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Attorneys for Plaintiff  
NAMECHEAP, INC., a Delaware Corporation

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

NAMECHEAP, INC., a Delaware Corporation,

Plaintiff,

v.

INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS, a  
California Nonprofit Corporation,

Defendant.

Case No. 24SMCP00066

(Assigned to Hon. H. Jay Ford, Dept. O)

**DECLARATION OF EUGENE ROME IN  
SUPPORT OF NAMECHEAP, INC.'S BRIEF  
IN SUPPORT OF PETITION TO CONFIRM  
ARBITRATION AWARD**

*(Filed concurrently with Brief In Support of  
Petition)*

Date: January 24, 2025

Time: 9:30 a.m.

Dept: O

Petition Filed: January 31, 2024

1 **DECLARATION OF EUGENE ROME**

2 I, Eugene Rome, declare as follows:

3 1. I am a Partner at Rome LLP, attorneys of record for Plaintiff/Petitioner  
4 Namecheap, Inc. (“Namecheap”) in the above-referenced action. I have personal knowledge of  
5 the facts set forth in this declaration and if called upon to testify under oath, I could and would  
6 testify competently thereto.

7 2. I make this declaration in support of Namecheap’s Brief in support of Petition to  
8 Confirm Arbitration Award.

9 3. On February 25, 2020, Namecheap initiated an Independent Review Process  
10 (“IRP”) pursuant to ICANN’s Bylaws concerning its actions in negotiating the 2019 Registry  
11 Agreements for .ORG and .INFO. The IRP was adjudicated by three panelists (“IRP Panel”). On  
12 December 22, 2022, the IRP Panel issued a one hundred seventy-one (171) page reasoned opinion  
13 Final Declaration finding in Namecheap’s favor (“Final Declaration”). Attached hereto as **Exhibit**  
14 **A** and incorporated herein is a true and correct copy of the Final Declaration.

15 4. ICANN publicly posts its governance documents, including its Bylaws, its Board of  
16 Directors meeting minutes, and a number of correspondence and reports on its website located at  
17 <http://www.icann.org>.

18 5. On December 27, 2024, I visited ICANN’s website at  
19 [https://www.icann.org/en/governance/documents/bylaws-for-internet-corporation-for-assigned-](https://www.icann.org/en/governance/documents/bylaws-for-internet-corporation-for-assigned-names-and-numbers-a-california-nonprofit-public-benefit-corporation-icann-17-11-2023-en)  
20 [names-and-numbers-a-california-nonprofit-public-benefit-corporation-icann-17-11-2023-en](https://www.icann.org/en/governance/documents/bylaws-for-internet-corporation-for-assigned-names-and-numbers-a-california-nonprofit-public-benefit-corporation-icann-17-11-2023-en), and  
21 reviewed ICANN’s Bylaws that it publicly posted. Attached hereto as **Exhibit B**, and  
22 incorporated herein, are true and correct copies of relevant portions of ICANN’s Bylaws.

23 6. On December 27, 2024, I visited ICANN’s website at  
24 [https://www.icann.org/en/board-activities-and-meetings/materials/minutes-regular-meeting-of-the-](https://www.icann.org/en/board-activities-and-meetings/materials/minutes-regular-meeting-of-the-icann-board-21-01-2023-en)  
25 [icann-board-21-01-2023-en](https://www.icann.org/en/board-activities-and-meetings/materials/minutes-regular-meeting-of-the-icann-board-21-01-2023-en) and reviewed the minutes from ICANN’s Board of Directors meeting  
26 held on January 21, 2023. Attached hereto as **Exhibit C**, and incorporated herein, is a true and  
27 correct copy of these minutes.

1           7.       On December 27, 2024, I visited ICANN’s website at  
2 [https://www.icann.org/en/board-activities-and-meetings/materials/minutes-meeting-of-the-board-](https://www.icann.org/en/board-activities-and-meetings/materials/minutes-meeting-of-the-board-accountability-mechanisms-committee-bamc-02-06-2023-en)  
3 [accountability-mechanisms-committee-bamc-02-06-2023-en](https://www.icann.org/en/board-activities-and-meetings/materials/minutes-meeting-of-the-board-accountability-mechanisms-committee-bamc-02-06-2023-en) and reviewed the minutes from  
4 ICANN’s Board of Directors meeting held on June 2, 2023. Attached hereto as **Exhibit D**, and  
5 incorporated herein, is a true and correct copy of these minutes.

6           8.       On December 27, 2024, I visited ICANN’s website at  
7 <https://www.icann.org/resources/pages/irp-namecheap-v-icann-2020-03-03-en>. Listed amongst the  
8 documents posted on the link and available for download was the report prepared by ICANN’s  
9 Economist on February 14, 2024 and published on ICANN’s website on March 5, 2024, pursuant  
10 to The ICANN Board acceptance of the BAMC’s recommendation on June 11, 2023. Attached  
11 hereto as **Exhibit E**, and incorporate herein, is a true and correct copy of this Economist’s Report.

12           9.       Namecheap reviewed the report, and in a letter dated May 9, 2024 from  
13 Namecheap’s counsel in for the IRP, provided comments to ICANN, pointing out the deficiencies  
14 therein and explaining why the report fell woefully short of addressing the issues identified by the  
15 IRP Panel. Attached hereto as **Exhibit F**, and incorporated herein, is a true and correct copy of this  
16 letter.

17           10.      On December 27, 2024, I visited ICANN’s website at  
18 [https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-](https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-10-11-2024-en)  
19 [meeting-of-the-icann-board-10-11-2024-en](https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-regular-meeting-of-the-icann-board-10-11-2024-en) and reviewed the minutes from ICANN’s Board of  
20 Directors meeting held on November 10, 2024. Attached hereto as **Exhibit G**, and incorporated  
21 herein, is a true and correct copy of these minutes.

22           11.      On December 27, 2024, I visited ICANN’s website at  
23 [https://www.icann.org/en/governance/documents/amended-and-restated-articles-of-incorporation-](https://www.icann.org/en/governance/documents/amended-and-restated-articles-of-incorporation-of-internet-corporation-for-assigned-names-and-numbers-09-08-2016-en)  
24 [of-internet-corporation-for-assigned-names-and-numbers-09-08-2016-en](https://www.icann.org/en/governance/documents/amended-and-restated-articles-of-incorporation-of-internet-corporation-for-assigned-names-and-numbers-09-08-2016-en), and reviewed ICANN’s  
25 Articles of Incorporation that it publicly posted. Attached hereto as **Exhibit H**, and incorporated  
26 herein, a true and correct copy of ICANN’s Articles of Incorporation.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed on December 27, 2024 in Los Angeles, California.

/s/ Eugene Rome

Eugene Rome