INDEPENDENT REVIEW PROCESS

INTERNATIONAL CENTER FOR DISPUTE RESOLUTION
CASE NO. 50 117 T 1083 13

DotConnectAfrica Trust
(Claimant)
v.
Internet Corporation For Assigned Names and Numbers
(Respondent)

INDEX TO DOCUMENTS SUBMITTED WITH ICANN'S RESPONSE TO DCA'S MEMORIAL

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C-R-8	ICANN Board Resolution 2013.04.11.06
C-R-9	Expression of Interest for the Operation of DotAfrica
C-R-10	16 April 2010 Letter from E. Mwencha to S. Bekele
C-R-11	12 February 2013 - 21 February 2013 Emails between S. Bekele to Ndemo
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Exhibit	DESCRIPTION
C-R-20	Draft Geographic Names Panel Clarifying Question to DCA Regarding the AUC's Letter of Support
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C-R-22	Redacted - Confidential Application Information
C-R-23	Geographic Names Panel Clarifying Question to Uniforum SA/ZACR Redacted - Confidential Application Information

C-R-7

C-R-7

Important note: The Board Resolutions are as reported in the Board Meeting Transcripts, Minutes & Resolutions portion of ICANN's website. Only the words contained in the Resolutions themselves represent the official acts of the Board. The explanatory text provided through this database (including the summary, implementation actions, identification of related resolutions, and additional information) is an interpretation or an explanation that has no official authority and does not represent the purpose behind the Board actions, nor does any explanations or interpretations modify or override the Resolutions themselves. Resolutions can only be modified through further act of the ICANN Board.

2012-04-10 - Establishment of New gTLD Program Committee

Resolution of the ICANN Board

Topic:

Establishment of Committee

Summary:

Establishment of New gTLD Program Committee

Category:

Board

Meeting Date:

Tue, 10 Apr 2012

Resolution Number:

2012.04.10.01 - 2012.04.10.04

C-R-7

URL for Resolution:

http://www.icann.org/en/groups/board/documents/resolutions-10apr12-en.htm

Status:

Ongoing

Implementation Actions:

- Set forth a process for the creation of Board Committees to address future conflict of interest situations
  - Responsible entity: CEO
  - Due date: None provided
  - Completion date: Ongoing

Resolution Text:

Resolved (2012.04.10.01), the Board hereby establishes the Board New gTLD Program Committee as follows: (i) the voting members of the Committee will consist of: Rod Beckstrom, Cherine Chalaby, Chris Disspain, Bill Graham, Erika Mann, Gonzalo Navarro, Ray Plzak, R. Ramaraj, George Sadowsky, Mike Silber, and Kuo-Wei Wu; (ii) the liaisons to the Committee will be Thomas Roessler; and (iii) the Chair of the Committee will be Cherine Chalaby.

Resolved (2012.04.10.02), the Board hereby delegates to the Board New gTLD Program Committee all legal and decision making authority of the Board relating to the New gTLDProgram (for the round of the Program, which commenced in January 2012 and for the related Applicant Guidebook that applies to this current round) as set forth in its Charter, which excludes those things that the Board is prohibited from delegating by law, or pursuant to Article XII, Section 2 of the ICANN Bylaws.

Resolved (2012.04.10.03), all members of the New gTLD Program Committee reinforce their commitment to the 8 December 2011 Resolution of the Board (Resolution 2011.12.08.19) regarding Board member conflicts, and specifying in part: "Any and all Board members who approve any new gTLD application shall not take a contracted or employment position with any company sponsoring or in any way involved with that new gTLD for 12 months after the Board made the decision on the application."

Resolved (2012.04.10.04), the Board directs the CEO to prepare a document setting forth a process for the creation of Board Committees to address future situations where there may be multiple Board members with perceived, potential or actual conflicts of interest on an issue.

Rationale for Resolution:

In order to have efficient meetings and take appropriate actions with respect to the New gTLD Program for the current round of the Program and as related to the Applicant Guidebook, the Board decided to create the "New gTLD Program Committee" in accordance with Article XII of the Bylaws and has delegated decision making authority to the Committee as it relates to the New gTLDProgram for the current round of the Program which commenced in January 2012 and for the related Applicant Guidebook that applies to this current round.

Establishing this new Committee without conflicted members, and delegating to it decision making authority, will provide some distinct advantages. First, it will eliminate any uncertainty for conflict Board members with respect to attendance at Board meetings and workshops since the New gTLD Program topics can be dealt with at the Committee level. Second, it will allow for actions to be taken without a meeting by the committee. As the Board is aware, actions without a meeting cannot be taken unless done via electronic submission by unanimous consent; such unanimous consent cannot be achieved if just one Board member is conflicted. Third, it will provide the community with a transparent view into the Board's commitment to

dealing with actual, potential or perceived conflicts.

This resolution should have a positive impact on the community and ICANN as a whole as the New gTLD Program Committee will be able to take actions relating to the New gTLD Program for the current round of the Program and as related to the Applicant Guidebook without any question of conflict arising. No fiscal impact is anticipated as a result of this action and there will be no impact on the security, stability no resiliency of the domain name system.

Other Related Resolutions:

- Resolutions 2011.06.20.01, 2011.06.20.02, 2011.06.20.03, approving the New gTLD Program, available at https://community.icann.org/display/tap/2011-0B
- Other resolutions TBD

Additional Information:

- The current composition and work of the New gTLD Program Committee can be located at http://www.icann.org/en/groups/board/new-gtld
- The resolution does not address funding for the items identified therein.

C-R-8

Approved Board Resolutions | Regular Meeting of the ICANN Board

This page is available in: English | 中文 | Français | Español | Русский | |

11 Apr 2013

1. Consent Agenda
   a. Approval of Board Meeting Minutes

   b. RSSAC Bylaws Amendments
      Rationale for Resolution 2013.04.11.02

   c. Hub office in Istanbul, Turkey
      Rationale for Resolutions 2013.04.11.03 – 2013.04.11.05

   d. Accountability Structures Bylaws Effective Date
      Rationale for Resolution 2013.04.11.06

   e. .CAT Cross-Ownership Removal Request
      Rationale for Resolution 2013.04.11.07

   f. Confirm Process Followed Regarding Redelegation of the .GA domain representing Gabon
      Rationale for Resolution 2013.04.11.08

   g. Change to Public Participation Committee Name
      Rationale for Resolution 2013.04.11.09

   h. SO/AC Fast-Track Budget Request
      Rationale for Resolution 2013.04.11.10

2. Main Agenda
    a. IDN Variant TLD Root LGR Procedure and User Experience Study Recommendations
        Rationale for Resolutions 2013.04.11.13 – 2013.04.11.14

    b. PIA-CC Application to Form New Constituency
        Rationale for Resolutions 2013.04.11.15 – 2013.04.11.16

    c. Any Other Business

1. Consent Agenda
    a. Approval of Board Meeting Minutes

        Resolved (2013.04.11.01), the Board approves the minutes of the 28 February 2013 Special Meeting of the ICANN Board.

    b. RSSAC Bylaws Amendments

        Whereas, in Resolution 2011.01.25.10, the Board approved the Root Server System Advisory Committee (RSSAC) review final report implementation steps and instructed the Structural Improvements Committee (SIC), in coordination with staff, to provide the Board with a final implementation plan to address the RSSAC review final recommendations and conclusions.

        Whereas, in July and August 2012, a working group of RSSAC and SIC members was formed to draft a revised RSSAC charter in order to meet the requirements of the final RSSAC review recommendations. The RSSAC Charter is set forth within the ICANN Bylaws at Article XI, Section 2.3.

        Whereas, on 4 December 2012, the SIC reviewed the proposed Bylaws revisions and recommended that the suggested changes to Article XI, Section 2.3 be posted for public comment. The Board approved the public comment posting on 20 December 2012, and the comment period was opened on 3 January 2013. No comments were received.

        Whereas, on 28 March 2013, the SIC recommended that the Board adopt the changes to Article IX, Section 2.3 of the Bylaws.

        Resolved (2013.04.11.02), the Board adopts the proposed changes to Article XI, Section 2.3 of the ICANN Bylaws that are necessary to modify the charter for the RSSAC in line with the recommendations arising out of the organizational review of the RSSAC.

        Rationale for Resolution 2013.04.11.02

        These ICANN Bylaws amendments will clarify the continuing purpose of the Root Server Advisory Committee (RSSAC). They were recommended by the joint RSSAC-SIC Working Group formed to conclude the implementation of the RSSAC review WG final report: implementation steps [PDF, 448 KB], approved by the Board on 25 January 2011. The proposed Bylaws changes were posted for public comment, and no comments were received in response. The absence of public comment indicates that such amendments are desirable for the RSSAC to improve its effectiveness in the current environment. The Bylaws revisions are drafted to allow the RSSAC sufficient time to coordinate the new RSSAC member terms that are required under the Bylaws, with the first full term under the

new Bylaws provision beginning on 1 July 2013.

The approval of these Bylaws revisions is an Organizational Administrative Function for which public comment was sought. While the approval of the Bylaws amendments has no budget implications per se, it is expected that the Bylaws revisions will induce RSSAC expenditures. Empowered by the revised Bylaws amendment, the RSSAC will contribute to strengthening the security, stability and resiliency of the DNS.

This is an Organizational Administrative Function for which public comment was received.

c. Hub office in Istanbul, Turkey

Resolved (2013.04.11.03), the President and CEO is authorized to implement either the resolutions relating to a liaison office or the resolutions relating to the branch office, which ever is deemed by the President and CEO to be more appropriate, and to open any bank accounts necessary to support the office in Turkey.

> (i) Whereas, the Internet Corporation for Assigned Names and Numbers, a legal entity duly incorporated and existing under the laws of the State of California and the United States of America, having its principal place of business at 12025 E. Waterfront Drive, Suite 300, Los Angeles, California USA 90094 ("ICANN"), has decided to establish a branch office in Istanbul, Turkey ("Branch Office").
>
> Resolved (2013.04.11.04), David Olive, holding a United States passport numbered [REDACTED], is appointed as the representative of the Branch Office with each and every authority to act individually on behalf of the Branch Office before, including but not limited to, any and all courts, private and public institutions.
>
> (ii) Whereas, the Internet Corporation for Assigned Names and Numbers, a legal entity duly incorporated and existing under the laws of the State of California and the United States of America, having its principal place of business at 12025 E. Waterfront Drive, Suite 300, Los Angeles, California USA 90094 ("ICANN"), has decided to establish a liaison office in Istanbul, Turkey ("Liaison Office").
>
> Resolved (2013.04.11.05), David Olive, [personal identification information REDACTED], is appointed as the representative of the Liaison Office with each and every authority to act individually on behalf of the Liaison Office before, including but not limited to, any and all courts, private and public institutions.

