
ARIF HYDER ALI

Direct
Fax

October 21, 2016

VIA E-MAIL

ICANN Board of Directors
c/o Mr. Steve Crocker, Chair
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Re: Dot Registry Declaration of July 29, 2016 in ICDR Case No. 01-14-0001-5004

Dear Chairman Crocker and Board of Directors,

We write on behalf of our clients, Dot Registry LLC (“**Dot Registry**”) in relation to the Board’s pending resolution of the *Dot Registry* IRP Declaration. As the Board is aware on July 29, 2016, the International Centre for Dispute Resolution Panel issued its Independent Review Process Declaration in ICDR Case No. 01-14-0001-5004 (“**Dot Registry Declaration**”)¹ stating that Dot Registry was the prevailing party. The IRP Panel’s findings were accepted by the Board by way of its Resolutions 2016.08.09.11 and 2016.08.09.13 on August 9, 2016. The Board has thus accepted that ICANN’s conduct caused injury and harm to Dot Registry.

Dot Registry Has Repeatedly Sought to Engage with ICANN

ICANN has issued five (5) Board Resolutions relating to the *Dot Registry LLC v. ICANN* IRP.² Despite accepting the findings of the Dot Registry Declaration in these five Board Resolutions, ICANN has to date: (i) refused to engage with Dot Registry to discuss

¹ IRP Declaration (ICDR Case No. 01-14-0001-5004) (<https://www.icann.org/resources/pages/dot-registry-v-icann-2014-09-25-en>)

² 9 August 2016 Board Resolutions 2016.08.09.11, 2016.08.09.12, and 2016.08.09.13 (<https://www.icann.org/resources/board-material/resolutions-2016-08-09-en>), 15 September 2016 Board Resolution 2016.09.15.015 (<https://www.icann.org/resources/board-material/resolutions-2016-09-15-en>), and 17 September 2016 Board Resolution 2016-09-17-01 (<https://www.icann.org/resources/board-material/resolutions-2016-09-17-en>)

proposals to address the harms identified by the IRP Panel (ii) failed to properly acknowledge the breaches of its Articles, Bylaws and AGB identified by the Dot Registry Declaration and (iii) taken insufficient steps to address the full implications of the Declaration. Instead of addressing the Panel's criticisms of ICANN's lack of accountability and transparency, ICANN has once again resorted to secretive and arbitrary decision-making.

In particular, since the Dot Registry Declaration:

- Dot Registry has written repeatedly to the ICANN Board and the only letter that has been published on ICANN's website is the one dated August 6, 2016.³ ICANN has failed to respond to Dot Registry's letters. (we enclose Dot Registry's prior correspondence as Appendix A to this letter);
- Dot Registry has filed two DIDP Requests to which ICANN has not responded yet and which have not been published to date on ICANN's DIDP website.⁴ (*See* Appendix A);
- On August 8, 2016, the Honorable Jeffrey W. Bullock, Delaware Secretary of State, wrote to ICANN about the Dot Registry Declaration and has not received a response to date.⁵ (*See* Appendix A);
- The BGC met on October 18, 2016 in relation to Dot Registry and nothing has been published about the outcome of that meeting;⁶

³ <https://www.icann.org/resources/pages/correspondence>

⁴ <https://www.icann.org/resources/pages/governance/transparency-en>

⁵ <https://www.icann.org/resources/pages/correspondence>

⁶ <https://www.icann.org/resources/pages/2016-board-meetings>

It is for this reason that accountability and transparency violations continue to arise of ICANN's failures to acknowledge, respond, or publish documents as required under Articles 3 and 4 of the new Bylaws.⁷

ICANN's Board Must Address the Implications of the Dot Registry Declaration

We remind ICANN's Board of the important findings of the Dot Registry Panel Declaration:

