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8 INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

14 DOTCONNECTAFRICA TRUST

15 Plaintiff,

16 v.

17 INTERNET CORPORATION FOR
ASSIGNED NAMES AND
18 NUMBERS,

19 Defendant.

Case No. CV 16-00862-RGK

Assigned for all purposes to the
Honorable R. Gary Klausner

**DECLARATION OF CHRISTINE
WILLET IN SUPPORT OF
DEFENDANT ICANN'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

[Opposition to Motion and
Declarations of Akram Atallah,
Kevin Espinola, Jeffrey A. LeVee,
and Moctar Yedaly Filed
Concurrently]

Hearing Date: April 4, 2016
Hearing Time: 9:00 a.m.
Hearing Location: Courtroom 850

1 I, Christine Willett, declare the following:

2 1. I am the Vice President for Operations of the Global Domains Division
3 of Internet Corporation for Assigned Names and Numbers (“ICANN”), a defendant
4 in this action. I have personal knowledge of the matters set forth herein and am
5 competent to testify as to those matters. I make this declaration in support of
6 ICANN’s Opposition to DotConnectAfrica Trust’s (“DCA’s” or “Plaintiff’s”)
7 Motion for Preliminary Injunction

8 2. In my role as Vice President for Operations, I have been responsible
9 for overseeing the evaluation of the 1,930 gTLD applications ICANN received in
10 2012 as part of ICANN’s New gTLD Program. Those applications are evaluated in
11 accordance with the procedures set forth in the New gTLD Applicant Guidebook
12 (“Guidebook”). A copy of the Guidebook is attached as Exhibit 3 to the declaration
13 of Sophia Bekele Eshete (“Eshete Declaration”).

14 3. In the spring of 2012, Plaintiff and ZA Central Registry (“ZACR”)
15 each submitted applications to operate the .AFRICA gTLD. In doing so, they, like
16 all new gTLD applicants, expressly accepted and acknowledged the Guidebook,
17 including the release and covenant not to sue found in paragraph 6 of Module 6.

18 4. In order to ensure the safety and stability of the domain name system,
19 new gTLD operators are required to demonstrate that they are stable business
20 entities that have the significant technical and financial wherewithal required to
21 operate a gTLD registry. Applicants in the New gTLD Program included some of
22 the world’s largest companies, such as Google, WalMart, J.P. Morgan Chase, and
23 Amazon.com.

24 5. The new gTLD application was complex and required considerable
25 detail. A list of the information new gTLD applicants were required to submit with
26 their applications can be found in the Guidebook. (Guidebook at 201-42 (A-1 –
27 A46).) Among other things, each applicant was required to submit an extensive,
28

1 technical explanation of its plans for operating a gTLD registry. Attached hereto as
2 Exhibit A is a true and correct copy is a partial excerpt of the technical explanation
3 Plaintiff submitted as part of its New gTLD Application. As required, Plaintiff also
4 submitted evidence of substantial financial support for its Application.

5 6. In addition, because Plaintiff and ZACR had each applied for a gTLD
6 that represents the name of a geographic region, in this instance, a continent, the
7 Guidebook requires that Plaintiff and ZACR each provide documentation of
8 support or non-objection from at least 60% of the governments in the region.
9 (Eshete Decl. Ex. 3 (“Guidebook”) at 170-72 (§ 2.2.1.4.2).) The Guidebook also
10 provides that a Geographic Names Panel operated by a third-party vendor retained
11 by ICANN must verify the relevance and authenticity of an applicant’s
12 documentation of support. (*Id.* at 173-75 (§ 2.2.1.4.4).) The Guidebook
13 contemplated the possibility that more than one application for a geographic gTLD
14 would be determined to have the requisite support and would also pass all of the
15 other evaluations (technical, financial and so forth). In the event that both are
16 supported by the same government or public authority, and that government or
17 public authority so requests, the applications are placed in a “contention set” that
18 could be resolved via an auction or other processes since only one registry operator
19 can operate a Top Level Domain consisting of the exact same letters. (*Id.*)
20 Otherwise, assuming that the applicants do not reach a resolution amongst
21 themselves, their applications will be rejected. (*Id.*)

22 7. Plaintiff submitted with its Application what it called a letter of
23 support dated in 2009 (three years earlier) from the African Union Commission
24 (“AUC”). A copy of that letter is attached as Exhibit 6 to the Eshete Declaration. I
25 have been informed that in 2010, Plaintiff had received a letter from the AUC (and
26 all of the African governments that were its members) that formally withdrew the
27 AUC’s support for Plaintiff. A copy of that letter is attached as Exhibit 7 to the
28

1 Eshete Declaration. Plaintiff did not submit with its Application to ICANN the
2 2010 letter from the AUC to Plaintiff withdrawing its support for Plaintiff.

