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11 DOTCONNECTAFRICA TRUST

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES - CENTRAL**

14 DOTCONNECTAFRICA TRUST, a Mauritius
15 charitable trust,

16 Plaintiff,

17 v.

18 INTERNET CORPORATION FOR
19 ASSIGNED NAMES AND NUMBERS, a
20 California corporation; ZA Central Registry, a
21 South African non-profit company, and DOES
22 1 through 50, inclusive,

23 Defendants.

Case No. BC607494

[Assigned for all purposes to Hon. Howard L.
Halm, Dept. 53]

**DECLARATION OF SOPHIA BEKELE
ESHETE IN SUPPORT OF PLAINTIFF'S
MOTION FOR A PRELIMINARY
INJUNCTION (FILED AS A TRO)**

Date: January 31, 2017
Hearing: 8:30 a.m.
Courtroom: 53

[Filed concurrently: Supplemental
Memorandum of Points and Authorities in
Support of Plaintiff's Motion for a
Preliminary Injunction; Supplemental Brown
Declaration]

1 **SUPPLEMENTAL DECLARATION OF SOPHIA BEKELE ESHETE**

2 I, Sophia Bekele Eshete, hereby declare as follows:

3 1. I am the founder and executive director of DotConnectAfrica Trust (“DCA”) and I
4 coordinated DCA’s application for the .Africa generic Top-level Domain (“gTLD”). The matters
5 referred to in this declaration are based upon my personal knowledge, and if called as a witness, I
6 could and would testify competently thereto.

7 2. ICANN required DCA to agree to the terms and conditions in the ICANN Applicant
8 Guidebook (the “Guidebook”) upon submitting its application for the .Africa gTLD.

9 3. Attached hereto as **Exhibit A** is a copy of the version of the Guidebook DCA
10 reviewed before submitting its application for .Africa.

11 4. Attached hereto as **Exhibit B** is a copy of the December 2011 version of the ICANN
12 Bylaws DCA reviewed before submitting its application for .Africa.

13 5. Attached hereto as **Exhibit C** is a copy of the March 2012 version of the ICANN
14 Bylaws DCA reviewed before submitting its application for .Africa.

15 6. Beginning in June 2012, and after DCA submitted its application for .Africa, DCA
16 reviewed the version of the Guidebook attached to my prior declaration when it had questions
17 regarding the application review process.

18 7. The Guidebook represented that the IRP provided actual redress to applicants.
19 ICANN’s Bylaws contained representations that ICANN would “make decisions by applying
20 documented policies neutrally and objectively, with integrity and fairness;” (2) that ICANN would
21 “operate the maximum extent feasible in an open and transparent manner and consistent with
22 procedures designed to ensure fairness;” and (3) that ICANN would “be accountable to the Internet
23 community for operating in a manner that is consistent with these Bylaws, and with due regard to
24 the core values set forth in Article 1 of [its] Bylaws.” The Articles of Incorporation represented
25 that ICANN would carry out its activities in conformity with relevant principles of international
26 law and application of international conventions and local law.

27 8. ICANN also represented to me that the application process would be fair and
28 transparent through various representatives in presentations about the application process before

1 DCA applied and at meetings of the Generic Names Supporting Organization, an ICANN
2 committee of which I was a member, dedicated to keeping gTLD operation fair.

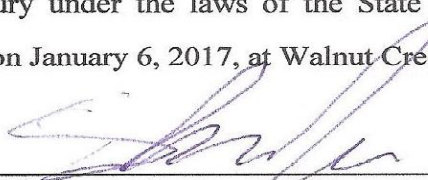
3 9. ICANN Senior Vice-President made representations that ICANN would follow the
4 criteria set forth in the Guidebook at a presentation during a TLD conference in September 2011
5 in Munich, Germany, where I was present. The Frequently asked Questions Page at ICANN,
6 <https://newgtlds.icann.org/en/applicants/global-support/faqs/faqs-en> attached hereto as **Exhibit D**,
7 also states that third party panels will “evaluate applications against criteria and requirements
8 outlined in the Applicant Guidebook” and that “There’s no provision for Party X to enter a registry
9 agreement with ICANN designating Party Y as the registry operator.”

10 10. DCA believed these representations and accordingly believed that it would be
11 subject to the fair and unbiased application processing that ICANN promised.

12 11. DCA would not have applied for the .Africa gTLD, paid the non-refundable fee,
13 and would not have spent years campaigning for the endorsements and preparing an application,
14 if it had known that ICANN would favor ZACR throughout the process.

15 12. I read the transcription December 22, 2016 of the PI hearing at the Court. ZACR
16 has made false representations that DCA is not deserving of the .Africa gTLD because it is a “shell”
17 company. However, DCA is already operational and making contributions to the African people.
18 Attached hereto as **Exhibit E** is a true and correct copy of the 2016 year in review report for DCA.

19
20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed on January 6, 2017, at Walnut Creek, California.

22
23 
24 _____
25 Sophia Bekele Eshete