July 28, 2012 sent via email by attorney, Jeffrey Stoler, of McCarter & English to Dr. Stephen D. Crocker, Akram Atallah, Cherine Chalaby, John Jeffrey, Heather Dryden, Kurt Pritz, Suzanne Sene and Dr. Olivier M.J. Crepin-Leblond.

Notwithstanding the fact that Mr. Stoler's letter fails to comply with the requirements for submitting application comments in Section 1.1.2.3 of the Applicant Guidebook that "[t]o be considered by evaluators, comments must be received in the designated comment forum within the stated time period," and therefore should be disregarded, due to the numerous inflammatory and inaccurate statements made against Demand Media in the letter, we feel compelled to reply.

Without going into specifics, Mr. Stoler's letter is rife with false statements and misinformation and is arguably defamatory because of the number of factual inaccuracies and spurious conclusions it contains. In addition, we find it very troubling that Mr. Stoler has not identified who he represents nor does he make clear his client's

motive for having Stoler's firm send this letter to ICANN outside of the established processes. This fact certainly creates doubt over the credibility, propriety, relevance, and accuracy of Mr. Stoler's statements. Indeed, we have strong reason to believe that Mr. Stoler represents another gTLD applicant or multiple applicants and is attempting to defame its competitors while going outside a specific and well-ordered ICANN gTLD application and comment process.

As you know from our twenty-six (26) gTLD applications, United TLD Holdco, Ltd. ("United TLD") is a bona fide, wholly-owned subsidiary of Demand Media International Holdings Limited, which, in turn, is a wholly-owned subsidiary of Demand Media, Inc. Our companies have been longtime participants in the domain name industry, ICANN's consensus building process and, specifically, ICANN's new gTLD application program and policy development. Our businesses conduct their operations with the utmost transparency and we continually challenge ourselves to exceed ICANN compliance standards. For example, we have described in each of our gTLD applications the many protections we have in place to operate a safe and reliable registry, including protections against domain name abuse and third party rights' infringement that go above and beyond current best practices and the requirements established by ICANN.

We are confident that we have submitted gTLD applications that are fully compliant with the gTLD Applicant Guidebook, including the eligibility requirements of United TLD. As such, United TLD is fully prepared to vigorously defend its rights with respect to the claims made by Mr. Stoler's mysterious clients and fight aggressively for all of its gTLD applications throughout the gTLD application process. Should you have any clarifying questions for us regarding any statement or representation made in our gTLD applications we would, of course, be happy to answer those questions or discuss them with you.

While we acknowledge that ICANN may exercise its right to publish this e-mail, we respectfully request that you maintain the confidentiality of this email between United TLD and ICANN as we believe it falls under certain Defined Conditions for Nondisclosure under the ICANN Documentary Information Disclosure Policy (<a href="http://www.icann.org/en/about/transparency/didp">http://www.icann.org/en/about/transparency/didp</a>), including, but not limited to the following:

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decisionmaking process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.

We appreciate your consideration of this response and look forward to working with ICANN and the Evaluators to further progress the application process.

Sincerely,

**David Panos** 

Director

United TLD Holdco, Ltd.

David & Para