3 8. Plaintiff also submitted with its Application an August 2008 letter
4 from the United Nations Economic Commission for Africa (“UNECA”). In
5 September 2015, UNECA stated that it was a “United Nations entity [that] is
6 neither a government nor public authority and therefore is not qualified to issue a
7 letter of support for a prospective applicant,” and that its August 2008 letter was
8 “merely an expression of a view in relation to [Plaintiff’s] initiatives and efforts
9 regarding internet governance [and] cannot be properly considered as a ‘letter
10 of support’ within the context of ICANN’s requirements and cannot be used as
11 such.” A true and correct copy of UNECA’s September 2015 letter is attached as
12 Exhibit B to my declaration.

13 9. On June 5, 2013, at the time when ICANN’s Board accepted the
14 Governmental Advisory Committee’s (“GAC’s”) advice objecting to Plaintiff’s
15 Application, Plaintiff had already passed all of the Initial Evaluation reviews except
16 for the Geographic Names Panel review. At that time, the Geographic Names Panel
17 was in the midst of its review of Plaintiff’s Application; it had determined that the
18 documented support submitted by Plaintiff, including the letters from the AUC and
19 UNECA, did not meet the criteria set forth in the Guidebook, and was therefore
20 planning to send “clarifying questions” to Plaintiff. Clarifying questions are sent
21 where documented support does not meet the criteria set forth in the Guidebook and
22 are an accommodation to provide applicants an opportunity to explain/supplement
23 their documentation. However, as a result of the ICANN Board’s acceptance of the
24 GAC’s advice, Plaintiff’s Application was removed from further processing, and
25 the clarifying questions were not sent at that time.

26 10. By July 31, 2015 following ICANN’s Board’s adoption of the
27 recommendations of the independent review panel in *DCA v. ICANN* (“IRP Panel”),
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1 Plaintiff's Application was returned to processing as the Board directed. Contrary
2 to what Plaintiff argues on page 1 of its motion for preliminary injunction,
3 Plaintiff's Application was not returned to the "beginning of the process." Instead,
4 it was returned to precisely the portion of the review that was pending on the date
5 the Application was removed from processing—the Geographic Names Panel
6 review. As the Geographic Names Panel had been preparing to do when Plaintiff's
7 Application was removed from processing, the Geographic Names Panel sent
8 Plaintiff clarifying questions regarding the documentation Plaintiff had submitted
9 with its Application. Those clarifying questions are attached as Exhibit 15 to the
10 Eshete Declaration. Plaintiff was given an opportunity to respond to those
11 questions. Instead of supplementing its documentation, Plaintiff took the position
12 that the documentation that it had submitted with its Application in 2012 was
13 sufficient.

14 11. On October 13, 2015, ICANN issued the Initial Evaluation Report ("IE
15 Report") regarding Plaintiff's Application. The IE Report noted that the
16 Application had passed all reviews except for the Geographic Names Panel review.
17 As provided by the Guidebook, the report stated that Plaintiff would have the
18 opportunity to participate in "Extended Evaluation," which offered Plaintiff
19 additional time to provide the requisite documentation of support or non-objection
20 from African governments. A copy of that IE Report is attached as Exhibit 16 to
21 the Eshete Declaration.

22 12. As part of Extended Evaluation, the Geographic Names Panel again
23 sent Plaintiff clarifying questions, identifying the issues with the documented
24 support submitted by Plaintiff. Those questions are attached as Exhibit 17 to the
25 Eshete Declaration. Plaintiff was given until January 28, 2016, to supplement its
26 documentation. However, on that date, rather than supplementing its
27 documentation, Plaintiff submitted a letter from its counsel and again took the
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1 position that the documentation that it had submitted with its Application in 2012
2 was sufficient.

3 13. On February 17, 2016, ICANN issued an Extended Evaluation Report
4 (“EE Report”) stating that the Geographic Names Panel had determined that
5 Plaintiff had failed to provide the requisite documentation of support or non-
6 objection from relevant governments, despite the extended opportunity to do so. A
7 copy of that EE Report is attached as Exhibit 18 to the Eshete Declaration. As a
8 result, and as provided by the Guidebook, ICANN stopped processing Plaintiff’s
9 Application. (Guidebook at 174 (§ 2.2.1.4.4).)

10 14. Accordingly, on March 3, 2016, ICANN’s Board adopted a resolution
11 lifting the stay on the delegation of .AFRICA, a stay that had been in place since
12 2014 and continued pending ICANN’s full compliance with the IRP Panel’s
13 recommendation that ICANN resume its evaluation of Plaintiff’s Application
14 for .AFRICA. A true and correct copy of the Board’s March 3, 2016 resolution is
15 attached to this declaration as Exhibit C.