First, The Dot Registry Panel Declaration held the Economist Intelligence Unit (“EIU”) must comply with ICANN's Articles, Bylaws, and the AGB in applying the principles of procedural fairness, avoiding conflicts of interest non-discrimination, and transparency under ICANN's Articles, Bylaws and the AGB.⁸ There is ample evidence that the EIU failed to act in accordance with these principles – seen most clearly from ICANN's refusal to acknowledge that there was any obligation to do so in the first place.⁹ Indeed the Dot Registry Declaration's finding was consistent with the findings of the *Despegar* IRP Declaration, which similarly criticized ICANN for the same failing:

“The Panel fails to see why the EIU is not mandated to apply ICANN's core values in making its determinations whilst, obviously, taking into account the limits on direct application of all the core values as reflected in that paragraph of the Bylaws. *Accordingly, the Panel suggests that the ICANN Board should ensure that there is a flow through of the application of ICANN's core values to entities such as the EIU.*”¹⁰

ICANN cannot ignore the consistent findings of two IRP Declarations. Dot Registry has

⁷ <https://www.icann.org/resources/pages/governance/bylaws-en>

⁸ Dot Registry Declaration p.25 ¶ 64

⁹ Dot Registry Declaration p.25 ¶ 64 citing to ICANN's Post-Hearing Submission at ¶ 6,7 and 8

¹⁰ *Despegar Online SRL et al. v. ICANN* Declaration of 12 February 2016 ¶150

established that its applications are entitled to community priority status by commissioning an independent economist to do what the EIU *failed* to do: conduct Community Priority Evaluation (“CPE”) consistent with the Articles, Bylaws and Applicant Guidebook. The ninety-seven (97) page Expert Report of Michael Flynn shows that all three of the applied for strings (.INC, .LLC and .LLP) would have passed CPE if they had been properly conducted.¹¹ The Flynn Report shows, step-by-step, the fundamental errors in the EIU’s reasons for denying Dot Registry’s applications for community status.

Second, the Dot Registry Declaration held that in performing its duties of Reconsideration, the Board Governance Committee (“BGC”) must determine whether the EIU and ICANN staff respected the principles of fairness, transparency, avoiding conflicts of interest, and non-discrimination as set out in the ICANN Articles, Bylaws and Applicant Guidebook (“AGB”). The Declaration further found that the BGC had applied the wrong standard for reconsideration.¹² This finding echoed the direction of the *Despegar* Panel which held that ICANN’s Board needed “a reasonable degree of assurance [that the EIU has correctly applied the policy],¹³ and what is of “critical importance [is] the manner in which the review of whether the EIU has followed the correct procedure and has correctly applied ICANN’s policies.”¹⁴

¹¹ See Expert Report of Michael Flynn: (<https://www.icann.org/en/system/files/files/additional-submission-expert-flynn-with-exhibits-13jul15-en.pdf>)

¹² *Id.*, Section IV.C(1).88, page 34

¹³ *Despegar Online SRL et al. v. ICANN* Declaration of 12 February 2016 ¶ 69

¹⁴ *Despegar Online SRL et al. v. ICANN* Declaration of 12 February 2016 ¶ 67

The resolution of this matter is not difficult nor should it become over-complicated. The Applicant Guidebook Section 5.1 states:¹⁵

“The Board reserves the right to individually consider an application for a new gTLD to determine whether approval would be in the best interest of the Internet community. Under exceptional circumstances, the Board may individually consider a gTLD application. For example, the Board might individually consider an application as a result of GAC Advice on New gTLDs or of the use of an ICANN accountability mechanism.”

The Dot Registry Declaration is precisely the sort of circumstance envisioned under the Applicant Guidebook under which the ICANN Board should individually consider an application and proceed to enter into registry agreements with Dot Registry.

ICANN Must Proceed to Contracting with Dot Registry for .INC, .LLC and .LLP

Dot Registry, in cooperation with NASS and all 50 U.S. Secretaries of State, remains dedicated and enthusiastic about operating the registries for .INC, .LLC, and .LLP in a safe, responsible, stable, and secure manner, consistent with ICANN’s own mission and core values as well as Government Advisory Committee (“GAC”) advice on Category 1 Highly Regulated Sectors. ICANN should have no questions or concerns about our ability or integrity to operate these extensions or the oversight role the 50 U.S. State regulators will play in operating these extensions. We are always open to address any concerns or questions ICANN might have about our custody of these TLDs.

