1. In its Procedural Order No. 1, dated July 17, 2015, the Tribunal, inter alia, advised the Parties that “[a]ny further exchanges of documents and other information between the Parties should occur through cooperation and in the manner set forth in Article 21 of the ICDR Rules.”

2. By email dated August 8, 2015, Mr. Genga informed the Tribunal, in pertinent part, that:

   Counsel have met and conferred telephonically and in writing regarding: (i) scheduling conflicts identified by counsel for Donuts; and (ii) document requests that Donuts have propounded to ICANN (a copy of which is attached for the Panel's information).

   As to the first issue, counsel believe that schedules can be accommodated reasonably and without unduly delaying the timeline envisioned by the Panel in its Procedural Order No. 1.

   Regarding the document requests, while the parties have no dispute as to certain of them, they disagree as to others. As such, the parties would like to present their respective positions to the Panel expeditiously so as not to delay resolving this proceeding on the merits as soon as their respective schedules reasonably allow.

   In furtherance of these objectives, the parties have agreed upon, and respectfully propose that the Panel adopt, the following schedule in lieu of that suggested in Procedural Order No. 1:

   1) The parties shall simultaneously submit letter briefs of no more than five (5) pages concerning the document requests by 5:00 p.m. PDT on August 10, 2015;

   2) Given that Mr. Genga's trial schedule makes him unavailable for oral argument on the dates suggested in the Panel's Procedural Order No. 1, and unless the Panel determines otherwise based on its consideration of the document requests:

      a) Donuts shall make its supplemental written submission on the merits electronically by 5:00 p.m. PDT on August 18, 2015;

      b) ICANN shall make its supplemental written submission on the merits electronically by 5:00 p.m. PDT on September 18, 2015; and

      c) The hearing on the merits shall take place by telephone commencing at 9:30 a.m. PDT October 8, 2015.

3. The Tribunal is grateful for the initiative taken by the Parties, and in light of the forgoing agreement, orders as follows:

   The Parties shall simultaneously submit letter briefs of no more than five (5) pages concerning the document requests by 5:00 p.m. PDT on August 10, 2015.

   In their letter submissions, each Party shall address the controlling questions of “necessity” and “appropriateness” as established in ICDR Rule 20(4), and shall bear in mind Article 21
of the ICDR Rules text. In particular, but not to the exclusion of the remainder of Article 21, the Tribunal notes that paragraphs 1, 4, 5 and 8, provide the following guidance:

1. The arbitral tribunal shall manage the exchange of information between the parties with a view to maintaining efficiency and economy. The tribunal and the parties should endeavor to avoid unnecessary delay and expense while at the same time avoiding surprise, assuring equality of treatment, and safeguarding each party’s opportunity to present its claims and defenses fairly. /…

4. The tribunal may, upon application, require a party to make available to another party documents in that party’s possession not otherwise available to the party seeking the documents, that are reasonably believed to exist and to be relevant and material to the outcome of the case. Requests for documents shall contain a description of specific documents or classes of documents, along with an explanation of their relevance and materiality to the outcome of the case.

5. The tribunal may condition any exchange of information subject to claims of commercial or technical confidentiality on appropriate measures to protect such confidentiality. /…

8. In resolving any dispute about pre-hearing exchanges of information, the tribunal shall require a requesting party to justify the time and expense that its request may involve and may condition granting such a request on the payment of part or all of the cost by the party seeking the information. The tribunal may also allocate the costs of providing information among the parties, either in an interim order or in an award.

4. Once having considered the Parties’ simultaneous submissions in light of the standards suggested above, the Tribunal will indicate what further exchanges, if any, will be necessary.

5. **Supplemental briefing on the merits:** The Tribunal further orders that the schedule for supplemental briefing on the merits envisaged in Procedural Order No. 1 stands modified. As amended, the schedule is that:

   Donuts will make its supplemental written submission on the merits electronically by 5:00 p.m. PDT on **August 20, 2015**;

   ICANN will make its supplemental written submission on the merits electronically by 5:00 p.m. PDT on **September 20, 2015**.

6. **Hearing for Argument:** The Hearing for Argument is scheduled for **October 8, 2015**, commencing at 9:30 a.m. The Tribunal does not exclude the possibility that the Hearing will occur at a physical gathering in Southern California, rather than telephonically. As to the question of hearing format (physical or telephonic), the Tribunal wishes to be informed by the Parties of their preferences, if any.

   Jack J. Coe, Jr (Chair, for the Tribunal)