16 15. ICANN is now prepared to delegate the .AFRICA gTLD for operation
17 by ZACR. However, in accordance with this Court’s March 4, 2016 temporary
18 restraining order, ICANN has stayed the delegation pending the Court’s ruling on
19 Plaintiff’s motion for preliminary injunction.

20 Executed on March 14, 2016, in Los Angeles, California.

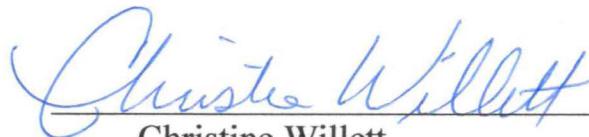
21 
22 _____
23 Christine Willett

EXHIBIT A

registry will be operated identically to CentralNic's existing registry by the same team, and will benefit from an economy of scale with regards to access to CentralNic's resources. CentralNic's resourcing model assumes that after launch, the "dedicated" resourcing required for .africa (ie, that required to deal with issues related specifically to .africa and not to general issues) will be equal to the proportion of the overall registry system that .africa will use. After three years of operation, the optimistic projection for .africa states that there will be 600,000 domains in the zone. CentralNic has calculated that, if all its TLD clients are successful in their applications, and all meet their optimistic projections after three years, its registry system will be required to support up to 4.5 million domain names. Therefore .africa will require 13% of the total resources available for this area of the registry system.

In the event that registration volumes exceed this figure, CentralNic will proactively increase the size of the Technical Operations, Technical Development and support teams to ensure that the needs of .africa are fully met. Revenues from the additional registration volumes will fund the salaries of these new hires. Nevertheless, CentralNic is confident that the staffing outlined above is sufficient to meet the needs of .africa for at least the first 18 months of operation.

Demonstration of Technical & Operational Capability

24. Shared Registration System (SRS) Performance

24.1. Registry Type

The DCA DotAfrica Registry will operate a "thick" registry based on that of CentralNic's infrastructure, in which the registry maintains copies of all information associated with registered domains. Registrars maintain their own copies of registration information, thus registry-registrar synchronization is required to ensure that both registry and registrar have consistent views of the technical and contact information associated with registered domains. The Extensible Provisioning Protocol (EPP) adopted supports the thick registry model. See §25 for further details.

24.2. Architecture

Figure 24.1 provides a diagram of the overall configuration of the SRS. This diagram should be viewed in the context of the overall architecture of the registry system described in §32.

The SRS is hosted DCA DotAfrica Registry's primary operations centre in Nairobi, Kenya. It will be connected to the public Internet via two upstream connections, one of which is provided by Safaricom. Figure 32.1 provides a diagram of the outbound network connectivity. Interconnection with upstream transit providers is via two BGP routers that connect to the firewalls which implement access controls over registry services.

Within the firewall boundary, connectivity is provided to servers by means of resilient gigabit ethernet switches implementing Spanning Tree Protocol.

The registry system will implement two interfaces to the SRS: the standard EPP system (described in §25) and the Registrar Console (described in §31). These systems will interact with the primary registry database (described in §33). The database is the central repository of all registry data. Other registry services also interact with this database.

An internal "Staff Console" will be used by DCA DotAfrica Registry personnel to perform management of the registry system.

24.3. EPP System Architecture

A description of the characteristics of the EPP system is provided in §25. This response describes the infrastructure which supports the EPP system.

A network diagram for the EPP system is provided in Figure 24.2. The EPP system is hosted at the primary operations centre in Nairobi. During failover conditions, the EPP system operates from the Isle of Man Disaster Recovery site (see §34).

DCA DotAfrica Registry's EPP system will have a three-layer logical and physical architecture, consisting of load balancers, a cluster of front-end protocol servers, and a pool of application servers. Each layer can be scaled horizontally in order to meet demand.

Registrars establish TLS-secured TCP connections to the load balancers on TCP port 700. Load is balanced using DNS round-robin load balancing.

The load balancers pass sessions to the EPP protocol servers. Load is distributed using a weighted-least-connections algorithm. The protocol servers run the Apache web server with the mod_epp and mod_proxy_balancer modules. These servers process session commands ("hello", "login" and "logout") and function as reverse proxies for query and transform commands, converting them into plain HTTP requests which are then distributed to the application servers. EPP commands are distributed using a weighted-least-connections algorithm. Application servers receives EPP commands as plain HTTP requests, which are handled using application business logic. Application servers process commands and prepare responses which are sent back to the protocol servers, which return responses to clients over EPP sessions.

Each component of the system is resilient: multiple inbound connections, redundant power, high availability firewalls, load balancers and application server clusters enable seamless operation in the event of component failure. This architecture also allows for arbitrary horizontal scaling: commodity hardware is used throughout the system and can be rapidly added to the system, without disruption, to meet an unexpected growth in demand.