Nonetheless, ICANN’s refusal to do anything meaningful to provide an acceptable remedy, or communicate with Dot Registry demonstrates its bad faith response to the Dot Registry Panel Declaration. Nothing that ICANN’s Board has done following the Declaration has given Dot Registry any confidence that Board intends to act in a transparent and accountable manner.

Unless ICANN immediately addresses the harm and injury inflicted on Dot Registry, Dot

¹⁵ Applicant Guidebook <https://newgtlds.icann.org/en/applicants/agb>

Registry intends to pursue any and all legal rights and remedies available to them in any court or competent jurisdiction, which will include substantial damages and specific performance.

Dot Registry requests a response from ICANN no later than Wednesday, October 26, 2016 on how they intend to resolve this matter and the timeframe for doing so. Please feel free to contact me directly at [REDACTED] should you have any further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arif Hyder Ali', with a long horizontal stroke extending to the right.

Arif Hyder Ali

Appendix A
Dot Registry Communications with ICANN

Date	Type	Subject	Sent From	Sent To	Published?	Response by ICANN?
8/6/16	Letter	9 August 2016 Special Meeting of the ICANN Board of Directors regarding agenda item Dot Registry LLC v. ICANN (01-14-0001-5004) Independent Review Process (“IRP”) Declaration of 29 July 2016	Shaul Jolles	ICANN Board	https://www.icann.org/en/system/files/correspondence/jolles-to-icann-board-06aug16-en.pdf	No
8/8/16	Letter	IRP Declaration in <i>Dot Registry LLC. V. ICANN</i> (ICDR CASE NO. 011400015004)	Jeffrey Bullock, Delaware Secretary of State	ICANN Board	https://www.icann.org/en/system/files/correspondence/bullock-to-icann-board-08aug16-en.pdf	No
8/23/16	Letter	<i>Board Resolutions 2016.08.09.11, 2016.08.09.12, and 2016.08.09.13 during the 9 August 2016 Special Meeting of the ICANN Board of Directors regarding Dot Registry LLC v. ICANN (01-14-0001-5004) Independent Review Process (“IRP”) Declaration of 29 July 2016</i>	Shaul Jolles	ICANN Board	Not published. See attached. (Included email confirmation from Wendy Profit at ICANN stating she will publish it)	No
8/31/16	Letter	<i>Correction of Factual Inaccuracies in Reconsideration Request 16-11 (.hotel) in relation to the 9 August 2016 Board Resolutions 2016.08.09.11, 2016.08.09.12, and 2016.08.09.13 in the Dot Registry, LLC v. ICANN (01-14-0001-5004) Independent Review Process (“IRP”) Declaration of 29 July 2016</i>	Shaul Jolles	ICANN Board and BGC	https://www.icann.org/en/system/files/correspondence/dot-registry-llc-to-board-bgc-31aug16-en.pdf	No
9/20/16	DIDP Request	<i>Document Information Disclosure Policy Request (“DIDP”) relating to ICANN Board Meetings on August 9, 2016 and on September 15-17, 2016</i>	Shaul Jolles	ICANN	Not posted. (See attached) Should be posted here: https://www.icann.org/resources/pages/governance/transparency-en	No
10/17/16	DIDP Request	<i>Document Information Disclosure Policy Request (“DIDP”) relating to November 4, 2016 meeting from 12:30 – 13:15 currently scheduled in room MR 1.04 at ICANN 57 in Hyderabad, India concerning .inc (as well as .llc and llp if</i>	Shaul Jolles	ICANN	Not posted. (See attached) Should be posted here: https://www.icann.org/resources/pages/governance/transparency-en	No

		<i>those applications will also be discussed)</i>				
10/19/16	Email	Acknowledgment of receipt of 23 Aug 2016 letter from Shaul Jolles and will publish on ICANN's correspondence page.	Wendy Profit (ICANN)	Shaul Jolles	(screen shot of ICANN 57 meeting which has since been removed from the schedule. See: https://icann572016.sched.org/) Not published. (See attached)	No
					Should be published here: https://www.icann.org/resources/pages/correspondence	



