



The Internet Corporation for Assigned Names and Numbers

29 November 2006

Via Electronic Mail

Edward Hasbrouck  
1130 Treat Avenue  
San Francisco, CA 94110  
USA

Re: Independent Review Process

Dear Mr. Hasbrouck:

This letter is in response to your inquires with respect to ICANN's established independent review process.

Although you repeatedly have questioned the following statement that has been made to you on several occasions, I again repeat that ICANN has designated the International Centre for Dispute Resolution ("ICDR") as the independent review provider in accordance with Article IV, Section 3 of ICANN's Bylaws. Specifically, on 19 April 2004, the ICANN Board resolved that "the President and the General Counsel are authorized to engage the services of the ICDR to provide independent review services in accordance with its proposal." See <http://www.icann.org/minutes/resolutions-19apr04.htm>. ICANN has complied with that resolution.<sup>1</sup>

The ICDR has long established rules and procedures, which was one of the criteria used to select this organization as the designated independent review provider and upon which the Board based its 19 April 2004 resolution. Contrary to your statement in your most recent email dated 7 November 2006 to Mr. Vint Cerf<sup>2</sup> in which you claim that I said "I knew nothing about [your] outstanding request for independent review" and that "[t]he only information provided by ICANN's staff has been the URL of the home page of the 'International Centre Dispute Resolution,'" when we spoke on 2 October 2006, I acknowledged that you purported to make a request for independent review and specifically walked you through the ICDR website, pointing you to the link to "International Dispute Resolution Procedures", and from there to the link to "International Arbitration Rules." At that time, I informed you that these are the rules that should be followed in requesting an independent review if you believe that you were "materially

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<sup>1</sup> This designation was repeated to you on several occasions, including in the 4 December 2005 e-mail from Mr. John Jeffrey to you, in the 17 January 2006 letter from John Jeffrey to you and during our telephone conversation on 2 October 2006.

<sup>2</sup> A copy of which you also emailed to me.



affected by a decision or action by the Board that [you] assert[] is inconsistent with the Articles of Incorporation or Bylaws." See Bylaws, Art. IV, section 3.2. If you do not understand those rules or how they apply to an independent review process, we can certainly arrange for a conference call with the ICDR to help you understand the process of filing an independent review so that you can proceed on your own with your filing. Please let me know if you would like me to schedule such a call.

Of course, if at this time you would prefer not to participate in such a conference call and would rather that ICANN simply provide your historical correspondence to the ICDR on your behalf we will do so indicating to the ICDR that the correspondence constitutes your official filing of request for independent review ("Request") and will say nothing more except that the ICDR should contact you and only you with respect to any questions about the adequacy of such a filing and any required fees. That said, because this truly should be an independent review, we ask that you specifically identify which correspondence you would like ICANN to submit to the ICDR as your "Request." We do want any concern on your part that ICANN did not provide everything you wanted it to provide or was somehow trying to manipulate the process. Further, because as you are aware, the party not prevailing shall ordinarily be responsible for bearing the costs of the independent review process, we do not want you to have any concerns that ICANN provided the ICDR with too many documents in an attempt to increase your fees if you do not prevail. If you do choose this course of action, we remind you that you as the claimant, not ICANN, are responsible for all filing fees in accordance with ICDR's International Arbitration Rules.

Very truly yours,

A handwritten signature in cursive script that reads "Amy A. Stathos".

Amy A. Stathos  
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