The DCA DotAfrica Registry EPP system will comprise of the following systems:

- ☐ 4x load balancers (1U rack mount servers with quad-core Intel processors, 16GB RAM, 40GB solid-state disk drives, running the CentOS operating system using the Linux Virtual Server [see<http://www.linuxvirtualserver.org/>])
- ☐ 8x EPP protocol servers (1U rack mount servers with dual-core Intel processors, 16GB RAM, running the CentOS operating system using Apache and mod_epp)
- ☐ 20x application servers (1U rack mount servers with dual-core Intel processors, 4GB of RAM, running the CentOS operating system using Apache and PHP)

24.3.1. mod_epp

mod_epp is an Apache server module which adds support for the EPP transport protocol to Apache. This permits implementation of an EPP server using the various features of Apache, including CGI scripts and other dynamic request handlers, reverse proxies, and even static files. mod_epp was originally developed by Nic.at, the Austrian ccTLD registry. Since its release, a large number of ccTLD and other registries have deployed it and continue to support its development and maintenance. Further information can be found at <http://sourceforge.net/projects/aepps>. CentralNic uses mod_epp to manage EPP sessions with registrar clients, and to convert EPP commands into HTTP requests which can then be handled by backend application servers, which will be replicated for The DCA DotAfrica Registry.

24.3.2. mod_proxy_balancer

mod_proxy_balancer is a core Apache module. Combined with the mod_proxy module, it implements a load-balancing reverse proxy, and includes a number of load balancing algorithms and automated failover between members of a cluster. CentralNic uses mod_proxy_balancer to distribute EPP commands to backend application servers, which will be replicated for The DCA DotAfrica Registry.

24.4. Performance

The DCA DotAfrica Registry will perform continuous remote monitoring of its EPP system, and this monitoring will include measuring the performance of various parts of the system. As of writing, the average round-trip times (RTTs) for various functions of CentralNic's EPP system, which will be used as a model for The DCA DotAfrica Registry, were as follows:

- connect time: 87ms
- login time: 75ms
- hello time: 21ms
- check time: 123ms
- logout time: 20ms

These figures include an approximate latency of 2.4ms due to the distant between the monitoring site and the EPP system. They were recorded during normal weekday operations during the busiest time of the day (around 1300hrs UTC) and compare very favourably to the requirement of 4,000ms for session commands and 2,000ms for query commands defined in the new gTLD Service Level Agreement. RTTs for overseas registrars will be higher than this due to the greater distances involved, but will remain well within requirements.

24.5. Scaling

Horizontal scaling is preferred over vertical scaling. Horizontal scaling refers to the introduction of additional nodes into a cluster, while vertical scaling involves using more powerful equipment (more CPU cores, RAM etc) in a single system. Horizontal scaling also encourages effective mechanisms to ensure high-availability, and eliminate single points of failure in the system.

Vertical scaling leverages Moore's Law: when units are depreciated and replaced, the new equipment is likely to be significantly more powerful. If the average lifespan of a server in the system is three years, then its replacement is likely to be around four times as powerful as the old server.

For further information about Capacity Management and Scaling, please see §32.

24.6. Registrar Console

The Registrar Console is a web-based registrar account management tool. It provides a secure and easy-to-use graphical interface to the SRS. The DCA DotAfrica Registry Registrar Console will be hosted on a virtual platform at the primary operations centre in Nairobi. As with the rest of the registry system, during a failover condition it will be operated from the Isle of Man. The virtual platform is described in Figure 24.3.

The features of the Registrar Console are described in §31.

The virtual platform is a utility platform that supports systems and services which do not operate at significant levels of load, and which therefore do not require multiple servers or the additional performance that running on "bare metal" would provide. The platform functions as a private cloud, with redundant storage and failover between hosts.

The CentralNic Registrar Console, which will be replicated for the use of The CentraNic Africa Registry, currently sustains an average of 6 page requests per minute during normal operations, with peak volumes of around 8 requests per minute. Volumes during weekends are significantly lower (fewer than 1 requests per minute). Additional load resulting from this and other new gTLDs is expected to result in a trivial increase in Registrar Console request volumes, and CentralNic does not expect additional hardware resources to be required to support it.