Rationale for Resolutions 2013.04.11.03 – 2013.04.11.05

ICANN is committed to continuing to expand its global reach and

presence in all time zones throughout the globe. One of the key aspects of ICANN's internationalization is to establish offices in Turkey and Singapore. Another key aspect of ICANN's internationalization is to ensure that not all members of ICANN's senior management are located in the Los Angeles office. To that end, one of ICANN's officers, David Olive, has agreed to relocate to Istanbul and to be the designated branch representative.

In order to formally establish an office in Istanbul, ICANN must register to do business in Turkey. The registration to do business in Turkey requires a specific Board resolution establishing the branch and designating the branch representative, which is why the Board has passed this resolution.

Establishing hub office around the globe will be a positive step for the ICANN community as it will provide a broader global reach to all members of the community. There will be a fiscal impact on ICANN, which has been considered in the FY13 budget and will be taken into account when approving the FY14 budget and beyond. This resolution is not intended to have any impact on the security, stability and resiliency of the DNS except that it might provide additional coverage around the globe that could help more quickly address any security, stability or resiliency issues.

This is an Organizational Administrative Function not requiring public comment.

d. Accountability Structures Bylaws Effective Date

Whereas, the Accountability and Transparency Review Team's Recommendations 23 and 25 recommended that ICANN retain independent experts to review ICANN's accountability structures and the historical work performed on those structures.

Whereas, ICANN convened the Accountability Structures Expert Panel (ASEP), comprised of three international experts on issues of corporate governance, accountability and international dispute resolution, which after research and review of ICANN's Reconsideration and Independent Review processes and multiple opportunities for public input, produced a report in October 2012.

Whereas, the ASEP report was posted for public comment, along with proposed Bylaws revisions to address the recommendations within the report.

Whereas, after ASEP and Board review and consideration of the public comment received, on 20 December 2012 the Board approved Bylaws revision to give effect to the ASEP's recommendations, and directed additional implementation work to be followed by a staff recommendation for the effective date if the revised Bylaws.

Whereas, as contemplated within the Board resolution, and as reflected in public comment, further minor revisions are needed to the Bylaws to provide flexibility in the composition of a standing panel for the Independent Review process (IRP).

Resolved (2013.04.11.06), the Bylaws revisions to Article IV, Section 2 (Reconsideration) and Article IV, Section 3 (Independent Review) as approved by the Board and subject to a minor amendment to address public comments regarding the composition of a standing panel for the IRP, shall be effective on 11 April 2013.

Rationale for Resolution 2013.04.11.06

The Board's action in accepting the report of the Accountability Structures Expert Panel (ASEP) and approving the attendant Bylaws revisions is in furtherance of the Board's commitment to act on the recommendations of the Accountability and Transparency Review Team (ATRT). The ASEP's work was called for in ATRT Recommendations 23 and 25, and the work performed, including a review of the recommendations from the President's Strategy Committee's work on Improving Institutional Confidence, is directly aligned with the ATRT requested review.

The adoption of the ASEP's work represents a great stride in ICANN's commitment to accountability to its community. The revised mechanisms adopted today will bring easier access to the Reconsideration and Independent Review processes through the implementation of forms, the institution of defined terms to eliminate vagueness, and the ability to bring collective requests. A new ground for Reconsideration is being added, which will enhance the ability for the community to seek to hold the Board accountable for its decisions. The revisions are geared towards instituting more predictability into the processes, and certainty in ICANN's decision making, while at the same time making it clearer when a decision is capable of being reviewed. The Bylaws as further revised also address a potential area of concern raised by the community during the public comments on this issue, regarding the ability for ICANN to maintain a standing panel for the Independent Review proceedings. If a standing panel cannot be comprised, or cannot remain comprised, the Bylaws now allow for Independent Review proceedings to go forward with individually selected panelists.

The adoption of these recommendations will have a fiscal impact on ICANN, in that there are anticipated costs associated with maintaining a Chair of the standing panel for the Independent Review process and potential costs to retain other members of the panel. However, the recommendations are expected to result in less costly and time-consuming proceedings, which will be positive for ICANN, the community, and those seeking review under these accountability structures. The outcomes of this work are expected to have positive impacts on ICANN and the community in enhanced availability of accountability mechanisms. This decision is not expected to have any impact on the security, stability or resiliency of the DNS.

This is an Organizational Administrative Function of the Board for which the Board received public comment.

e. .CAT Cross-Ownership Removal Request

Whereas, in December 2012, the Fundació puntCAT requested the removal of the cross-ownership restrictions reflected on the 23 September 2005 Registry Agreement signed between ICANN and Fundació puntCAT.

Whereas, the request followed the "Process for Handling Requests for Removal of Cross-Ownership Restrictions on Operators of Existing gTLDs" adopted by the Board on 18 October 2012.

Whereas, ICANN conducted a competition review in accordance to the Board-approved process and has determined that the request does not raise significant competition issues.

Whereas, a public comment period took place between 22 December 2012 and 11 February 2013 and only one comment was received, which was in support of Fundació puntCAT's request.

Resolved (2013.04.11.07), an amendment to remove the cross-ownership restriction in the Fundació puntCAT 23 September 2005 Registry Agreement is approved, and the President and CEO and the General Counsel are authorized to take such actions as appropriate to implement the amendment.

Rationale for Resolution 2013.04.11.07

Why the Board is addressing the issue?

The cross-ownership removal for existing registries has been subject to extensive discussions by the board and the community. This is the first time an existing registry has made the request according the Board-approved process adopted 18 October 2012. However, the Board is likely to see additional requests in the further. Under the Board process adopted in October 2012, to lift cross-ownership restrictions existing gTLD registry operators could either request an amendment to their existing Registry Agreement or request transition to the new form of Registry Agreement for new gTLDs. Although Fundació puntCAT requested an amendment to its Registry Agreement, it still will be offered the opportunity to transition to the new form of Registry Agreement for the new gTLDs. Removal of the cross-ownership restrictions for .BIZ, .INFO and .ORG are being considered as part of their overall renewal negotiations. ICANN is also in preliminary discussions with .MOBI and .PRO on removal of the cross-ownership restrictions.

What is the proposal being considered?

An amendment to the 23 September 2005 Registry Agreement signed between ICANN and Fundació puntCAT.

Which stakeholders or others were consulted?

A public comment period took place between 22 December 2012 and 11 February 2013.

What concerns or issues were raised by the community?

Only one comment was received during the public comment period. The comment was in favor of the Fundació puntCAT request.

What factors did the Board find to be significant?

ICANN conducted a competition review in accordance to with the Board-approved process for handling requests of removal of cross-ownership restrictions in Registry Agreements. ICANN has determined that the request does not raise significant competition issues.

Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?

There is no fiscal impact to ICANN.

Are there any security, stability or resiliency issues relating to the DNS?

There are no security, stability and resiliency issues identified.

Is this either a defined policy process within ICANN's Supporting Organizations or ICANN's Organizational Administrative Function decision requiring public comment or not requiring public comment?

This request followed the "Process for Handling Requests for Removal of Cross-Ownership Restrictions on Operators of Existing gTLDs" adopted by the Board on 18 October 2012.

This is an Organizational Administrative Function for which public comment was received.

f. Confirm Process Followed Regarding Redelegation of the .GA domain representing Gabon

Resolved (2013.04.11.08), ICANN has reviewed and evaluated the request, and the documentation demonstrates the process was followed and the redelegation is in the interests of the local and global Internet communities.

Rationale for Resolution 2013.04.11.08

As part of the IANA Functions, ICANN receives request to delegate and redelegate country-code top-level domains. ICANN Staff has reviewed and evaluated a redelegation request for this domain and has provided a report to the ICANN Board that proper procedures were followed in that evaluation. The Board's oversight of the process helps ensure ICANN is properly executing its responsibilities relating to the stable and secure operation of critical unique identifier systems on the Internet and pursuant to the IANA Functions Contract.

Ensuring that the process is followed adds to the accountability of ICANN. This action will have no fiscal impact on ICANN or the community, and will have a positive impact on the security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function not requiring public comment.

g. Change to Public Participation Committee Name

Whereas, Article XII of the Bylaws provides that the "Board may establish one or more committees of the Board, which shall continue to exist until otherwise determined by the Board".

Whereas, on 7 November 2008, the Board established a committee named the Public Participation Committee pursuant to its authority under Article XII of the Bylaws.

Whereas, the Public Participation Committee now desires to change its name to the "Public and Stakeholder Engagement Committee," which will be consistent with the new Stakeholder Engagement focus that ICANN has adopted.

Whereas, the Board Governance Committee has recommended that the Board approve this committee name change.

Resolved (2013.04.11.09), the Board approves the name change of the Public Participation Committee to the Public and Stakeholder Engagement Committee.

Rationale for Resolution 2013.04.11.09

The proposed name change is consistent with the manner in which ICANN is now focusing on Stakeholder Engagement on a global basis.

This resolution seeks only a name change of the Committee, and not a change in the structure or scope of the Committee. As the Board Governance Committee ("BGC") intends to conduct a full review of the structure and scope of all committees later this year the current resolution seeks only a name change for the PPC.

Taking this action will positively impact the ICANN community by ensuring that the committee's name adequately reflects the global outreach and engagement with under

which ICANN is operating and the committee is overseeing. This resolution will not have any fiscal impact on ICANN or the community. This action will not have any impact on the security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function not requiring public comment.

h. SO/AC Fast-Track Budget Request

Whereas, a working group on budget improvements, which include ICANN staff and Community members identified the need for an earlier decision on the funding of specific requests from the ICANN Community which required funding at the beginning of the fiscal year.

Whereas, an SO/AC Additional Budget Requests Fast-Track Process was developed in response to the working groups suggestion; the process was meant to facilitate the collection, review and submission of budget requests to the Board Finance Committee and the Board for consideration.

Whereas, timely requests were submitted by the ICANN Community, and were reviewed by a panel of staff members representing the Policy, Stakeholder Engagement and Finance personnel.

Whereas, the review panel recommended 12 fast track budget requests representing $279,000 requests for approval.

Whereas the Board Finance Committee met on 5 April 2013, reviewed the process followed and the staff's recommendations, and has recommend that the Board approve the staff's recommendation.

Resolved (2013.04.11.10), the Board approves the inclusion in ICANN's Fiscal Year 2014 budget an amount for funds relating to 12 requests identified by the Community as part of the SO/AC Additional Budget Requests Fast-Track Process.

Rationale for Resolution 2013.04.11.10

The SO/AC Additional Budget Requests Fast-Track Process leading to budget approval earlier than usual is a reasonable accommodation for activities that begin near the beginning of FY14. This slight augmentation to ICANN's established budget approval process and timeline helps facilitate the work of the ICANN Community and of the ICANN Staff, and does not create additional expenses. The amount of the committed expenses resulting from this resolution is considered sufficiently small so as not to require resources to be specifically identified and separately approved.