Sent via email

August 23, 2016

Internet Corporation for Assigned Names and Numbers (ICANN)

Attn: Board of Directors

12025 Waterfront Drive, Suite 300

Los Angeles, CA 90094-2536 USA

Phone: +1.310.301.5800

Fax: +1.310.823.8649

Re: *Board Resolutions 2016.08.09.11, 2016.08.09.12, and 2016.08.09.13 during the 9 August 2016 Special Meeting of the ICANN Board of Directors regarding Dot Registry LLC v. ICANN (01-14-0001-5004) Independent Review Process ("IRP") Declaration of 29 July 2016*

Dear ICANN Board of Directors,

On August 9, 2016, the ICANN Board held a Special Meeting to consider next steps in the *Dot Registry LLC v. ICANN* Independent Review Panel ("IRP") Declaration, among other things. The ICANN Board passed the following resolutions:

Resolved (2016.08.09.11), the Board accepts the findings of the Final Declaration that:

- (i) Dot Registry is the prevailing party in the *Dot Registry, LLC v. ICANN* IRP; and
- (ii) ICANN shall pay to Dot Registry US\$235,294.37 upon demonstration that these incurred costs have been paid in full.

Resolved (2016.08.09.12), the Board has noted the other findings in the Declaration and the findings regarding the Panel majority's statements with respect to the standard of review for Reconsideration Requests referenced above, and will consider next steps in relation to Dot Registry's Reconsideration Requests or the relevant new gTLDs before the Board takes any further action.

Resolved (2016.08.09.13), in light of the recent letter received from Dot Registry and the factual inaccuracies that have been reported in online blogged reports, the Board directs the Secretary, or his designee(s), to post the Board briefing materials on this matter simultaneously with the resolutions.

As required, the Board has considered the Final Declaration. As this Board has previously indicated, the Board takes very seriously the results of one of ICANN's long-standing accountability mechanisms.

Accordingly, and for the reasons set forth in this Resolution and Rationale, the Board has accepted the Panel's Final Declaration as indicated above.

As ICANN notes in its Rationale for the Board Resolutions, "*[t]he Panel majority decline[d] to substitute its judgment for the judgment of the CPE as to whether Dot Registry is entitled to Community priority.*" Therefore, that burden now shifts to the ICANN Board to make such determination.

The IRP Panel determined that Dot Registry suffered harm and injury, directly and indirectly, as a result of the Board's actions and inactions, as well as ICANN staff and EIU actions and inactions, and that harm and injury must be redressed in good faith. Dot Registry's community priority application status must be resolved before any consideration can be given to a standard applicant, as the Applicant Guidebook states that community applications receive priority.

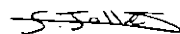
On the precipice of the U.S. relinquishing its oversight role over ICANN, it is absolutely critical that ICANN demonstrate that it is capable of self-governing and that aggrieved stakeholders can find acceptable redress through accountability mechanisms set forth in ICANN's Bylaws.

Dot Registry is certainly interested in understanding what options the Board is considering to give effect to the IRP Declaration and we would appreciate the opportunity to meet with and provide the Board with any additional information they may need to consider in the context of their deliberations. Dot Registry is willing and open to discuss the matter directly with the ICANN Board in order to reach a mutually acceptable resolution.

Please feel free to reach me directly at +1.816.200.7080 Central Time.

DOT REGISTRY LLC

Sincerely,



Shaul Jolles
Chief Executive Officer

cc: Arif H. Ali, Dechert LLP



SENT VIA EMAIL

September 20, 2016

Internet Corporation for Assigned Names and Numbers ("ICANN")
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
Email: didp@icann.org

Re: Document Information Disclosure Policy Request ("DIDP") relating to ICANN Board Meetings on August 9, 2016 and on September 15-17, 2016

Dear ICANN:

As the CEO of Dot Registry, LLC ("Dot Registry"), I request the documents and information described below, pursuant to ICANN's Documentary Information Disclosure Policy ("DIDP").

