

**American Arbitration Association
International Center for Dispute Resolution**

In the Matter of the Arbitration Between

**OpenTLD B.V.
and
Internet Corporation for Assigned Names and Numbers**

ICDR Case Number: 01-15-0004-1379

ORDER NO. 1

**REPORT OF PRELIMINARY HEARING HELD
OCTOBER 29, 2015 AND SCHEDULING ORDER .**

Pursuant to the ICDR International Dispute Resolution Procedures, a telephonic preliminary hearing was held in this case on October 29, 2015 at 11 am. Eugene Rome of Rome & Associates, APC, appeared for claimant Open TLD B.V. and Kate Wallace of Jones Day appeared for respondent Internet Corporation for Assigned Names and Numbers (“ICANN”). The following were agreed on during the hearing and are **ORDERED**:

DIRECT EXCHANGE

As provided by the ICDR Procedures, all documents and emails may be exchanged directly with the arbitrator, whose email is Contact Information Redacted Please be sure to copy the opposing side and Tom Simotas, the ICDR Team Leader, at Contact Information Redacted on all emails or documents sent to the Arbitrator.

CONFIDENTIALITY OF DOCUMENTS

In lieu of a formal protective order, any information designed as “confidential” by the party or person providing it will be treated as such, and not disclosed to anyone other than counsel for a party and necessary personnel of a party, or posted in a place accessible to the public, absent further order of the Arbitrator.

RESPONSE TO OPENTLD’S REQUEST FOR ARBITRATION

ICANN will file a response to the Request for Arbitration not later than November 16, 2015.

SCHEDULE FOR EXCHANGE OF INFORMATION

The following schedule for exchange of information was agreed on during the preliminary hearing.

November 6, 2015: Last day for OpenTLD to submit a letter brief describing the interrogatories and depositions it believes that it needs in this case, and why they are needed. (During the preliminary hearing, Mr. Rome stated that Open TLD would like to serve interrogatories and take depositions to seek information which cannot be determined through documents. The Arbitrator reminded the parties that, under International Dispute Resolution Procedures Article 21(10), depositions, interrogatories, and requests to admit as developed for use in U.S. court procedures generally are not appropriate procedures for obtaining information.)

November 20, 2015: Last day to send requests for documents.

November 20, 2015: Last day for ICANN to submit a response to OpenTLD's letter brief regarding interrogatories and depositions.

November 30, 2015: Last day to object to the opposing party's requests for documents.

November 30, 2015: Last day for OpenTLD to submit a reply to ICANN's response to OpenTLD's letter brief regarding interrogatories and depositions

December 10, 2015: Last day for the parties will meet and confer regarding objections either side has made to requests for documents.

December 11, 2015, 11:30 am: Further telephonic preliminary hearing, if necessary, to discuss the status of document exchange, Open TLD's request for interrogatories and depositions and any other issues regarding exchange of information.

December 21, 2015: Last day to complete exchange of documents requested by the opposing party and all documents upon which a party intends to rely, as required by International Dispute Resolution Procedures Article 21(3), although documents will be exchanged earlier on a rolling basis to the extent available to a party.

January 15, 2016: Last day for a party intending to offer an expert witness to so notify the other party and the Arbitrator, giving the name, address and subject of expertise of the proposed expert witness.

PRE-HEARING AND HEARING SCHEDULE

The parties expect that the hearing will take no more than two days and agreed on the following schedule:

March 28, 2016: Each party will exchange and provide to the Arbitrator written statements signed by the witness which are to be offered at the hearing in lieu of

live testimony pursuant to International Dispute Resolution Procedures Article 23(4).

April 4, 2016: Each party will exchange and provide to the Arbitrator the following:

The names of any witnesses who have presented a witness statement whom it requests to examine during the hearing.

Pre-marked exhibits intended to be used at the hearing.

The parties will designate a joint set of exhibits to the extent possible.

Claimant's exhibits will use numbers 1 through 1000.

Respondents' exhibits will use numbers 1001 and above.

The names and addresses of any witnesses a party intends to present at the hearing and, for any witness who has not been deposed and for whom witness statements have not been provided, their position and relevant former position, the subject of their testimony, and the languages in which such witnesses will give their testimony, pursuant to International Dispute Resolution Procedures Article 23(2).

The name of any witness who will testify by video link.

Pre-hearing briefs

Copies of all references cited in the pre-hearing briefs.

April 18 2016: Hearing on the merits.

The hearing on the merits will commence at 9 am at the offices of the American Arbitration Association, 725 South Figueroa Street Suite 400, Los Angeles, CA 90017 and continue on April 19 if necessary. The hearing will end at 5 pm each day, or later if necessary to complete a witness.

Closing argument will be heard at the conclusion of the hearing and at that time counsel and the Arbitrator will discuss the need for post-hearing briefs or submissions.

OTHER MATTERS.

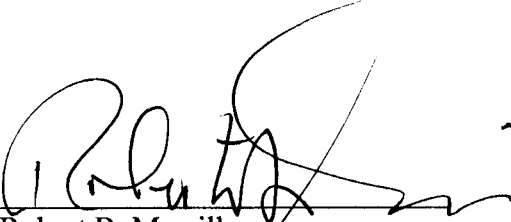
All deadlines will be enforced, and may be changed only with a showing of good cause.

The parties should feel free to arrange a conference with the Arbitrator to discuss any questions or problems which arise. There shall be no *ex parte* communications with the Arbitrator.

The Arbitrator should be provided with hard copies of pre-hearing briefs and references sent to him at 576 Greenwich Street, San Francisco, CA 94133, and with electronic copies. A set of all proposed exhibits should be provided to the Arbitrator at the beginning of the hearing. All other documents should be sent to the Arbitrator electronically with no hard copy. Please be sure to copy the ICDR case administrator.

If this order omits or misstates anything, the parties are requested to promptly advise the Arbitrator.

Dated: October 30, 2015



Robert B. Morrill
Arbitrator