There is no anticipated impact from this decision on the security, stability and resiliency of the domain name system as a result of this decision.

This is an Organizational Administrative Function for which ICANN received community input.

i. Thank You Resolutions – Departing Community Members

Whereas, ICANN wishes to acknowledge the considerable energy and skills that members of the stakeholder community bring to the ICANN process.

Whereas, in recognition of these contributions, ICANN wishes to acknowledge and thank members of the community when their terms of service on Supporting Organizations and Advisory Committees end.

Whereas, the following member of the Commercial and Business Users Constituency (BC) of the Generic Names Supporting Organization (GNSO) is leaving her position when her term ends:

Marilyn Cade

Resolved (2013.04.11.11), Marilyn Cade has earned the deep appreciation of the Board for her term of service, and the Board wishes her well in future endeavors.

Whereas, the following members of the Country Code Names Supporting Organization (ccNSO) Council are leaving their positions when their terms end:

Fernando Espana, .us
Paulos Nyirenda, .mw
Rolando Toledo, .pe

Resolved (2013.04.11.12), Fernando Espana, Paulos Nyirenda and Rolando Toledo have earned the deep appreciation of the Board for their terms of service, and the Board wishes them well in their future endeavors.

j. Thank You to Sponsors of ICANN 46 Meeting

The Board wishes to thank the following sponsors:

Verisign, Inc., Afilias Limited, .ORG, The Public Interest Registry, HiChina Zchicheng Technology Limited, .PW Registry, Community.Asia, Iron Mountain, Zodiac Holding Limited, Minds + Machines, Neustar Inc., KNET Co., Ltd., Deloitte Bedrijfsrevisoren BV ovve CVBA, JSC Regional Network Information Center (RU-CENTER), UniForum SA T/A ZA Central Registry, CORE Internet Council of Registrars, Symantec, APNIC Pty Ltd, NCC Group, APTLD (Asia Pacific Top Level Domain Association), Freedom Registry B.V., Uniregistry Corp., Afnic, ICANN WIKI and our local sponsors CNNIC, CONAC and Internet Society of China.

k. Thank You to Scribes, Interpreters, Staff, Event and Hotel Teams of ICANN 46 Meeting

The Board expresses its appreciation to the scribes, interpreters, technical teams, and the entire ICANN staff for their efforts in facilitating the smooth operation of the meeting. Board would also like to thank the management and staff of the Beijing International Hotel for the wonderful facility to hold this event. Special thanks are given to Li Yun, Senior Sales Manager, Beijing International Hotel and Nick Yang, Manager of Convention Services, Beijing International Hotel.

l. Thank You to Local Hosts of ICANN 46 Meeting

Local Hosts of Beijing Meeting. The Board wishes to extend its thanks to the local host organizer, Mr. Bing SHANG, Minister of Ministry of Industry and Information Technology; Ms. Xia HAN, Director of the Telecommunications Regulation Bureau of MIIT; Mr. Er-Wei SHI, Vice President of Chinese Academy of Sciences; Mr. Tieniu TAN, Vice Secretary

General of Chinese Academy of Sciences; Mr. Xiangyang HUANG, Director of CNNIC; Mr. Xiaodong Lee, Chief Executive Officer of CNNIC; Mr. Feng WANG, Vice Minister of State Commission Office for Public Sector Reform; Mr. Ning, FU Chairman of CONAC Board; Mr. Ran ZUO, Vice Chairman of CONAC Board; Mr. Qing SONG, CEO of CONAC; Ms. Qiheng HU, President of Internet Society of China; Mr. Xinmin GAO, Vice President of Internet Society of China; Mr. Wei LU, Secretary General of Internet Society of China.

2. Main Agenda

a. IDN Variant TLD Root LGR Procedure and User Experience Study Recommendations

Whereas, IDNs have been a Board priority for several years to enable Internet users to access domain names in their own language, and the Board recognizes that IDN variants are an important component for some IDN TLD strings;

Whereas, the Board previously resolved that IDN variant gTLDs and IDN variant ccTLDs will not be delegated until relevant work is completed;

Whereas, since December 2010 ICANN has been working to find solutions to ensure a secure and stable delegation of IDN variant TLDs, and the IDN Variant TLD Program benefited from significant community participation in developing the Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels and the Report on User Experience Implications of Active Variant TLDs.

Resolved (2013.04.11.13), the Board directs staff to implement the Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels [PDF, 772 KB], including updating the gTLD Applicant Guidebook and IDN ccTLD Process to incorporate the Label Generation Rules for the Root Zone in Respect of IDNA Labels in the respective evaluation processes.

Resolved (2013.04.11.14), the Board requests that, by 1 July 2013, interested Supporting Organizations and Advisory Committees provide staff with any input and guidance they may have to be factored into implementation of the Recommendations from the Report on User Experience Implications of Active Variant TLDs [PDF, 1.38 MB].

Rationale for Resolutions 2013.04.11.13 – 2013.04.11.14

Why the Board is addressing the issue now?

IDN variant TLDs have been a subject of interest for several years to a number of IDN users. The IDN Variant TLD Program has been working with subject matter experts in the community to develop solutions to enable a secure and stable delegation of IDN variant TLDs. The Program has concluded the work on two key components of the solution: the Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels and the Report on User Experience Implications of Active Variant TLDs, hereinafter referred to as the Procedure. The Procedure is now ready for consideration for adoption as the mechanism, between other things, to evaluate potential IDN TLD strings and to identify their variants (if any). The recommendations from Report on User Experience Implications of Active Variant TLDs are now ready to be implemented with any input and guidance that interested Supporting Organizations and Advisory Committees may have.

What is the proposal being considered?

The Procedure describes how to populate and maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels, which is expected to become a key component in processing IDN TLD applications. The Procedure requires participation from the relevant communities as a central component. The Procedure includes safeguards to ensure maximum community participation of a given linguistic community and avoid dominance of a single interested party, and requires technical experts involvement to ensure technical and linguistic accuracy on the contents of the Rules. The Report on User Experience Implications of Active Variant TLDs includes a series of recommendations to enable a good user experience with IDN variant TLDs.

What Stakeholders or others were consulted?

The development of the Procedure and the Report included full participation of several members from the community. Both documents also went through two public comment processes and a number of public presentations where feedback was gathered.

What concerns or issues were raised by the community?

There were concerns raised about the idea that variants in general are inappropriate in the root zone, though, allowing that some specific case might be acceptable. There were also concerns about conflict resolution and governance of the Procedure. However, by having a requirement of consensus within and between panels the conflict resolution issue would seem to be mitigated. In regard to the governance of the Procedure, it is foreseen that having the integration panel under contract with ICANN will allow removing a panelist that could be behaving in a non-constructive manner.

Concerns were also raised that the issues raised in the Report may frighten readers away from supporting variants and the Report does not highlight the risks (problems and security issues) if variants are not supported or activated. However, in order to ensure a secure, stable and acceptable experience, these issues need to be called out for the respective parties to work on. The need for variants is well articulated by the individual issues reports, so that issue outside the scope of the current study.

What significant materials did Board review?

A Board paper and Reference Materials detailing the proposal, the Procedure to Develop and Maintain the Label Generation Rules for the Root Zone in Respect of IDNA Labels, and the Report on User Experience Implications of Active Variant TLDs.

What factors the Board found to be significant?

The Board found that the Label Generation Rules for the Root Zone in Respect of IDNA Labels will improve the current process to evaluate IDN strings by using a pre-approved, deterministic process to define which code points are allowed in the root. The Board also found significant that the rules are a key component to consistently identify the variants of applied-for IDN strings. The Procedure has the participation of the relevant communities as a core feature. In addition, the Recommendations aim to enable a good user experience in regards to IDN variant TLDs.

Are there Positive or Negative Community Impacts?

Adopting the Procedure and consequently the Label Generation Rules for the Root Zone in

Respect of IDNA Labels will benefit future TLD applicants by enabling future applicants to check whether the string they are intending to apply for is allowed. The Rules will also allow the deterministic identification of IDN variants for the applied-for strings. Implementing the Recommendations will enable a good user experience with IDN variant TLDs.

Are there fiscal impacts/ramifications on ICANN (Strategic Plan, Operating Plan, Budget); the community; and/or the public?

No fiscal impacts/ramifications on ICANN are foreseen by adopting this resolution.

Are there any Security, Stability or Resiliency issues relating to the DNS?

The adoption of the Rules and the implementation of the Recommendations is expected to have a positive impact on the Security of the DNS by having a technically sound process with multiple checkpoints, including public review, of the code points and their variants (if any) that will be allowed in the root zone and the deployment of measures avoid user confusion regarding IDN variant TLDs.

Is this either a defined policy process within ICANN's Supporting Organizations or ICANN's Organizational Administrative Function decision requiring public comment or not requiring public comment?

This is an Organizational Administrative Function not requiring public comment.

b. PIA-CC Application to Form New Constituency

Whereas, the ICANN Board wants to encourage participation by a broad spectrum of existing and potential community groupings in ICANN processes and activities.

Whereas, the ICANN Board has established a Process for the Recognition of New GNSO Constituencies that includes objective eligibility criteria, encourages collaboration and puts the decisions regarding applications, in the first instance, in the hands of the communities to be directly impacted by the potential new Constituency.

Whereas, the Cybercafé Association of India (CCAOI), submitted an application for formal recognition of a new GNSO Constituency called the "Public Internet Access/Cybercafé Ecosystem (PIA/CC)" within the GNSO's Non-Commercial Stakeholder Group (NCSG).

Whereas, ICANN staff managed a 68-day Public Comment Forum for community review and reaction to the PIA/CC proposal.

Whereas, the NCSG Leadership and ICANN staff engaged in collaborative consultation and dialogue with the PIA/CC proponents.

Whereas the NCSG Leadership and ICANN staff have followed the process and the NCSG has advised the Structural Improvements Committee of the Board of its determination to deny the application because the application does not meet the criteria established by the Board.

Resolved (2013.04.11.15) the decision of the NCSG to deny the PIA/CC application is ratified with the understanding that the decision is without prejudice and the Constituency proponents have the right to re-submit a new application.

Resolved (2013.04.11.16) the President and CEO is directed to continue collaborative discussions with the PIA/CC proponents to further investigate and consider other options for community engagement within the ICANN community and its processes.

Rationale for Resolutions 2013.04.11.15 – 2013.04.11.16

The process for the recognition of new GNSO Constituencies was designed to provide specific and objective application criteria and to place decisions on the recognition of new GNSO Constituencies, in the first instance, in the hands of the community groups in the best position to evaluate those applications. In the present case, the process was followed and the NCSG has made its determination.

