

JONES DAY

contact information redacted

March 5, 2018

VIA E-MAIL ONLY

Constantine Roussos
Jason Schaeffer
DotMusic

Contact information redacted

Re: CPE Process Review

Dear Mr. Roussos and Mr. Schaeffer:

This letter responds to yours of February 2, 2018, where you submitted to the ICANN Board the “Analysis of .MUSIC Community Priority Evaluation Process & FTI Reports” in support of DotMusic’s application for the .MUSIC gTLD. Your letter is posted on the ICANN organization’s correspondence page at <https://www.icann.org/en/system/files/correspondence/roussos-to-marby-02feb18-en.pdf>.

The ICANN Board is in the process of considering the issues raised in your letter and accompanying Analysis. However, the Board has asked us to respond to certain baseless and offensive statements that must be immediately addressed and rejected at the outset.

Specifically, your bald assertion that “the FTI ‘compliance-focused investigation methodology’ was constructed in part to exonerate ICANN of any accountability and responsibility” has no basis whatsoever, in fact. DotMusic has not offered any evidence to support this baseless claim, because no such evidence exists. DotMusic simply disagrees with the scope of FTI Consulting, Inc.’s (FTI) investigation and the findings set forth in FTI’s reports addressing the CPE Process Review, as they relate to DotMusic’s application for the .MUSIC gTLD. While DotMusic may have preferred a different evaluation process and may have desired a different outcome, that is not evidence that FTI undertook its investigation “to exonerate ICANN of any accountability and responsibility.”

Your accusations in this regard are as offensive as they are baseless. The Board initiated the CPE Process Review in its oversight role of the New gTLD Program to provide greater transparency into the CPE process. There was no pre-determined outcome in mind and FTI was never given any instruction that it was expected to come to one conclusion over another. FTI

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was chosen to conduct the CPE Process Review because FTI is the leader in this field, and has the requisite skills and expertise to undertake this investigation.

Your assertions that FTI would blatantly violate best investigative practices and compromise its integrity is insulting and without any support, and ICANN rejects them unequivocally.

Very truly yours,

A handwritten signature in blue ink that reads "K. Wallace". The signature is written in a cursive, flowing style.

Kate Wallace