24.7. Quality Assurance

The DCA DotAfrica Registry will employ the following quality assurance (QA) methods:

1. 24x7x365 monitoring provides reports of incidents to NOC
2. Quarterly review of capacity, performance and reliability
3. Monthly reviews of uptime, latency and bandwidth consumption
4. Hardware depreciation schedules
5. Unit testing framework
6. Frequent reviews by QA working group
7. Schema validation and similar technologies to monitor compliance on a real-time, ongoing basis
8. Revision control software with online annotation and change logs
9. Bug Tracking system to which all employees have access
10. Code Review Policy in place to enforce peer review of all changes to core code prior to deployment

11. Software incorporates built-in error reporting mechanisms to detect flaws and report to Operations team
12. Four stage deployment strategy: development environment, staging for internal testing, OT&E deployment for registrar testing, then finally production deployment
13. Evidence-based project scheduling
14. Specification development and revision
15. Weekly milestones for developers
16. Gantt charts and critical path analysis for project planning

Registry system updates will be performed on an ongoing basis, with any user-facing updates (ie changes to the behaviour of the EPP interface) being scheduled at specific times. Disruptive maintenance is scheduled for periods during which activity is lowest. These quality assurance measures will be based on the existing methods CentralNic's infrastructure.

24.8. Billing

The DCA DotAfrica Registry will operate a complex billing system for domain name registry services to ensure registry billing and collection services are feature rich, accurate, secure, and accessible to all registrars. The goal of the system is to maintain the integrity of data and create reports which are accurate, accessible, secured, and scalable. The foundation of the process is debit accounts established for each registrar. The DCA DotAfrica Registry will withdraw all domain fees from the registrar's account on a per-transaction basis and will provide fee-incurring services (e.g., domain registrations, registrar transfers, domain renewals) to a registrar for as long as that registrar's account shows a positive balance.

Once ICANN notifies DCA that a registrar has been issued accreditation, The DCA DotAfrica Registry will begin the registrar on-boarding process, including setting up the registrar's financial account within the SRS.

24.9. Registrar Support

The DCA DotAfrica Registry will provide a multi-tier support system on a 24x7 basis with the following support levels, replicating that of CentralNic's infrastructure:

- ☐ 1st Level: initial support level responsible for basic customer issues. The first job of 1st Level personnel is to gather the customer's information and to determine the customer's issue by analyzing the symptoms and figuring out the underlying problem.
- ☐ 2nd Level: more in-depth technical support level than 1st Level support containing experienced and more knowledgeable personnel on a particular product or service. Technicians at this level are responsible for assisting 1st Level personnel solve basic technical problems and for investigating elevated issues by confirming the validity of the problem and seeking for known solutions related to these more complex issues.
- ☐ 3rd Level: the highest level of support in a three-tiered technical support model responsible for handling the most difficult or advanced problems. Level 3 personnel are experts in their fields and are responsible for not only assisting both 1st and 2nd level personnel, but with the research and development of solutions to new or unknown issues.

The DCA DotAfrica Registry will provide a support ticketing system for tracking routine support issues. This is a web-based system (available via the Registrar Console) allowing registrars to report new issues, follow up on previously raised tickets, and read responses from DCA DotAfrica Registry's support personnel.

When a new trouble ticket is submitted, it is assigned a unique ID and priority. The following priority levels are used:

1. Normal: general enquiry, usage question, or feature enhancement request. Handled by 1st level support.
2. Elevated: issue with a non-critical feature for which a work-around may or may not exist. Handled by 1st level support.
3. Severe: serious issue with a primary feature necessary for daily operations for which no work-around has been discovered and which completely prevents the feature from being used. Handled by 2nd level support.
4. Critical: A major production system is down or severely impacted. These issues are

catastrophic outages that affect the overall

Registry System operations. Handled by 3rd level support.

Depending on priority, different personnel will be alerted to the existence of the ticket. For example, a Priority 1 ticket will cause a notification to be emailed to the registrar customer support team, but a Priority 4 ticket will result in a broadcast message sent to the pagers of senior operations staff including the CTO. The system permits escalation of issues that are not resolved within target resolution times.

24.10. Enforcement of Eligibility Requirements

The SRS supports enforcement of eligibility requirements, as required by specific TLD policies. However, these will not be used for .africa.

24.11. Interconnectivity With Other Registry Systems

The registry system is based on multiple resilient stateless modules. The SRS, Whois, DNS and other systems do not directly interact with each other. Interactions are mediated by the database which is the single authoritative source of data for the registry as a whole. Individuals modules perform "CRUD" (create, read, update, delete) actions upon the database. These actions then affect the behaviour of other registry systems: for example, when a registrar adds the "clientHold" status to a domain object, this is recorded in the database. When a query is received for this domain via the Whois service, the presence of this status code in the database results in the "Status: CLIENT HOLD" appearing in the whois record. It will also be noted by the zone generation system, resulting in the temporary removal of the delegation of the domain name from the DNS.

24.12. Resilience

The SRS has a stateless architecture designed to be fully resilient in order to provide an uninterrupted service in the face of failure or one or more parts of the system. This is achieved by use of redundant hardware and network connections, and by use of continuous "heartbeat" monitoring allowing dynamic and high-speed failover from active to standby components, or between nodes in an active-active cluster. These technologies also permit rapid scaling of the system to meet short-term increases in demand during "surge" periods, such as during the initial launch of a new TLD.