It is important to note that Board ratification of the NCSG decision to reject the PIA/CC application is without prejudice to the right of the proponents to resubmit a new application. The Board hopes that further discussions with the PIA/CC proponents can result in a course of action that will allow PIA/CC interests to be effectively incorporated into ICANN's activities and processes.

This action will have no immediate or substantial impact on ICANN's resources. This action is not expected to have any impact on the security, stability or resiliency of the DNS.

This action is an Organizational Administrative Function for which public comment was received.

c. Any Other Business

No resolutions taken.

Published on 11 April 2013

Help

C-R-9

EXPRESSION OF INTEREST FOR THE OPERATION OF THE DOTAFRICA

In their Olivier Tambo Declaration adopted at their extraordinary Conference held in Johannesburg, South Africa, 2-5 November 2009, the African Union Ministers in charge of Communication and Information Technologies (CITMC) acknowledge the necessity to "*Establish DotAfrica as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet agencies*".

And in their Abuja 2010 Declaration adopted at their Third Ordinary Conference (CITMC-3) held in Abuja, Nigeria, from 6 – 7 August 2010, the Ministers requested the African Union Commission (AUC) to *''Set up the structure and modalities for the Implementation of the DotAfrica project.''*

This decision followed the acknowledgement of the benefit of the DotAfrica domain name to Africa, by the African Union Heads of State and Governments (HoSG) Summit held in February 2010 in Addis Ababa.

DotAfrica (.Africa) is that specific Internet namespace for Africa and which is likely to be endorsed for operation during the next round of new Gtlds which ICANN will be launching soon.

DotAfrica will be adding value to the namespace as a recognizable phrase which focuses on the African identity. DotAfrica will serve a community which spans over a large portion of region, therefore providing registrants with accrued possibilities for establishing their Internet presence. It is expected that the Africa small and medium size enterprises will greatly benefit from DotAfrica, as they thrive beyond their local markets to invade the regional and continental marketplace. The Internet will therefore become a platform for growth of the Africa business.

The introduction of the DotAfrica will create an attractive regional home for the Pan-African Internet community; this will be the first sponsored registry to be operating from Africa and therefore serving the specific needs of its communities.

Within this background, the African Union Commission is seeking the services of interested entities to operate the DotAfrica gtld.

Interested firms or consortium should submit the following documents along with signed and sealed Letter of Expression of Interest:

i. Detailed company profile indicating verifiable previous experiences within the last three years,
ii. Copies of registration certificates and business licenses,
iii. Audited Financial Statement for the past three years

Communication and Enquiry
Additional information could be obtained from
M. Moctar YEDALY,
Head of Information Society Division
African Union Commission, Addis Ababa, Ethiopia
Tel: +251-11-4665058; Fax: 11-552 5855/+251-11-4665081
E-mail: yedalym@africa-union.org

Or

Hussain Usman, Procurement Unit,
Email: hussainu@africa-union.org

Submission of Expression of Interest
One original and three copies of EOIs (in either English or French Language) must be received in one sealed envelope not later than **Friday, 3rd of June 2011 at 1530hours local time.** Late bid would be rejected and return unopened.

The address for submission is: **The Chairperson of Tender Board; African Union Commission; Roosevelt Street, Building C, 2nd Floor, Room 327, P. O. Box 3243, Addis Ababa, Ethiopia Tel: +251 11-551-7700; Fax: +251 11-551-0430**

Information on the outer envelope should include: on the top left side, boldly written; **Expression of Interest for the Operation of the Dotafrica.**
In the middle of the envelope should be the address.
At the bottom right corner; write "**Do not open, except in the presence of Evaluation Committee**"

All EOIs received would be evaluated based on the company's experience in similar assignment; valid registration certificates and annual turnover

Bidding Document would be sent to short listed companies that met our technical requirements for the final stage of the selection process.

C-R-10

AFRICAN UNION COMMISSION
Deputy Chairperson

BC/Y/727/08.09

16th April 2010

Dear Madam,

Referring to my letter BC/Y/727/08.09 sent to you on the 27th of August 2009 related to the above subject, I would like to inform you that following consultations with relevant stakeholders, the African Union Commission has reconsidered its approach in implementing the subject Internet Domain Name (DotAfrica) and no longer endorses individual initiatives in this matter related to continental resource.

In coordination with the Member States and with relevant international organization such as ICANN, the Commission will go through open process that certainly will involve the private sector.

Please accept, Ms. Bekele, the assurances of my best consideration.

Erastus J.O. Mwencha
Deputy Chairperson
African Union Commission

To:
Sophia Bekele
United States of America
Contact Information Redacted

Copy:
Internet Corporation for Assigned Names and Numbers (ICANN)
Marina del Rey, CA, USA
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601
United States of America
Fax: +1.310.823.8649

C-R-11

From: Sophia Bekele Contact Information Redacted
To: Contact Information Redacted
Sent: Thursday, February 21, 2013 5:05 PM
Subject: Re: IMPORTANT: Thank you for the meeting yesterday & further brief on .africa

Appreciate your efforts.
It would be a great win! precedence setting.
ITU was also heads of states matters.
Eventually, no one is above the law! This is a legal case and and not political.
The Uniforum proposal does "public interest" at heart and should not be accepted by any African govts blindly, sort of your ESSAy case.
If AU want to be beneficiary, they ought to do it legally and not via back room contracts. Every one is watching Africa, it is not right.
We will support all arguments.
Thank you and Good Evening.

With best wishes,

Sophia

Support our "YES" to .africa Campaign!
www.dotconnectafrica.org
Follow us on twitter and facebook
Email us at: yes2dotafrica@dotconnectafrica.org
Visit our press room

Nobody believes the official spokesman... but everybody trusts an unidentified source. -Ron Nesen

---

Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT, CBS International, Inc ,Ca, USA/Afica Contact Information Redacted

---

From: Contact Information Redacted
To: Sophia Bekele Contact Information Redacted
Sent: Thursday, February 21, 2013 4:31 PM
Subject: Re: IMPORTANT: Thank you for the meeting yesterday & further brief on .africa

Sophia,
I will try my best.

Ndemo.

> Dear Ps. Ndemo
>
> Thank you for the follow up.
>
> Our argument is three fold.
>
> One, we do not believe that it is the place of African Presidents to give
> AU any sort of mandate for custodianship over a .africa resource that is
> owned by ICANN or US.
>
> Second, therefore, the AU cannot do an RFP that is parallel to the ICANN
> process to appoint a registry on behalf of Africa as if they "own the
> resource", which belongs to ICANN.
>
> Third and finally, even if they did an RFP, the process was not
> transparent and legitimate.
>
> May I ask that the Foreign Ministry be advised of this matter?
>
> Respectfully,
>
>
>
> With best wishes,
> Sophia
> Support our "YES" to .africa Campaign!
> www.dotconnectafrica.org
> Follow us ontwitter and facebookEmail us
> at:yes2dotafrica@dotconnectafrica.org
> Visit our press room
>
> Nobody believes the official spokesman... but everybody trusts an
> unidentified source. -Ron Nesen
> ---

> Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT, CBS International, Inc
> ,Ca, USA/Afica Contact Information Redacted

> Contact Information Redacted
>
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>
>>_____
>> From: Contact Information Redacted
>>To: Sophia Bekele Contact Information Redacted
>>Sent: Thursday, February 21, 2013 11:08 AM
>>Subject: Re: IMPORTANT: Thank you for the meeting yesterday & further
>> brief on .africa
>>
>>Sophia,
>>I have asked Ministry of Foreign Affairs to give an assessment of your
>>proposal. This is because our President was part of the leaders in AU
>> who
>>endorsed AU to be the custodian of dot Africa. Their interpretation is
>>critical since we normally cannot overturn Head of State decisions.
>>
>>Ndemo.
>>
>>
>>
>>
>>> Dear Ps. Ndemo-
>>>
>>> Good Morning.
>>>
>>> I have spoken to lawyers and relevant stakeholder.
>>>
>>> It matters not that a Country has endorsed two or more applicant.

>>>
>>> A country can simple object to an endorsed applicant or not based on
>>> the
>>> merits of the objection. As a result, we need to separate the two
>>> transaction as independent. In Kenya's case, despite that Kenya
>>> endorsed
>>> SouthAfrica or AU, there is a legitimate reasons and grounds that Kenya
>>> should object and that is contained in the objection letter.
>>>
>>> I am very confident the Minister would likely understand this process
>>> as
>>> well. I hope you are able to reach him soonest.
>>>
>>> I have thus attached the revised objection letter for your perusal.
>>>
>>> I hope to hear from you soonest.
>>>
>>>
>>> p.s FYI: some media coverage on .africa
>>> http://tandaabiashara.com/african-union-cybersquatting-a-continental-top-level-domain/
>>>
>>>
>>>
>>> With best wishes,
>>> Sophia
>>> Support our "YES" to .africa Campaign!
>>> www.dotconnectafrica.org
>>> Follow us ontwitter and facebookEmail us
>>> at:yes2dotafrica@dotconnectafrica.org
>>> Visit our press room
>>>
>>> Nobody believes the official spokesman... but everybody trusts an
>>> unidentified source. -Ron Nesen
>>> ----------
>>> Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT, CBS International,
>>> Inc
>>> ,Ca, USA/Afica Contact Information Redacted

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>>>>_____
>>>> From: Sophia Bekele Contact Information Redacted
>>>>To: Contact Information Redacted
>>>>Sent: Tuesday, February 19, 2013 12:00 AM
>>>>Subject: Re: IMPORTANT: Thank you for the meeting yesterday & further
>>>> brief on .africa
>>>>
>>>>
>>>>Dear PS
>>>>
>>>>Hope you has a nice weekend.
>>>>
>>>>FYI - ? is why should African Goivt get hoodwinked to support a
>>>> solution
>>>> that is not to the public interest or benefit?
>>>>
>>>>http://domainnewsafrica.com/your-africa-identity-dotconnectafrica-ranks-a-superior-solution-than-uniforum-zacr-compare-your-benefits/
>>>>
>>>>Interesting article - mentions your name
>>>>
>>>>http://domainingafrica.com/group-mentality-and-icann-gac-advice-another-case-of-african-misdirected-and-treacherous-destiny/
>>>>
>>>>
>>>>
>>>>
>>>> Good day.
>>>>
>>>>With best wishes,
>>>>Sophia
>>>>Support our "YES" to .africa Campaign!

