

JONES DAY

555 SOUTH FLOWER STREET • FIFTIETH FLOOR • LOS ANGELES, CALIFORNIA 90071.2300

TELEPHONE: +1.213.489.3939 • FACSIMILE: +1.213.243.2539

DIRECT NUMBER: Contact Information Redacted
Contact Information Redacted

May 15, 2017

VIA E-MAIL

Arif H. Ali, Esq.
Dechert LLP
1900 K Street, NW
Washington, DC

Re: Dot Registry

Dear Arif:

I write to provide you with an update on the status of Dot Registry LLC's (Dot Registry) applications for the .INC, .LLP, and .LLC strings (the Applications) and the *Dot Registry LLC v. ICANN* Independent Review Process (IRP) Panel's Final Declaration in response to the questions that you have raised to ICANN including in your correspondence to the ICANN Board.¹

On 9 August 2016, the ICANN Board accepted certain findings of the *Dot Registry* IRP Panel in the IRP Final Declaration.² On 15 September 2016, the Board directed the Board Governance Committee (BGC) to re-evaluate Dot Registry's Reconsideration Requests 14-30, 14-32 and 14-33 in light of IRP Final Declaration.³ Requests 14-30, 14-32, and 14-33 seek reconsideration of the Community Priority Evaluation (CPE) of Dot Registry's Applications.

The Board has recently discussed certain concerns that some applicants have raised with the CPE process, including issues that were identified in the IRP Final Declaration. The Board has directed the President and CEO to undertake a review of various aspects of the CPE process.⁴ The details of this review are discussed in the 26 April 2017 letter from Chris Disspain, Chair of the BGC, to Dot Registry, among others.⁵ A copy of Mr. Disspain's letter has been published on

¹ See letter from Arif Ali to ICANN Board, 21 Oct. 2016, available at <https://www.icann.org/en/system/files/correspondence/ali-to-icann-board-21oct16-en.pdf>.

² See <https://www.icann.org/resources/board-material/resolutions-2016-08-09-en#2.g>.

³ See <https://www.icann.org/resources/board-material/resolutions-2016-09-15-en#2.e>.

⁴ See <https://www.icann.org/resources/board-material/resolutions-2016-09-17-en#1.a>.

⁵ See letter from Chris Disspain to All Concerned, 26 Apr. 2017, available at <https://www.icann.org/en/system/files/correspondence/disspain-letter-review-new-gtld-cpe-process-26apr17-en.pdf>.

Arif H. Ali, Esq.
May 15, 2017
Page 2

the ICANN correspondence page⁶ and on the Reconsideration page under Requests 14-30, 14-32, and 14-33.⁷ As Mr. Disspain explained in his letter, the CPE review is currently underway and will be completed as soon as practicable. The Board's consideration of Requests 14-30, 14-32, and 14-33 is currently on hold pending completion of the review. Once the CPE review is complete, the Board will resume its re-evaluation of Requests 14-30, 14-32, and 14-33, and will take into consideration all relevant materials.

With respect to certain statements in your letter regarding "secretive and arbitrary decision-making," these allegations are unsupported. ICANN provided advance notice of the agendas for the 9 August and 15 September 2016 Board meetings where the Board adopted the resolutions relating Dot Registry IRP Final Declaration and the re-evaluation of Requests 14-30, 14-32, and 14-33. The resolutions were accompanied by detailed rationales.⁸ ICANN has also published the Minutes and Board Briefing Materials for those meetings.⁹ ICANN also provided advance notice of the agenda for the 18 October 2016 BGC meeting, where the BGC received an update on pending Reconsideration Requests and the status the CPE review. The Minutes of the 18 October 2016 BGC meeting have been published.¹⁰

With respect to your complaint that ICANN did not publish the two requests submitted by Dot Registry through ICANN's Documentary Information Disclosure Policy (DIDP) on 20 September 2016 and 17 October 2016, per the DIDP process, the DIDP requests are published at the same time as the publication of the DIDP responses.¹¹

⁶ See *id.*

⁷ See <https://www.icann.org/resources/pages/14-30-2014-06-25-en>;
<https://www.icann.org/resources/pages/14-32-2014-06-26-en>; and <https://www.icann.org/resources/pages/14-33-2014-06-26-en>.

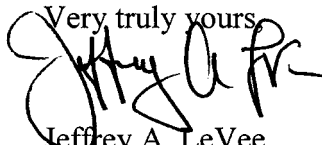
⁸ See <https://www.icann.org/resources/board-material/resolutions-2016-08-09-en#2.g>; see also, <https://www.icann.org/resources/board-material/resolutions-2016-09-15-en#2.e>.

⁹ See <https://www.icann.org/en/system/files/bm/briefing-materials-1-redacted-09aug16-en.pdf>,
<https://www.icann.org/en/system/files/bm/briefing-materials-2-redacted-09aug16-en.pdf>,
<https://www.icann.org/resources/board-material/minutes-2016-08-09-en>; see also,
<https://www.icann.org/resources/board-material/minutes-2016-08-09-en>, and
<https://www.icann.org/resources/board-material/minutes-2016-09-15-en>.

¹⁰ See <https://www.icann.org/resources/board-material/minutes-bgc-2016-10-18-en>.

¹¹ See <https://www.icann.org/en/system/files/files/didp-20161017-1-shaul-jolles-obo-dot-registry-llc-response-16nov16-en.pdf>, and <https://www.icann.org/en/system/files/files/didp-20161017-1-shaul-jolles-obo-dot-registry-llc-response-16nov16-en.pdf>.

Arif H. Ali, Esq.
May 15, 2017
Page 3

Very truly yours,

Jeffrey A. LeVee

cc: John O. Jeffrey
General Counsel & Secretary
ICANN

NAI-1502709483v1