24.12.1. Synchronisation Between Servers and Sites

DCA DotAfrica Registry's system will be implemented as multiple stateless systems which interact via a central registry database. As a result, there will only be few situations where synchronisation of data between servers is necessary:

1. replication of data between active and standby servers (see §33). CentralNic implements redundancy in its database system by means of an active/standby database cluster. The database system used by CentralNic supports native real-time replication of data allowing operation of a reliable hot standby server. Automated heartbeat monitoring and failover is implemented to ensure continued access to the database following a failure of the primary database system.
2. replication is used to synchronise the primary operations centre with the Disaster Recovery site hosted in the Isle of Man (see §34). Database updates are replicated to the DR site in real-time via a secured VPN, providing a "hot" backup site which can be used to provide registry services in the event of a failure at the primary site.

24.13. Operational Testing and Evaluation (OT&E)

An Operational Testing and Evaluation (OT&E) environment is provided for registrars to develop and test their systems. The OT&E system replicates the SRS in a clean-room environment. Access to the OT&E system is unrestricted and unlimited: registrars can freely create multiple OT&E accounts via the Registrar Console.

24.14. Resourcing

As can be seen in the Resourcing Matrix found in Appendix 23.2, DCA DotAfrica Registry will maintain a team of full-time developers and engineers who will contribute to the development and maintenance of this aspect of the registry system. These developers and engineers will not

work on specific subsystems full-time, but a certain percentage of their time will be dedicated to each area. The total HR resource dedicated to this area is equivalent to more than one full-time post.

Although DCA DotAfrica Registry will operate on a dedicated registry environment, the .africa registry will be operated identically to CentralNic's existing registry by the same team, and will benefit from an economy of scale with regards to access to CentralNic's resources.

CentralNic's resourcing model assumes that after launch, the "dedicated" resourcing required for .africa (ie, that required to deal with issues related specifically to .africa and not to general issues) will be equal to the proportion of the overall registry system that .africa will use. After three years of operation, the optimistic projection for .africa states that there will be 529,000 domains in the zone. CentralNic has calculated that, if all its TLD clients are successful in their applications, and all meet their optimistic projections after three years, its registry system will be required to support up to 4.5 million domain names. Therefore .africa will require 12% of the total resources available for this area of the registry system.

In the event that registration volumes exceed this figure, CentralNic will proactively increase the size of the Technical Operations, Technical Development and support teams to ensure that the needs of .africa are fully met. Revenues from the additional registration volumes will fund the salaries of these new hires. Nevertheless, CentralNic is confident that the staffing outlined above is sufficient to meet the needs of .africa for at least the first 18 months of operation.

25. Extensible Provisioning Protocol (EPP)

Except where specified this answer refers to the operations of the DCA's Backend Registry Service Provider, CentralNic.

The Extensible Provisioning Protocol (EPP) is an application layer client-server protocol for the provisioning and management of objects stored in a shared central repository. EPP defines generic object management operations and an extensible framework that maps protocol operations to objects. EPP has become established as the common protocol by which domain registrars can manage domains, nameservers and contact details held by domain registries. It is widely deployed in the gTLD and ccTLD registry space.

CentralNic has operated its EPP system since 2005 and it currently operates at significant load in terms of registrars, sessions and transaction volumes. This system will be replicated for DCA DotAfrica Registry. DCA DotAfrica's EPP system will be fully compliant with the following RFC specifications:

- ☐ 5730 - Base Protocol
- ☐ 5731 - domains
- ☐ 5732 - Host Objects
- ☐ 5733 - Contact Objects
- ☐ 5734 - TCP Transport
- ☐ 3735 - Extension Guidelines
- ☐ 3915 - RGP Extension
- ☐ 5910 - DNSSEC Extension

25.1. Description of Interface

EPP is a stateful XML protocol layered over TCP (see RFC 3734). Protected using lower-layer security protocols, clients exchange identification, authentication, and option information, and engage in a series of client-initiated command-response exchanges. All EPP commands are atomic (there is no partial success or partial failure) and designed so that they can be made idempotent (executing a command more than once has the same net effect on system state as successfully executing the command once).

EPP provides four basic service elements: service discovery, commands, responses, and an extension framework that supports definition of managed objects and the relationship of protocol requests and responses to those objects.

EPP servers respond to client-initiated communication (which can be either a lower-layer connection request or an EPP service discovery message) by returning a greeting to a client. The server then responds to each EPP command with a coordinated response that describes the results of processing the command.

EPP commands fall into three categories: session management, queries, and transform commands. Session management commands are used to establish and end persistent sessions with an EPP server. Query commands perform read-only object information retrieval operations. Transform commands perform read-write object management operations.