Background

Dot Registry is the sole community applicant for .corp, .inc, .llc, and .llp new generic Top-Level Domains ("gTLDs"). Accordingly, ICANN invited Dot Registry to apply for, and Dot Registry requested and paid a total of \$66,000 for, Community Priority Evaluations ("CPEs") for the .inc, .llc, and .llp gTLD applications. The Economist Intelligence Unit ("EIU") performed the CPEs and ultimately awarded each of Dot Registry's applications the same non-passing score. After reviewing the CPE Reports issued by the EIU for .inc, .llc, and .llp, Dot Registry filed three Reconsideration Requests¹ with the ICANN Board Governance Committee ("BGC"). The BGC subsequently denied all of these Reconsideration Requests. As specified in Article IV, Section 3 of the ICANN Bylaws, prior to initiating an Independent Review Process ("IRP"), Dot Registry attempted to engage with ICANN to enter into a period of Cooperative Engagement ("CEP")² for the purpose of resolving or narrowing the issues that were being contemplated to be file for Independent Review Process ("IRP"). ICANN failed to respond to Dot Registry's CEP requests despite ICANN Staff opening Dot Registry's CPE request email dozens of times. Dot Registry was forced into filing an IRP to timely preserve its procedural rights. After Dot Registry filed for IRP, but before the full IRP Panel was convened, ICANN proceeded to schedule an auction to resolve string contentions for .inc, .llc, and .llp. Dot Registry was forced to request an International Centre for Dispute Resolution ("ICDR") Emergency Panelist to preserve the *status quo* during the pendency of the IRP. The ICDR Emergency Panelist granted Dot Registry's request for emergency relief and ordered ICANN to immediately stop the process of auctioning off .inc, .llc, and .llp to the highest bidder. The full IRP Panel was then convened and the parties

presented their merits of the case. On March 29, 2016, the IRP Panel held a final hearing, via live videoconference in Washington, D.C. and Los Angeles, CA. The IRP Panel requested both parties to submit supplemental briefs, post IRP hearing, no later than April 8, 2016. On July 29, 2016, pursuant to ICANN Bylaws, Article IV, Section 3.18, the IRP Panel declared Dot Registry as the prevailing party and required ICANN to pay Dot Registry's ICDR fees totaling \$235,294.37³. On August 9, 2016, the ICANN Board accepted the IRP Panel's Declaration by passing three resolutions⁴. On September 15, 2016, the ICANN Board held a regular meeting in Brussels, Belgium to provide further consideration of the *Dot Registry, LLC, v. ICANN* matter. The ICANN Board adopted resolution 2016.09.15.15⁵ directing the ICANN Board Governance Committee ("BGC") to re-evaluate Dot Registry's Reconsideration Requests 14-30, 14-32, and 14-33 in light of the IRP Panel Majority's Final Declaration in the Dot Registry IRP and the issues it identified with respect to the BGC's actions in evaluating these Reconsideration Requests. On September 17, 2016, the ICANN Board held another separate regular meeting in Brussels, Belgium to discuss a President and CEO Review of New gTLD Community Priority Evaluation Report Procedures⁶. The ICANN Board passed resolution 2016-09-17-01⁷ calling for the ICANN CEO or his designee(s) to undertake an independent review of the process by which ICANN staff interacted with the CPE provider, both generally and specifically with respect to the CPE reports issued by the CPE Provider.