>>>>www.dotconnectafrica.org
>>>>Follow us ontwitter and facebookEmail us
>>>> at:yes2dotafrica@dotconnectafrica.org
>>>>Visit our press room
>>>>
>>>>Nobody believes the official spokesman... but everybody trusts an
>>>> unidentified source. -Ron Nesen
>>>>----------

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>>>> Inc ,Ca, USA/Afica Contact Information Redacted

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>>>>
>>>>>_____
>>>>> From: Sophia Bekele Contact Information Redacted
>>>>>To: Contact Information Redacted
>>>>>Sent: Friday, February 15, 2013 12:55 AM
>>>>>Subject: Re: IMPORTANT: Thank you for the meeting yesterday & further
>>>>> brief on .africa
>>>>>
>>>>>
>>>>>Yes I know, but that should be very "eassy";)
>>>>>Everything about it all is wrong, including RFP.
>>>>>
>>>>>
>>>>>With best wishes,
>>>>>Sophia
>>>>>Support our "YES" to .africa Campaign!
>>>>>www.dotconnectafrica.org

>>>>>Follow us ontwitter and facebookEmail us
>>>>> at:yes2dotafrica@dotconnectafrica.org
>>>>>Visit our press room
>>>>>
>>>>>Nobody believes the official spokesman... but everybody trusts an
>>>>> unidentified source. -Ron Nesen
>>>>>----------
>>>>>Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT, CBS International,
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>>>>>
>>>>>>_____
>>>>>> From: Contact Information Redacted
>>>>>>To: Sophia Bekele Contact Information Redacted
>>>>>>Sent: Wednesday, February 13, 2013 9:00 PM
>>>>>>Subject: Re: IMPORTANT: Thank you for the meeting yesterday & further
>>>>>> brief on .africa
>>>>>>
>>>>>>
>>>>>>It was my pleasure. My preliminary findings indicate that African
>>>>>> Union
>>>>>> may have passed some declaration on dotafrica. I will find out more
>>>>>> then revert to you.

>>>>>>
>>>>>>Ndemo.
>>>>>>
>>>>>>
>>>>>>Sent from my BlackBerry®
>>>>>>_____
>>>>>>
>>>>>>From: Sophia Bekele Contact Information Redacted
>>>>>>Date: Tue, 12 Feb 2013 15:44:18 -0800 (PST)
>>>>>>To: Contact Information Redacted Ndemo Contact Information Redacted
>>>>>>ReplyTo: Sophia Bekele Contact Information Redacted
>>>>>>Subject: IMPORTANT: Thank you for the meeting yesterday & further
>>>>>> brief
>>>>>> on .africa
>>>>>>
>>>>>>
>>>>>>Dear Dr. Ndemo-
>>>>>>
>>>>>>
>>>>>>It was such a pleasure to see you again and a happy New Year to you!
>>>>>>
>>>>>>
>>>>>>
>>>>>>Thank you for a great meeting yesterday. I appreciate you giving us
>>>>>> the time and interest on this matter, and most of all we need your
>>>>>> support.
>>>>>>
>>>>>>
>>>>>>
>>>>>>As we discussed, I have summarized below the various aspects of the
>>>>>> project for your understanding, including the objection process
>>>>>> which
>>>>>> is thepriority at this time, with the March 13 deadline.
>>>>>>
>>>>>>
>>>>>>
>>>>>>It is important to note that country objection process is part of
>>>>>> ICANN's available tools that is available for applicants to invoke
>>>>>> should they find a legitimate reasons of why a competing applicant
>>>>>> 's
>>>>>> application is problematic.

>>>>>>
>>>>>>
>>>>>>
>>>>>>In DCA's case, our objection is based on lack of government support,
>>>>>> which we have appealed to ICANN as one that they should not ake
>>>>>> seriously due to the role Au has played in preslecting an applicant
>>>>>> and
>>>>>> supporting that applicant before it even participates at ICANN.
>>>>>> This
>>>>>> is very serious abberation against competition rules of ICANN.
>>>>>>
>>>>>>
>>>>>>
>>>>>>However DCA's objection against Uniforum is very serious and
>>>>>> problematic that which we believe they would not overcome.
>>>>>>
>>>>>>
>>>>>>
>>>>>>The government objection deadline is March 13, 2013 by ICANN.
>>>>>> However
>>>>>> we need your cooperation before March, hoping that with Kenya
>>>>>> leading
>>>>>> the objection (because the .africa registry will be based in Kenya),
>>>>>> we
>>>>>> could get few other countries to follow before deadline.
>>>>>>
>>>>>>
>>>>>>Below are summary arguments DCA has outlined for our application,
>>>>>> should you need to brief the Minister, most of which we covered
>>>>>> during
>>>>>> the discussions in your office and/or submitted in writing in the
>>>>>> past.
>>>>>>
>>>>>>
>>>>>>
>>>>>>The .africa opportunity:
>>>>>>1- An opportunity has been presented to Kenya to host

the first ever
>>>>>> gTLD registry in Africa, and Kenya must fight to win.
>>>>>>
>>>>>>2- Kenya is now a leading country in ICT and is well
deserving to
>>>>>> support such an international project requiring first class
>>>>>> infrastructure.
>>>>>>
>>>>>>3- The .africa project is a historic technology initiatives any
>>>>>> country
>>>>>> would envy to host, but surely cannot. Kenya has been
given the
>>>>>> first
>>>>>> mover advantage.
>>>>>>4. The .africa registry will be the breeding ground for many
>>>>>> opportunities of the flourishing future domain industry in
Africa.
>>>>>>
>>>>>>
>>>>>>
>>>>>>The DotConnecAfrica (DCA) Opportunity
>>>>>>
>>>>>>1-DCA is first to lead the
>>> campaign to establish a gTLD for Africa (.africa).
>>>>>>
>>>>>>2-DCA has provided
>>> extraordinary leadership in this area since 2005 when DCA first
>>> launched
>>> the campaign to create a gTLD for Africa in Kenya.
>>>>>>
>>>>>>3- DCA's campaign was endorsed by
>>> the African Union (AU) in 2009, by the UN Economic
Commission for
>>> Africa
>>> (ECA) in 2008, and by several African countries.
>>>>>>
>>>>>>4-DCA made the case for Africa to have a ".africa" at
ICANN and
>>>>>> Africa
>>>>>> substantially as a result of the global
>>> campaign by DCA.
>>>>>>
>>>>>>
>>>>>>DotConnectAfrica's key arguments for objecting to
Uniforum's
>>>>>> application
>>>>>>
>>>>>>1- The Application for UniForum ZA Central Registry was
>>> selected by the African Union Commission to apply for the
.Africa gTLD

>>> and
>>> administer and operate DotAfrica gTLD on behalf of the African
>>> community,
>>> but as events have turned out,
>>> UniForum ZA Central Registry did not actually submit any
application to
>>> ICANN on behalf of the African Community.
>>>>>>
>>>>>>
>>>>>>
>>>>>>2- DotConnectAfrica believes that the process that led to the
>>>>>> selection
>>>>>> of UniForum by the African Union as registry operator
>>> and applicant for the .Africa gTLD was not open
>>> and transparent.
>>>>>>
>>>>>>3- Additionally,
>>> we see the UniForum application is not viable and quite
>>> problematicbecause
>>> of all the public comments that have been
>>> raised as important concerns which UniForum has not yet
addressed and
>>> will not be able to overcome.
>>>>>>
>>>>>>Official public comments by DotConnectAfrica on
Uniforum's
>>>>>> application
>>>>>>
http://archive.constantcontact.com/fs053/1102516344150/archive/1111021912009.html

>>>>>>
>>>>>>I look forward to hearing from you soonest and will be
available at
>>>>>> short notice to discuss further or meet the Minister.
>>>>>>
>>>>>>I can be reached at my local cell Contact Information Redacted
>>>>>>
>>>>>>In anticipation
>>>>>>
>>>>>>
>>>>>>With best wishes,
>>>>>>Sophia
>>>>>>Support our "YES" to .africa Campaign!
>>>>>>www.dotconnectafrica.org
>>>>>>Follow us ontwitter and facebookEmail us
>>>>>> at:yes2dotafrica@dotconnectafrica.org
>>>>>>Visit our press room
>>>>>>
>>>>>>Nobody believes the official spokesman... but everybody
trusts an

>>>>>> unidentified source. -Ron Nesen
>>>>>>----------

>>>>>>Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT,
CBS
>>>>>> International,
>>>>>> Inc ,Ca, USA/Afica Contact Information Redacted

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CONFIDENTIAL
C-R-11

To be printed on official letterhead

Date: _____

Ref. No. : _____

The Chief Executive Officer
Internet Corporation for Assigned Names & Numbers (ICANN)
4676 Admiralty Way, Suite 330
Marina Del Rey, CA 90292-6601
United States of America

Dear Sirs,

Subject: ***A Formal Objection from the Government of Republic of Kenya to the DotAfrica (.AFRICA) Application Submitted to ICANN by UniForum ZA Central Registry (Application ID: 1-1243-89583)***

We are aware that UniForum SA trading as South Africa (ZA) Central Registry or as Registry.Africa has submitted a new gTLD application to the Internet Corporation for Assigned Names and Numbers (ICANN) for the .Africa (DotAfrica) generic Top-Level Domain string name under Application ID. Number 1-1243-89583.

The string name applied for refers to the 'Africa' geographic name, and Kenya is one of the sovereign countries located within the African continent or geographic region.

We have learnt that UniForum ZA Central Registry (the ZA Central Registry Operator or ZACR) was selected by the African Union Commission to apply for the .Africa gTLD and administer and operate DotAfrica gTLD on behalf of the African community, but as events have turned out, UniForum ZA Central Registry **did not actually submit** any application to ICANN **on behalf of the African Community**. DotConnectAfrica Trust, our endorsed applicant believes that UniForum was not appointed in an open and transparent way. Our government has not been reassured that the **process that led to the selection of UniForum** as registry operator and applicant for the .Africa gTLD was **open and transparent**. Additionally, we see the UniForum **application is not viable and quite problematic** because of all the **public comments** that have been raised as important concerns which UniForum has not yet addressed and will not be able to overcome.

Moreover, we confirm that our government has **not objected to the application of DotConnectAfrica Trust** for .Africa, which was done without consultation. Therefore, not only has DotConnectAfrica Trust has our full support, but the application has also been prepared in consultation with our government, and we are aware of its benefits and other wholesome advantages to Kenya.

On the basis of the above, the Government of the Republic of Kenya would like to object to the .Africa new gTLD application submitted by UniForum ZA Central Registry and wish that it should not be approved by ICANN.

Thanking you in anticipation of your kind cooperation in this matter.

Yours sincerely,

Hon. Samuel L. Poghisio, E.G.H, M.P.
The Honorable Minister of Information & Communications
Republic of Kenya
Nairobi, Kenya

Cc: Kenya Permanent Representative to AUC
DotConnectAfrica Trust

C-R-12

On Wednesday, April 10, 2013 10:36 AM, Sophia Bekele Contact Information Redacted wrote:

Sammy,

It is Moctar or Alice herself who I understand is under contract with AUC. They obviously would intend to intimidate people.