Commands are processed by a server in the order they are received from a client. The protocol includes features that allow for offline review of transform commands before the requested action is completed. In such situations, the response clearly notes that the command has been received but that the requested action is pending. The corresponding object then reflects processing of the pending action. The server will also notify the client when offline processing of the action has been completed. Object mappings describe standard formats for notices that describe completion of offline processing.

EPP uses XML namespaces to provide an extensible object management framework and to identify schemas required for XML instance parsing and validation. These namespaces and schema definitions are used to identify both the base protocol schema and the schemas for managed objects.

25.1.1. Objects supported

Registrars may create and manage the following object types in the DCA DotAfrica's EPP system:

- ☐ domains (RFC 5731)
- ☐ host objects (RFC 5732)
- ☐ contact objects (RFC 5733)

25.1.2. Commands supported

DCA DotAfrica will support the following EPP commands:

- ☐ "hello" - retrieve the "greeting" from the server
- ☐ "login" and "logout" - session management
- ☐ "poll" - message queue management
- ☐ "check" - availability check
- ☐ "info" - object information
- ☐ "create" - create object
- ☐ "update" - update object
- ☐ "renew" - renew object
- ☐ "delete" - delete object
- ☐ "transfer" - manage object transfer

25.2. EPP state diagram

Figure 25.1 describes the state machine for the EPP system. Clients establish a connection with the server, which sends a greeting. Clients then authenticate, and once a login session is established, submits commands and receive responses until the server closes the connection, the client sends a logout command, or a timeout is reached.

25.3. EPP Object Policies

The following policies apply to objects provisioned via the EPP system:

25.3.1. domains

1. domains must comply with the syntax described in RFC 1035 §2.3.1. Additionally, the first label of the name must be between 3 and 63 characters in length.
2. domains must have a registrant attribute which is associated with a contact object in the database.
3. domains must have an administrative contact attribute which is associated with a

contact object in the database.

4. domains must have a technical contact which attribute is associated with a contact object in the database.
5. domains may have an billing contact attribute which is associated with a contact object in the database.
6. domains may have between 0 (zero) and 13 DNS servers. A domain with no name servers will not resolve and no records will be published in the DNS
7. the host object model for domains is used rather than the host attribute model.
8. domains may have a number of status codes. The presence of certain status codes indicates the domain's position in the lifecycle, described further in §27.
9. where policy requires, the server may respond to a "domain:create" command with an "Object Pending" (1001) response. When this occurs, the domain is placed onto the pendingCreate status while an out-of-band validation process takes place.
10. when registered, the expiry date of a domain may be set up to ten years from the initial date of registration. Registrars can specify registration periods in one-year increments from one to ten.
11. when renewed, the expiry date of a domain may be set up to ten years from the current expiry date. Registrars can specify renewal periods in one-year increments from one to ten. domains which auto-renew are renewed for one year at a time.
12. domains must have an authInfo code which is used to authenticate inter-registrar transfer requests. This authInfo code may contain up to 48 bytes of UTF-8 character data.
13. domains may have one or more DS records associated with them. DS records are managed via the secDNS EPP extension, as specified in RFC 5910.
14. only the sponsoring registrar of the domain may submit "update", "renew" or "delete" commands for the domain.

25.3.2. Host objects

1. host names must comply with RFC 1035. The maximum length of the host name may not exceed 255 characters.
2. in-bailiwick hosts must have an IPv4 address. They may optionally have an IPv6 address.
3. multiple IP addresses are not currently permitted.
4. sponsorship of hosts is determined as follows: if an object is in-bailiwick (ie child of a domain in the database, and therefore also child to a TLD in the system), then the sponsor is the sponsor of the parent domain. If the object is out-of-bailiwick, the sponsor is the registrar which created the contact.
5. if a registrar submits a change to the name of a host object, if the new host name is subordinate to an in-bailiwick domain, then that registrar must be the sponsor of the new parent domain.
6. registrars are not permitted to create hosts that are subordinate to a non-existent in-bailiwick domain, or to change the name of a host object so that it is subordinate to a non-existent in-bailiwick domain.
7. a host cannot be deleted if one or more domains are delegated to it (the registry deletes hosts to remove orphan glue, see §28).
8. inter-registrar transfers are not permitted.
9. only the sponsoring registrar of the host may submit "update" or "delete" commands for the object.

25.3.3. Contact objects

1. contact IDs may only contain characters from the set [A-Z, 0-9, . (period), - (hyphen) and _ (underscore)] and are case-insensitive.
2. phone numbers and email addresses must be valid as described in RFC 5733 §2.5 and §2.6.
3. contact information is accepted and stored in "internationalized" format only: that is, contact objects only have a single "contact:postalInfo" element and the type attribute is always "int".
4. the "contact:org", "contact:sp", "contact:pc", "contact:phone" and "contact:fax" elements are optional.
5. contacts must have an authInfo code which is used in inter-registrar transfers. This code may contain up to 48 bytes of UTF-8 character data.
6. a contact cannot be deleted if one or more domains are associated with it.