Requested Documents

Dot Registry respectfully requests that ICANN produce:

- 1) a list of all people present and in attendance at the August 9, 2016, September 15, 2016, and September 17, 2016 ICANN Board meetings;
- 2) a list of all Board members who voted on resolutions 2016.08.09.11, 2016.80.09.12, 2016.08.09.13 at the August 9, 2016 meeting, resolution 2016.09.15.15 at the September 15, 2016 meeting, and resolution 2016.09.17.01 at the September 17, 2016 Board meeting;
- 3) any and all ICANN Board Briefing materials related to the Board's deliberations on the *Dot Registry, LLC v. ICANN* IRP determination;
- 4) any and all communications between the ICANN Board, ICANN staff, and the ICANN CEO related to the September 17, 2016 ICANN Board meeting agenda item "*President and CEO Review of New gTLD Community Priority Evaluation Report Procedures*";
- 5) Any and all documents or communications about ICANN's scope, purpose, timing, methodology, and/or intentions about or related to the ICANN "*President and CEO Review of New gTLD Community Priority Evaluation Report Procedures*;" and
- 6) Any and all documents or communications regarding how the ICANN President and CEO, or his designee(s), intends to perform an independent evaluation of the CPE Provider's CEP reports when they are employees of ICANN and not independent.

This DIDP Request is in the public interest as this impacts applicants beyond Dot Registry. The

³ July 29, 2016 Final Declaration, *Dot Registry, LLC v. ICANN IRP*, <https://www.icann.org/resources/pages/dot-registry-v-icann-2014-09-25-en>

⁴ See August 9, 2016 Special Meeting of the ICANN Board, Section 2.g, Resolutions 2016.08.09.11, 2016.08.09.12, and 2016.08.09.13 at <https://www.icann.org/resources/board-material/resolutions-2016-08-09-en#2.g>

⁵ See September 15, 2016 Regular Meeting of the ICANN Board, Section 2.e, <https://www.icann.org/resources/board-material/resolutions-2016->

above requested information is currently not publicly available as of the date of this letter, does not meet any defined conditions for non-disclosure, and is a proper subject for a DIDP Request.

Rationale

To the extent that ICANN deems that any of the information falls into one of the defined conditions for non-disclosure, ICANN should nonetheless disclose the information, as the public interest in disclosing the information outweighs any harm that might be caused by disclosure. As a harmed party to the *Dot Registry, LLC v. ICANN* IRP, we are entitled to understand the Board's considerations in this matter as a matter of accountability and transparency.

The need for this disclosure is especially pressing in light of the Board's recent re-appointment of the BGC to re-evaluate Dot Registry's three Reconsideration Requests. As stated by ICANN's Counsel, Jeffrey LeVee, on Pages 166 – 167 of the *Dot Registry, LLC v. ICANN* IRP Hearing Transcript:

“The BGC has made it clear that it is not conducting a substantive review on the merits... It's not the Board Governance Committee's mandate. They don't have the expertise to do that, and a substantive review of any of these things, including CPE reviews, would require the Board Governance Committee to have the sort of expertise that it expressly decided to outsource. That's the purpose of having a different company, an outside vendor do the CPE reviews.”

Unless ICANN provides the requested documents, the Internet community will have no way to evaluate whether the ICANN is held to the policies established in the gTLD Applicant Guidebook and to the general mandated principles enumerated in ICANN's Articles of Incorporation and Bylaws, including transparency, accountability, good faith and fair dealing. Because ICANN is tasked through its Bylaws and Articles of Incorporation with operating in a transparent and accountable manner, and with ensuring that its policies and practices are followed in a similar manner by its affiliated bodies, Dot Registry urges ICANN to provide the material requested, as outlined in this DIDP request.

Dot Registry reserves all of its rights at law and in equity, including, but not limited to, its right to obtain this or other information from ICANN.

DOT REGISTRY, LLC
Sincerely,

Shaul Jolles,
Chief Executive Officer



SENT VIA EMAIL

October 17, 2016

Internet Corporation for Assigned Names and Numbers ("ICANN")
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
Email: didp@icann.org

Re: Document Information Disclosure Policy Request ("DIDP") relating to November 4, 2016 meeting from 12:30 – 13:15 currently scheduled in room MR 1.04 at ICANN 57 in Hyderabad, India concerning .inc (as well as .llc and .llp if those applications will also be discussed)

Dear ICANN:

As the CEO of Dot Registry, LLC ("Dot Registry"), I request the documents and information described below, pursuant to ICANN's Documentary Information Disclosure Policy ("DIDP").

