

**INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION (ICDR)  
Independent Review Panel**

**CASE # 50 2013 001083**

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**In the matter of an Independent Review Process (IRP) pursuant to the Internet Corporation for Assigned Names and Number's (ICANN's) Bylaws, the *International Dispute Resolution Procedures (ICDR Rules)* of the International Centre for Dispute Resolution (ICDR), and the *Supplementary Procedures for ICANN Independent Review Process (ICANN Supplementary Rules)***

**Between: DotConnectAfrica Trust;**  
("Claimant" or "DCA Trust")

Represented by Mr. Arif H. Ali, Ms. Marguerite C. Walter and Ms. Erin Yates of Weil, Gotshal & Manges, LLP located at 1300 Eye Street, NW, Suite 900, Washington, DC 2005, U.S.A., and Ms. Meredith Craven of Weil, Gotshal & Manges LLP located at 767 Fifth Avenue, New York, NY 10153, U.S.A.

**And**

**Internet Corporation for Assigned Names and Numbers (ICANN);**  
("Respondent" or "ICANN")

Represented by Mr. Jeffrey A. LeVee of Jones Day, LLP located at 555 South Flower Street, Fiftieth Floor, Los Angeles, CA 90071, U.S.A.

Claimant and the Respondent are hereafter jointly referred to as the "Parties".

**PROCEDURAL ORDER No. 4**

1. This Procedural Order No. 4 is rendered after considering the Parties' Requests and Objections to Requests for Documents dated 18 September 2014, and reviewing their written submissions to the Panel dated 19, 20 and 24 September 2014 regarding, *inter alia*, document production.
2. The Parties have after negotiation among themselves agreed to the following confidentiality stipulation, which the Panel reproduces for completeness:

- (1) Documents exchanged by the Parties may not be used for any purpose other than participating in the IRP; (2) documents exchanged by the Parties may not be publicly posted or disclosed in any manner; (3) reference to such documents or information from such documents in the Parties' written submissions must be redacted prior to public posting.

The above agreement, however, does not in any way hinder the Panel's ability in this IRP to refer to or cite any document and information it finds relevant and/or necessary for its determinations and declarations. The Parties themselves will ensure that any confidential information or document referred to or cited by the Panel in its determinations and declarations are appropriately redacted where necessary.

### **DCA Trust's Request for Documents**

3. Based on the information available to the Panel, DCA Trust has advanced 15 requests for documents or category of documents ("RD") to ICANN. Based also on the information available to the Panel, of these 15 RD, only RD numbers 3 and 4 require a decision by the Panel.
4. After reading the Parties' written submissions, considering their respective positions and deliberation, the Panel is of the view that ICANN must respond to RD numbers 3 and 4 by DCA Trust and produce the documents requested by **2 October 2014** as set out in Procedural Order No. 3.
5. In reaching its decision in this regard, the Panel has, among other things, taken into consideration the obligation of ICANN and its constituent bodies to "operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness." (ICANN Bylaw, Article III, Section 1)

### **ICANN's Request for Documents**

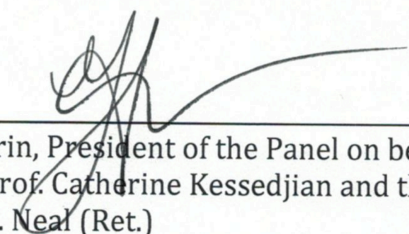
6. Based on the information available to the Panel, ICANN has advanced 5 RD to DCA Trust. Based also on the information available to the Panel, of these 5 RD, only RD number 4 requires a decision by the Panel.
7. After reading the Parties' written submissions, considering their respective positions and deliberation, the Panel is of the view that DCA Trust must respond to RD number 4 by ICANN and produce the documents requested by **2 October 2014** as set out in Procedural Order No. 3.

8. In reaching its decision in this regard, the Panel has, among other things, taken into consideration issues of costs, efficacy and due process.

This Procedural Order No. 4 has three (3) pages and it may be amended or supplemented pursuant to such further directions or Procedural Orders as the Panel may issue. The members of the Panel have all reviewed this Procedural Order No. 4 and agreed that the President may sign it alone on their behalf.

Place of IRP, Los Angeles, California.

Dated 25 September 2014.



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Babak Barin, President of the Panel on behalf of himself, Prof. Catherine Kessedjian and the Hon. Richard C. Neal (Ret.)