It is time to tell Ndemo that you are focusing on "accountability". Anyhow I suggest the following answer for Ndemo and President.

DCA Trust has also complained that Uniforum did not submit an application on behalf of the African community as it was supposed to, therefore, until a process of accountability is set-up to look into these allegations, Kenya should not support any GAC Advice against DCA's application.

Therefore, the matter should be subject to an Accountability hearing regarding the application of Uniforum, and until this is done the GAC advice should be delayed until the next ICANN Meeting since DCA already appealed to US Congress and due process should be followed and Kenya has to be seen at this time to be on the side of legality in light of recent strained relationship with the US and West.

If DCA Trust is making allegations of corruption and fraud against Uniforum Kenya should be seen as not aiding and abetting corruption by the US Congress and International Community.

With best wishes,

Sophia

Support our "YES" to .africa Campaign!
www.dotconnectafrica.org
Follow us on twitter and facebook
Email us at: yes2dotafrica@dotconnectafrica.org
Visit our press room

Nobody believes the official spokesman... but everybody trusts an unidentified source. -Ron Nesen

---

Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT, CBS International, Inc ,Ca, USA/Africa +1 925-
Contact Information Redacted

From: Sammy Buruchara Contact Information Redacted
To: Sophia Bekele Contact Information Redacted
Sent: Thursday, April 11, 2013 1:16 AM
Subject: Re: URGENT...Fw: [GAC] dotafrica text proposed for communique

Someone from AUC called Ndemo and made a lot of noise to the effect that I have contradicted the Heads of State agreement in Abuja, which is obviously lies.
So Ndemo is beside himself with madness owing to the current transition process.
Anyhow I will try and manage the situation as I have not anywhere contradicted AUC's position.

Regards
Sammy

From: Sophia Bekele Contact Information Redacted
Reply-To: Sophia Bekele Contact Information Redacted
Date: Wednesday, April 10, 2013 8:09 PM
To: Sammy Buruchara Contact Information Redacted
Subject: Re: URGENT...Fw: [GAC] dotafrica text proposed for communique

Wow... really?

The new President? Is there anything I can do?

With best wishes,
Sophia
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Nobody believes the official spokesman... but everybody trusts an unidentified source. -Ron Nesen

---

Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT, CBS International, Inc ,Ca, USA/Africa Contact Information Redacted

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From: Sammy Buruchara Contact Information Redacted
To: Sophia Bekele Contact Information Redacted

Sent: Thursday, April 11, 2013 12:47 AM
Subject: Re: URGENT...Fw: [GAC] dotafrica text proposed for communique

Sophia,

The matter has been escalated to our Government in Kenya with false information that I am contradicting the AUC.

I have responded accordingly.

Due to the sensitivity of this matter, I wish to leave it at the level of my previous post to the GAC until the matter settles.

Currently I am expecting a call from the President any time.

Regards
Sammy

From: Sophia Bekele Contact Information Redacted
Reply-To: Sophia Bekele Contact Information Redacted
Date: Wednesday, April 10, 2013 7:36 PM
To: Sammy Buruchara Contact Information Redacted

Subject: URGENT...Fw: [GAC] dotafrica text proposed for communique

Sammy-

Can we pls add these 3 points in the txt for Kenya, it is important. Sorry for the delay, I was in a meeting.

The GAC Advise is inappropriate, and should be delayed until it is verified, and ascertained that UniForum has received formal endorsement from the other African countries. Most of the support from the African countries is for the AU Position on DotAfrica and not for the application submitted by Uniforum.

DCA Trust has also complained that Uniforum did not submit an application on behalf of the African community as it was supposed to, therefore, until a process of accountability is set-up to look into these allegations, there should be no GAC Advice against DCA's application.

The AU has included itself as part of the UniForum application, therefore as a contending party for the same domain names string it cannot use a GAC Policy Advice as a method of objecting to the application submitted by a competitor. The GAC Advice proposed is therefore inappropriate and complicated.

With best wishes,

Sophia

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Nobody believes the official spokesman... but everybody trusts an unidentified source. - Ron Nesen

---

Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT, CBS International, Inc ,Ca, USA/Afica
Contact Information Redacted

C-R-13

On Monday, July 8, 2013 11:18 PM, Sophia Bekele Contact Information Redacted wrote:

> Hi Sammy-
>
> I was talking to some friendly GAC people from non-african countries, and their recommendation is that Kenya asks for a reconsideration at the GAC based on your last email sent to Chair etc..
>
> > "the right way is that someone in the GAC will raise it in their internal meeting (in this case Kenya) and ask for a re-consideration"
>
> They said this has to be done early prior to GAC meeting. It is not onyt ICANN board but GAC has to be pressured is what I am told. Since DCA on its own has written to ICANN Board on the matter, it would also be balanced that Kenya asks reconsideration at GAC. Then while that process is on, we will pressure Kenyan govt as well. If there are other friendly Africa govts you know you can also ask them to support you.
>
> Can we kindly try this route as well, DCA is hanging by the thread!
>
> *With best wishes,*

Sophia

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Nobody believes the official spokesman... but everybody trusts an unidentified source.
-Ron Nesen

Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT, CBS International, Inc ,Ca, USA/Africa Contact Information Redacted

---

From: Sammy Buruchara Contact Information Redacted
To: Sophia Bekele Contact Information Redacted
Sent: Monday, July 8, 2013 4:09 AM
Subject: Re: [governance] NTIA on certain geographic names...

Sophia,

I am glad to note that DCA application passed all the stages except the GNP. As you know I stuck my neck out for DCA inspite of lack of Govt support by Ndemo.

Going forward, I would certainly be ready to support DCA so long as the Kenya Govt is behind me as I do not think I will have the same chances as I had last time which was because the govt was in transition.
Certainly I will be more than happy to accompany you for a visit to the Cabinet Secretary if it is early morning. My flight to SA is at 4Pm so I will be leaving for the airport at 1pm to make it by 2pm.

Let me know once you confirm the appointment.
Regards
Sammy

From: Sophia Bekele Contact Information Redacted
Reply-To: Sophia Bekele Contact Information Redacted
Date: Saturday, July 6, 2013 9:27 AM
To: Sammy Buruchara Contact Information Redacted
Subject: Fw: [governance] NTIA on certain geographic names...

Hi Sammy

How are you. FYI Below.
In this regard, it becomes so important that Kenya remains an objection so that we could get out of this hole. As you know, we have invested a lot of money aside shifing the balance of power to Kenya.

The President of Kenya has nothing to do with .africa, you should know it is all done at a lower level. The resolution that Heads of State did where Kenya is present has to do with AUC implementing the modalities and has nothing to do with giving support letters to the AU, as Kenya did last year for the reserved name. That position can never be adapted by ICANN anyway. The point is that Uniforum is now found that they do not have endorsement, so where is teh justice that GAC can do an advise on us.

As you can see US below is even remaining neutral, so why did African countries not do the same and let the best company win. I am not proud nor impressed with Ndemo did, and I know now that it has nothing to do with his job nor with any foreign ministry. It is very sad.

Here is our latest update on our bid and engagement with ICANN
http://archive.constantcontact.com/fs123/1102516344150/archive/1114044210040.html

We really are all counting on you.

If you can make your Friday free before Durban, maybe we can go together to the Cabinet Minister with John Ngumi who is willing to assist.

Talk to you soon.

With best wishes,

Sophia

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Nobody believes the official spokesman... but everybody trusts an unidentified source. -Ron Nesen

---

Sophia Bekele (Ms), BS, MBA, C.I.S.A, C.C.S, CGEIT, CBS International, Inc ,Ca, USA/Africa Contact Information Redacted

---

----- Forwarded Message -----
From: Carlos A. Afonso Contact Information Redacted
To: Contact Information Redacted >> Civil Society Internet Governance Caucus - IGC" Contact Information Redacted

Sent: Friday, July 5, 2013 1:30 PM
Subject: [governance] NTIA on certain geographic names...

July 2013

U.S. STATEMENT ON GEOGRAPHIC NAMES IN ADVANCE OF ICANN DURBAN MEETING

The United States has listened carefully to the concerns expressed by colleagues on certain geographic strings. It is our sincere hope that individual governments can resolve their concerns on specific geographic strings through agreements on specific safeguards negotiated with the relevant applicants. We encourage all parties to continue to do so leading to Durban. However, in the event the parties cannot reach agreement by the time this matter comes up for decision in the GAC, the United States is willing in Durban to abstain and remain neutral on .shenzen (IDN in Chinese), .persiangulf, .guangzhou (IDN in Chinese), .amazon (and IDNs in Japanese and Chinese), .patagonia, .yun, and .thai, thereby allowing the GAC to present consensus objections on these strings to the Board, if no other government objects.

The United States affirms our support for the free flow of information and freedom of expression and does not view sovereignty as a valid basis for objecting to the use of terms, and we have concerns about the effect of such claims on the integrity of the process. We considered that the GAC was of the same mind when it accepted ICANN's definition of geographic names in February 2011 and agreed that any potential confusion with a geographic name could be mitigated through agreement between the applicant and the concerned government. In addition, the United States is not aware of an international consensus that recognizes inherent governmental rights in geographic terms. Therefore, the choice made in this discrete case does not prejudice future United States positions within the ICANN model or beyond.

Recognizing that the current rules for the new gTLD program do not specifically prohibit or condition these strings, we expect the specific issue of how to better address individual government concerns as well as other relevant considerations, including the free flow of information and freedom of expression, in the context of geographic terms, to be

considered in the review of the new gTLD program as mandated by the
Affirmation of Commitments . This review hopefully will provide guidance
as to how better to address this issue in future rounds of new gTLDs.

C-R-14

Weil, Gotshal & Manges LLP

1300 Eye Street NW, Suite 900
Washington, DC 20005-3314
+1 202 682 7000 tel
+1 202 857 0940 fax

Marguerite C. Walter
+1 (202) 682-7102
marguerite.walter@weil.com

BY E-MAIL

September 14, 2014

Jeffrey A. LeVee
Jones Day, LLP
555 South Flower Street
50th Floor
Los Angeles, CA 90071
Tel: +1 213 243 2572
Fax: +1 213 243 2539
Email: jlevee@jonesday.com

Re: ICDR Case 502013001083 DotConnectAfrica Trust (DCA Trust) vs. Internet Corporation for Assigned Names and Numbers (ICANN)

Dear Mr. LeVee:

As discussed in our teleconference on Friday, DCA clarifies its Document Request Nos. 1 and 2 to refer to the "African Union Commission" wherever the "AU" is referenced. DCA has also withdrawn its Document Request Nos. 6-8 and 13.

