

DECLARATION OF AKRAM ATALLAH

I, Akram Atallah, declare and affirm as follows:

1. I am the Chief Operating Officer of the Internet Corporation for Assigned Names and Numbers (“ICANN”), a defendant in this action. I have personal knowledge of the matters set forth herein and am competent to testify to those matters. I make this declaration in support of ICANN’s Motion to Dismiss in this action.

Background on ICANN

2. ICANN is a not-for-profit public benefit corporation organized under the laws of the State of California. Its principal place of business is Los Angeles, California. ICANN is responsible for the global coordination of the Internet’s domain name system (“DNS”). Background on the privatization of the Internet is available in a publication published by the Department of Commerce on June 5, 1998 entitled *Management of Internet Names and Addresses* and is available at 63 Fed. Reg. 31741 (1998).

3. The Internet DNS translates unique sets of numbers that computers associate with websites into commonly known domain names, allowing users to easily find specific locations on the Internet. In order to maintain a consistent, stable and secure environment in the Internet’s DNS, ICANN enters into contracts, referred to as “Registry Agreements,” with each “Registry Operator,” who are the companies permitted to manage the Internet’s top level domains (“TLDs”), such as .COM, .NET and .ORG. These Registry Agreements set forth the rights, duties and obligations of the parties.

4. A true and correct copy of ICANN’s Registry Agreement with Verisign, Inc. (“Verisign”), the company that operates the .COM TLD, is attached hereto as Exhibit A. The Registry Agreement with VeriSign was negotiated and executed by ICANN in California. ICANN performs its duties and obligations under the Registry Agreement in California. ICANN has no control over the geographic location in which Registry Operators, such as Verisign, choose to base their business or operate.

5. Consumers and businesses may obtain the right to use second level Internet domain names by registering the names with companies known as “Registrars.” ICANN accredits the companies that act as Registrars, which has resulted in a Registrar marketplace of over 1000 accredited Registrars. ICANN enters into a standard Registrar Accreditation Agreement (“RAA”) with all Registrars, which sets out the rights, duties and obligations of the parties.

6. A true and correct copy of ICANN’s standard RAA, which was entered into with Network Solutions, Inc. (“NSI”), a domain name Registrar is attached hereto as Exhibit B. The RAA with NSI was negotiated and executed by ICANN in California. ICANN performs its duties and obligations under the RAA in California. ICANN has no control over the geographic location in which Registrars, such as NSI, choose to base their business or operate.

7. ICANN maintains the websites that are located at <http://www.icann.org>, <http://www.iana.org>, and <http://www.internic.net>. The websites contain information about ICANN, about the people who work for ICANN, and about the projects that ICANN has undertaken in connection with the Internet. ICANN does not offer anything for sale on its websites; in fact, ICANN does not sell anything.

ICANN’s Lack of Connection to Virginia

8. ICANN has no office and does not employ any persons to perform work in Virginia.

9. ICANN is not licensed to do business in Virginia.

10. ICANN does not solicit business in Virginia.

11. ICANN does not sell any goods or services in Virginia.

12. ICANN does not have any phone number or mailing address in Virginia.

13. ICANN does not directly pay any taxes in Virginia.

14. ICANN does not have a registered agent for service of process in Virginia.

15. ICANN does not own any real property in Virginia.

16. ICANN does not hold any bank accounts in Virginia.

17. ICANN has never advertised anything for sale to the residents of Virginia.


18. To the extent ICANN has witnesses who have knowledge of the facts alleged in plaintiff's complaint, none of those witnesses are in Virginia.

19. No contract exists between ICANN and Plaintiff Graham Schreiber.

20. ICANN leases facilities near Reston, Virginia to house some of its web servers and equipment related to ICANN's role in deploying the Domain Name System Security Extensions ("DNSSEC"), a technology developed to protect against security vulnerabilities and hacking in the DNS. Approximately twice a year, ICANN hosts a small event at the facilities near Reston, during which certain individuals are permitted to oversee the steps taken by ICANN in operating DNSSEC. ICANN does not charge any fees, or receive any funds, for its work in deploying DNSSEC. Moreover, ICANN's role in securing the DNS through DNSSEC is unrelated to, and separate from, ICANN's contracts with any Registry Operators or gTLD domain name Registrars.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

This declaration was signed on September 10, 2012 at Los Angeles, California.


Akram Atallah