Background

Dot Registry is the sole community applicant for .corp, .inc, .llc, and .llp new generic Top-Level Domains ("gTLDs"). Dot Registry is currently awaiting the ICANN Board's next steps related to Dot Registry's IRP Declaration, in which we prevailed. Dot Registry should be included in any meeting or discussion related to .inc, .llc, .llp applications. Dot Registry was not invited to attend this closed working group meeting at ICANN 57 in Hyderabad, India.

Requested Documents

Dot Registry respectfully requests that ICANN produce:

- 1) The identity of the working group which is scheduled to meet on November 4, 2016 from 12:30 – 13:15 in room MR 1.04 about .inc, as well as .llc and .llp if those applications will also be discussed in the meeting;
- 2) Provide a list of all working group members and their current affiliation;
- 3) Provide an agenda for the topic(s) of discussion around .inc, as well as .llc and .llp if those applications will also be discussed in the meeting; and
- 4) Provide rationale around why this meeting was called and why Dot Registry was not invited to participate.

Rationale

To the extent that ICANN deems that any of the information falls into one of the defined conditions for non-disclosure, ICANN should nonetheless disclose the information, as the public interest in disclosing the information outweighs any harm that might be caused by disclosure. As a harmed party to the *Dot Registry, LLC v. ICANN* IRP, we are entitled to understand any discussions around .inc, .llc, or .llp.

The need for this disclosure is especially pressing in light of the Board's recent re-appointment of the BGC to re-evaluate Dot Registry's three Reconsideration Requests. As stated by ICANN's Counsel, Jeffrey LeVee, on Pages 166 – 167 of the *Dot Registry, LLC v. ICANN* IRP Hearing Transcript:

“The BGC has made it clear that it is not conducting a substantive review on the merits... It's not the Board Governance Committee's mandate. They don't have the expertise to do that, and a substantive review of any of these things, including CPE reviews, would require the Board Governance Committee to have the sort of expertise that it expressly decided to outsource. That's the purpose of having a different company, an outside vendor do the CPE reviews.”

Unless ICANN provides the requested documents, the Internet community will have no way to evaluate whether the ICANN is held to the policies established in the gTLD Applicant Guidebook and to the general mandated principles enumerated in ICANN's Articles of Incorporation and Bylaws, including transparency, accountability, good faith and fair dealing. Because ICANN is tasked through its Bylaws and Articles of Incorporation with operating in a transparent and accountable manner, and with ensuring that its policies and practices are followed in a similar manner by its affiliated bodies, Dot Registry urges ICANN to provide the material requested, as outlined in this DIDP request.

Dot Registry reserves all of its rights at law and in equity, including, but not limited to, its right to obtain this or other information from ICANN.

DOT REGISTRY, LLC
Sincerely,

Shaul Jolles,
Chief Executive Officer

Wednesday, October 19, 2016 at 1:46:02 PM Central Daylight Time

Subject: Fwd: Board Resolutions during the 9 August 2016 Board meeting regarding Dot Registry LLC v. ICANN
Date: Wednesday, October 19, 2016 at 1:42:36 PM Central Daylight Time
From: Shaul Jolles
To: Desiree

From: Shaul Jolles <sjolles@dotregistry.org>
Date: Tuesday, August 23, 2016 at 6:45 PM
To: Wendy Profit <wendy.profit@icann.org>, Melissa King <melissa.king@icann.org>, Icann-board ICANN <icann-board@icann.org>, "Board-Ops-Team@icann.org" <BOARD-OPS-TEAM@icann.org>, Secretary <secretary@icann.org>
Cc: "Ali, Arif" <Arif.Ali@dechert.com>
Subject: Board Resolu/ ons during the 9 August 2016 Board mee/ ng regarding Dot Registry LLC v. ICANN

Dear Board Members,

Please see a\ ached correspondence regarding the above subject.

Sincerely, .

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Shaul Jolles, CEO

Dot Registry, LLC

[816.200.7080](tel:816.200.7080)

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Shaul Jolles, CEO
Dot Registry, LLC
816.200.7080
Skype shaul.jolles