Concerning DCA's Document Request Nos. 3 and 4, we further clarify these requests as follows. DCA sent a letter to ICANN dated October 29, 2008 detailing its concerns regarding activities undertaken by an ICANN employee referred to in the letter as "Anne Richell."[1] We understand from ICANN's responses to DCA's document requests that the person referred to in this letter may also be known as "Anne-Rachel Inne." As you will see from the attached copy of the letter, in October 2008 DCA explained its concerns to ICANN as follows:

> "[W]e learned from our Pan African organization African Union (AU) recently, that they were approached by Ms. Richell, regarding the dotafrica initiative and disclosed to us the following, which we are sharing with you. 1. Ms. Richell made presentation about DotAfrica to the African Union; as a result, AU is now coordinating with ICANN on DotAfrica effort with a group she has introduced. 2. Ms. Richell has informed the AU regarding the undersigned the following:

[1] Attached hereto.

> o the undersigned has nothing to do with ICANN
>
> o the undersigned has nothing to do with DotAfrica
>
> o the undersigned is a US private sector entity; lives in the USA, therefore does not qualify for applying for DotAfrica project with ICANN. It is in fact a 'Sophia Bekele' project and not for Africa."[2]

DCA went on to request:

> "Based on the aforementioned, therefore, we kindly request that ICANN disclose Ms. Richell's communication letters, which, she herself has claimed to have sent to all Regional bodies relative to the undersigned, so we can defend ourselves rightfully and appropriately. This is the only fair and transparent way of solving this issue."[3]

Document Requests 3 and 4 seek communications between Anne Richell/Anne Rachel Inne and the AUC, along with documents concerning ICANN's preparation of a response to DCA's October 29, 2008 letter. These documents are relevant and material to the outcome of this dispute because DCA alleges that ICANN improperly coordinated with the AUC in order to ensure that .africa would be effectively reserved for its own use. The requested documents pertain to ICANN's breaches of its Bylaws and Articles of Incorporation with respect to its treatment of DCA's application for .africa and its

Regarding ICANN's Document Request No. 1, as discussed, DCA agrees to search for other communications between DCA and Sammy Buruchara and/or other Kenya GAC representatives concerning the issuance of the GAC advice against DCA's application in Beijing in 2013.

DCA maintains its objection to Request No. 4 because the requested documents are neither relevant nor material to the outcome of this dispute. However, DCA confirms that it has no documents responsive to Request No. 5 that it has not already produced.

---

[2] Letter from DCA to ICANN (Oct. 28, 2008) at 1.

[3] *Id.* at 3.

Kind regards,

Marguerite C. Walter

Counsel for DCA Trust

C-R-15

In the Matter of an Independent Review Panel Proceeding

ICDR Case No. 50-2013-00-1083

DOTCONNECTAFRICA TRUST

Claimant,

v.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

Respondent.

RESPONDENT'S REQUEST FOR DOCUMENTS

2 September 2014

Counsel for the Respondent:
Jones Day

The Internet Corporation for Assigned Names and Numbers ("ICANN") submits this Request for Documents from DotConnectAfrica Trust ("DCA") pursuant to the ICDR Guidelines for Arbitrators Concerning Exchanges of Information.

As set out in detail below, the documents requested by the Respondent are directly relevant and material to the issues in dispute. Moreover, the Respondent reasonably believes that these documents are in the possession, custody, or control of the Claimant, in particular, because they were created by or provided to the Claimant. To the best of the Respondent's knowledge, the requested documents are not in its possession, custody, or control.

The term "DCA" shall include all directors, officers, employees, and agents of DCA.

No.	Documents or Category of Documents Requested	Relevance and Materiality To The Outcome Of The Dispute	DCA's Objections	ICANN's Reply to Objections	Panel's Comments
1.	Communications between DCA and Sammy Buruchara and any other person allegedly associated in any way with the government of Kenya regarding DCA's application for .AFRICA, ZA Central Registry's application for .AFRICA, and/or GAC advice regarding those applications.	DCA alleges that ICANN improperly accepted the GAC's advice regarding DCA's application for .AFRICA. DCA's argument relies on its allegation that the government of Kenya, including its alleged representative Mr. Buruchara, supported DCA's application. DCA's communications with Mr. Buruchara and any other persons allegedly associated with the Kenyan government are therefore relevant and material to DCA's allegations.			
2.	Communications	DCA alleges that ICANN improperly			

	between DCA and any other person regarding the GAC's consideration of applications for .AFRICA.	accepted the GAC's advice regarding DCA's application. In so alleging, DCA relies on its own description of what "it became aware" was occurring during the GAC's Beijing meeting. (DCA's Am. Notice, p. 18.) DCA does not identify the source of its purported knowledge of the GAC's confidential consideration of applications for .AFRICA. Therefore, DCA's communications with other persons regarding the GAC's consideration of applications for .AFRICA are relevant and material to DCA's allegations.			
3.	Communications between DCA and any representatives of any African governments regarding DCA's or ZA Registry's applications for .AFRICA.	DCA alleges that it was adversely affected by ICANN's improper acceptance of the GAC's advice regarding DCA's application. However, DCA could only have been adversely affected by GAC advice that its application should not proceed if its application could otherwise have passed the ICANN evaluation process (i.e., if DCA had the support of at least 60% of the African governments). Therefore, DCA's communications with representatives of African governments regarding its or ZACR's applications for .AFRICA are relevant and material to DCA's ability to demonstrate adverse impact.			
4.	Documents	DCA alleges that it was adversely			

	sufficient to show the support of any government of the African continent of DCA's application for .AFRICA on or after the date of DCA's submission of its gTLD application to ICANN.	affected by ICANN's improper acceptance of the GAC's advice regarding DCA's application. However, DCA could only have been adversely affected by GAC advice that its application should not proceed if its application could otherwise have passed the ICANN evaluation process (i.e., if DCA had the support of at least 60% of the African governments). Therefore, documents demonstrating African governments' support for DCA's application are relevant and material to DCA's ability to demonstrate adverse impact.			
5.	Documents that relate to or support DCA's contention that one or more members of the ICANN Board of Directors had a conflict of interest relating to the applications for .AFRICA.	DCA alleges that the Board improperly rejected DCA's allegation that one or more members of the ICANN Board of Directors had a conflict of interest. Therefore, documents supporting DCA's allegation of conflicts of interest are relevant and material to DCA's allegations.			

C-R-16

From: Trang Nguyen Contact Information Redacted
Sent: Wednesday, May 15, 2013 8:21 PM
To: Emily Taylor
Cc: Cheri Bolen; Tony Holmes; Mark McFadden; AlanTurner Contact Information Redacted
Subject: Re: .africa Clarifying Questions Call
Signed By: Contact Information Redacted

Hi Emily,

I haven't heard back from you so just wanted to follow up. Please confirm that ICC will provide the CQs for all letters of support that are deficient for both .Africa applications on 24 May 2013, and that no direct outreach to the AU will occur.

Thank you. If you would like to discuss further, please let me know.

Trang

From: Trang Nguyen Contact Information Redacted
Date: Tuesday, May 14, 2013 6:59 PM
To: Emily Taylor Contact Information Redacted
Cc: Cheri Bolen Contact Information Redacted Tony Holmes Contact Information Redacted , Mark McFadden Contact Information Redacted
Subject: Re: .africa Clarifying Questions Call

Hi Emily,

I sent you an email this morning about rescheduling this call. Please let me know what date/time works for you. I can do a call as early as 7am PST. I'd like to get things moving forward on this.

As mentioned in my previous emails, we have considered the points that ICC has brought up, but we would like to follow the process that we have followed for all other applicants. This means issuing CQs for all support letters that did not meet the requirements of the AGB. As per your previous email, we are expecting to receive these CQs on 24 May to send to the applicants. Additionally, we believe that an outreach directly to the AU is unnecessary because through the CQs that are issued, the applicants will have to approach the AU. If the AU no longer supports the application, the applicant would not be able to get a revised letter. We believe that this approach follows the existing process and will essentially inform us whether the AU still supports either or both of the applications.

Regarding your concern about the amount of time that the applicant has to respond, I agree this is a concern, but one that ICANN will manage.

I look forward to discussing this with you and to receiving the CQs next Friday.

Warm regards,

Trang

From: Emily Taylor Contact Information Redacted
Date: Monday, May 13, 2013 11:37 PM
To: Trang Nguyen Contact Information Redacted
Cc: Cheri Bolen Contact Information Redacted Tony Holmes Contact Information Redacted , Mark McFadden

Contact Information Redacted
Subject: Re: .africa Clarifying Questions Call

Hi Trang

I can't do tomorrow or Thursday at the time you suggested, but I can do Friday - will that work for you?

Kind regards

Emily

On 14 May 2013 02:22, Trang Nguyen Contact Information Redacted wrote:
Hi Emily,

Thank you for your email. ICANN has considered and discussed the points that you brought up below and decided on the route outlined in my email dated 26 April. Would you be available for a call at 8am PST tomorrow to discuss next steps? We'd like to have the CQs for each support letter go out as soon as possible.

Thank you,

Trang

From: Emily Taylor Contact Information Redacted
Date: Friday, May 10, 2013 9:16 AM
To: Trang Nguyen Contact Information Redacted Cheri Bolen Contact Information Redacted
Cc: Tony Holmes Contact Information Redacted , Mark McFadden Contact Information Redacted
Subject: Re: FW: .africa Clarifying Questions Call

Dear Trang

I promised to send you our advice about ICANN's proposed approach to the .AFRICA applications on Geo Names.

Attached to our email of 26 April, we made a request to reach out direct to the African Union, and also attached draft CQs for each of the .AFRICA applications.

You replied the same day to say that following an internal discussion your recommendation is not to reach out to the African Union, but to send CQs for all letters of support submitted by the applicants.

We would like to highlight the following issues which are likely to arise through the proposed course of action:

1. One of the applicants has letters of support from the AU which are many years old, and date prior to the time when the AU held a competitive tender for the registry for .AFRICA. It is foreseeable, indeed we believe it likely, that the applicant will continue to rely on those letters of support.
2. One of the applications submitted letters of support from 35 countries or public authorities which do not meet the Guidebook requirements and will require CQs. We anticipate that many months will elapse before the applicant is able to secure further letters from those countries, and that given conditions on the ground it may not be possible to obtain letters that conform to Guidebook requirements at all. All of this will considerably delay the evaluation of both .AFRICA applications.
3. Ultimately, there are questions which only the AU, and not the applicants, can answer. These are set out in the draft which we sent through on 26 April. Given our recommendation that the AU be treated as a relevant public authority, that its membership covers all sovereign states in the continent of Africa apart from one, an answer from the AU will clarify matters in a way that the applicants themselves may be unable to.

We understand and respect the reasoning behind your internal recommendation. However, we believe that the proposed way forward will add considerable delay, potentially confuse matters further, and will not resolve the key question which is the AU's position with regard to the two applications.

The Geo Names panel is entitled under the Guidebook to reach out direct to relevant governments or public authorities in order to determine their intentions (paragraph 2.2.1.4.4, which states "The GNP may communicate with the signing entity of the letter to confirm their understanding of the terms on which the support for an application is given").

Given that both applicants rely on AU support, and the Guidebook foresees that it is possible for a single country or public authority may support more than one application for the same string, we strongly recommend in the interests of both applicants and of the gTLD process that the next step should be to approach the AU, and signal to the applicants that depending on the outcome, we may also seek CQs from the remaining countries and authorities attached to their respective applications.

I hope that you will give advice your careful consideration. It is in conformance with the guidebook, deals fairly and reasonably between the applicants without the risk of prejudice to one or the other, and is likely to avoid many months of delay and potential confusion.

Tony Holmes and I would be happy to have a call with you and any of your colleagues to discuss this further. In fact, we have a call arranged with Cheri for Monday morning your time, and I hope we can pick up this discussion then.

Kind regards

Emily

On 29 April 2013 11:09, Mark McFadden Contact Information Redacted wrote:

Mark McFadden
Internet Names, Addresses and Numbers
InterConnect Communications
Consulting in Communications Regulation and Strategy
Contact Information Redacted

w: http://www.icc-uk.com

From: Trang Nguyen Contact Information Redacted
Sent: Friday, April 26, 2013 3:10 PM
To: Mark McFadden; Vanessa Graff; Mark McFadden - home; Emily Taylor
Cc: Tony Holmes
Subject: Re: .africa Clarifying Questions Call

Hi Mark,

We had an internal discussion on the information that you sent and have the following recommendations:

- No outreach to the EU.
- Yes to sending CQs to the applicants of the 2 .Africa applications. However, the CQs should contain questions for all letters of support submitted by the applicants. The reason being that if the applicant(s) is/are unable to obtain a revised support letter from the AU or UNECA, they may be able to fulfill the requirements by approaching the individual governments.

Please let me know if you'd like to discuss further.

Thank you,

Trang

From: Mark McFadden Contact Information Redacted
Date: Friday, April 26, 2013 5:33 AM
To: Trang Nguyen Contact Information Redacted Vanessa Graff Contact Information Redacted Mark McFadden - home Contact Information Redacted , Emily Taylor Contact Information
Cc: Tony Holmes Contact Information Redacted
Subject: .africa Clarifying Questions Call

Vanessa, Trang:

Two things: draft attached to this message and meeting arrangements.

First, find three documents attached to this message. Two are the first drafts of CQ's for the .africa applicants. One is a contact request for the African Union. We'd like to talk about these on our call. Emily and I have lots of other questions to go with the drafts, but at least we have the work started.

Second, Emily and I don't yet have meeting details for the call -- 8am (PST), 4pm (UK time), 5pm (Geneva time). It would be very helpful to have a UK tollfree dial-in number.

mark

Mark McFadden
Internet Names, Addresses and Numbers
InterConnect Communications
Consulting in Communications Regulation and Strategy
Contact Information Redacted

w: http://www.icc-uk.com

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--

Emily Taylor
Director

Contact Information Redacted

--

Emily Taylor
Director

Contact Information Redacted

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C-R-17

UNITED NATIONS
ECONOMIC COMMISSION FOR AFRICA

Date: 16 September 2011
Ref.: ISTD/11/09/0231/hd

Dear Dr. Ibrahim,

I am writing to acknowledge receipt of your letter regarding the setting up of the structure and modalities for implementation of the Dot Africa project as per the 2010 Abuja Declaration of the third ordinary Conference of the African Union Ministers in charge of Communication and Information Technologies.

As you are well aware, we have been working very closely with the AUC in implementing ICT for development programmes on the continent including providing technical support as needed. Our partnership has been instrumental in mobilizing African countries during the WSIS process which resulted in the development of the African Regional Action Plan on the Knowledge Economy (ARAPKE). Furthermore, significant progress has also been made in our collaboration in the area of harmonization of cyber legislation and the preparation of a draft African Convention on cybersecurity as stated in the Abuja Declaration of the meeting of the AU Ministers in charge of ICTs held in Abuja in 2010.

Against this background and in view of the importance of issues related to Internet Governance in Africa, we value very much your commitment in the implementation of the Dot Africa project.

This is, therefore, to reaffirm our continued commitment and support to the AUC in the management of Internet-based resources in Africa.

Yours sincerely,

Jennifer Kargbo
Deputy Executive Secretary

Dr. Elham M.A. Ibrahim
Commissioner
Infrastructure and Energy
African Union
Addis Ababa
Contact Information Redacted

Contact Information Redacted

C-R-18

C-R-19

Redacted - Confidential Application Information

C-R-20

Application ID: 1-1165-42560
String: AFRICA
Applicant: DotConnectAfrica Trust

Clarifying Question 1:
Question 21b of the AGB states, "If [the application is for] a geographic name, attach documentation of support or non-objection from all relevant governments or public authorities." Section 2.2.1.4.3 (*Documentation Requirements*) of the AGB states that each letter of support or non-objection for a Geographic Name applicant must meet the following criteria:
1. Must clearly express the government's or public authority's support for or non-objection to the applicant's application
2. Demonstrate the government's or public authority's understanding of the string being requested
3. Demonstrate the government's or public authority's understanding of the string's intended use
4. Should demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process and that the applicant is willing to accept the conditions under which the string will be available.

Your application for .AFRICA includes a letter dated 27 August 2009, from the Chairperson of the African Union Commission, subject "Endorsement of the DotAfrica (.africa) Initiative". The letter is signed by Jean Ping, Chairperson of the African Union Commission and bears the seal of the Deputy Chairperson of the African Union Commission. However, the letter does not meet criteria 4 above.

Please provide an updated letter of support from the Chairperson of the African Union Commission, or another signatory duly authorised on behalf of the African Union Commission, that meets the following criteria:

1. Must clearly express the government's or public authority's support for or non-objection to the applicant's application
2. Demonstrate the government's or public authority's understanding of the string being requested
3. Demonstrate the government's or public authority's understanding of the string's intended use
4. Should demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process and that the applicant is willing to accept the conditions under which the string will be available.

For criterion number 4, "the applicant...[willingness] to accept the conditions under which the string will be available" can be satisfied by meeting the requirement of the first part of the criteria: "demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process."

Your letter of support is due to ICANN by end of the initial evaluation period. ICANN will inform you of the exact end date of the initial evaluation period in a separate communication when that information is available.

Clarifying Question 2:
Question 21b of the AGB states, "If [the application is for] a geographic name, attach documentation of support or non-objection from all relevant governments or public authorities." Section 2.2.1.4.3 (*Documentation Requirements*) of the AGB states that each letter of support or non-objection for a Geographic Name applicant must meet the following criteria:
1. Must clearly express the government's or public authority's support for or non-objection to the applicant's application
2. Demonstrate the government's or public authority's understanding of the string being requested
3. Demonstrate the government's or public authority's understanding of the string's intended use
4. Should demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process and that the applicant is willing to accept the conditions under which the string will be available.

Your application for .AFRICA includes a letter dated 8 August 2008, from the Executive Secretary, United Nations Economic Commission for Africa, which begins "I write to express my support and that of the Economic Commission for Africa (ECA) for the 'dotafrica' initiative …". The letter is signed by Abdoulie Janneh, Executive Secretary and bears the seal of the United Nations Economic Commission for Africa. However, the letter does not meet criteria 3 and 4 above.

Please provide an updated letter of support from the Executive Secretary of the United Nations Economic Commission for Africa, or another signatory duly authorised on behalf of the United Nations Economic Commission for Africa, that meets the following criteria:

1. Must clearly express the government's or public authority's support for or non-objection to the applicant's application
2. Demonstrate the government's or public authority's understanding of the string being requested
3. Demonstrate the government's or public authority's understanding of the string's intended use
4. Should demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process and that the applicant is willing to accept the conditions under which the string will be available.

For criterion number 4, "the applicant...[willingness] to accept the conditions under which the string will be available" can be satisfied by meeting the requirement of the first part of the criteria: "demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process."

Your letter of support is due to ICANN by end of the initial evaluation period. ICANN will inform you of the exact end date of the initial evaluation period in a separate communication when that information is available.

C-R-21

Attachment to Module 2

Sample Letter of Government Support

[This letter should be provided on official letterhead]

ICANN
Suite 330, 4676 Admiralty Way
Marina del Rey, CA 90292

Attention: New gTLD Evaluation Process

Subject: Letter for support for [TLD requested]

This letter is to confirm that [government entity] fully supports the application for [TLD] submitted to ICANN by [applicant] in the New gTLD Program. As the [Minister/Secretary/position] I confirm that I have the authority of the [x government/public authority] to be writing to you on this matter. [Explanation of government entity, relevant department, division, office, or agency, and what its functions and responsibilities are]

The gTLD will be used to [explain your understanding of how the name will be used by the applicant. This could include policies developed regarding who can register a name, pricing regime and management structures.] [Government/public authority/department] has worked closely with the applicant in the development of this proposal.

The [x government/public authority] supports this application, and in doing so, understands that in the event that the application is successful, [applicant] will be required to enter into a Registry Agreement with ICANN. In doing so, they will be required to pay fees to ICANN and comply with consensus policies developed through the ICANN multi-stakeholder policy processes.

[Government / public authority] further understands that, in the event of a dispute between [government/public authority] and the applicant, ICANN will comply with a legally binding order from a court in the jurisdiction of [government/public authority].

[Optional] This application is being submitted as a community-based application, and as such it is understood that the Registry Agreement will reflect the community restrictions proposed in the application. In the event that we believe the registry is not complying with these restrictions, possible avenues of recourse include the Registry Restrictions Dispute Resolution Procedure.

[Optional] I can advise that in the event that this application is successful [government/public authority] will enter into a separate agreement with the applicant. This agreement will outline the conditions under which we support them in the operation of the TLD, and circumstances under which we would withdraw that support. ICANN will not be a party to this agreement, and enforcement of this agreement lies fully with [government/public authority].

[Government / public authority] understands that the Geographic Names Panel engaged by ICANN will, among other things, conduct due diligence on the authenticity of this documentation. I would request that if additional information is required during this process, that [name and contact details] be contacted in the first instance.

Thank you for the opportunity to support this application.

Yours sincerely

Signature from relevant government/public authority

C-R-22

Redacted - Confidential Application Information

Contact Information Redacted

Contact Information Redacted

C-R-23

Redacted - Confidential Application Information

Redacted - Confidential Application Information