7. only the sponsoring registrar of the contact may submit "update" or "delete" commands for the object.

25.4. EPP Extensions

DCA DotAfrica will support the following EPP extensions. CentralNic's implementations fully comply with the required specifications.

25.4.1. Registry Grace Period Mapping

Various grace periods and hold periods are supported by the Registry Grace Period mapping, as defined in RFC 3915. This is described further in §27.

25.4.2. DNSSEC Security Extensions Mapping

Registrars may submit Delegation Signer (DS) record information for domains under their sponsorship. This permits the establishment of a secure chain-of-trust for DNSSEC validation.

DCA DotAfrica will support the specification defined in RFC 5910. This supports two interfaces: the DS Data Interface and Key Data Interface. DCA DotAfrica will support the former interface (DS Data), where registrars submit the keytag, algorithm, digest type and digest for DS records as XML elements, rather than as key data. Key data is stored if provided as a child element of the "secDNS:dsData" element. The maxSigLife element is optional in the specification and is not currently supported.

25.4.3. Launch Phase Extension

CentralNic has assisted development of a standard EPP extension for registry "launch phases" (ie Sunrise and Landrush periods), during which the steady-state mode of "first-come, first-served" operation does not apply. This extension permits registrars to submit requests for domains with claimed rights such as a registered trademark. The extension is currently described in an Internet-Draft (see <http://tools.ietf.org/html/draft-tan-epp-launchphase-00>). It is hoped that this draft will eventually be published as an RFC which can be implemented by other registries and registrars.

DCA DotAfrica's system will implement this extension and will support the most recent version of the draft during the initial launch of .africa. Once .africa enters General Availability, this extension will no longer be available for use by registrars. Example frames describing the use of this extension are included in Appendix 25.2. As of writing, the current draft does not include a full schema definition, but a schema from a previous version has been included in Appendix 25.3. When the Draft is updated to include a schema, it will be based on this version.

25.5. Registrar Credentials and Access Control

Registrars are issued with a username (their registrar ID) and a password. This password cannot be used to access any other service and only this password can be used to access the EPP system. Registrar officers with the "Management" access level can change their EPP password via the Registrar Console.

RFC 5730 requires "mutual, strong client-server authentication". CentralNic requires that all registrars connect using an SSL certificate. This certificate may be obtained from a recognised certificate authority, or it may be a self-signed certificate registered with CentralNic via the Registrar Console. Registrar officers with the "Management" access level can upload SSL certificates for their account.

25.6. Session Limits and Transaction Volumes

There are no limits on the number of active sessions a registrar can maintain with the server. Similarly, there are no limits on the volume of transactions a registrar may send. However the system is fully capable of imposing connection limits and this measure may be used in future to ensure equal access amongst registrars.

25.7. Transaction Logging and Reporting

All "transform" commands are logged. Transform commands are: "create", "renew", "update", "delete" and "transfer". The system logs the time and date when the command was received, the registrar which submitted it, the request and response frames, the result code and message.

All commands, whether successful or not, are logged.

The transaction log is stored in the primary registry database. Registrars have access to the log for their account via the Registrar Console.

The log viewer permits filtering by command, object type, object ID (domain, host name, contact ID), result code and timestamp.

Query commands (“check”, “info”, “poll op=“req””) and session commands (“login”, “logout” and “hello”) are not logged due to the large volume of such queries (particularly “check” queries). The EPP system uses counters for these commands to facilitate generation of monthly reports.

25.8. EPP Message Queue

The EPP protocol provides a message queue to provide registrars with notifications for out-of-band events. CentralNic’s infrastructure currently supports the following EPP message notifications which will be replicated for DCA DotAfrica:

- ☐ approved inbound transfer
- ☐ rejected inbound transfer
- ☐ new outbound transfer
- ☐ cancelled outbound transfer
- ☐ approved or rejected domain registration request (where TLD policy requires out-of-band approval of “domain:create” requests)

25.9. Registrar Support, Software Toolkit

CentralNic has supported EPP for many years. CentralNic has released a number of open source client libraries for several popular programming languages. These are used by registrars and registries around the world. CentralNic maintains the following open source EPP libraries:

- ☐ Net::EPP, a general purpose EPP library for Perl. See <http://code.google.com/p/perl-net-epp/>
- ☐ Preppi, a graphical EPP client written in Perl. See <https://www.centralnic.com/company/labs/preppi>
- ☐ Net_EPP, a PHP client class for EPP. See <https://github.com/centralnic/php-epp>
- ☐ Simpleepp, a Python client class for EPP. See <https://bitbucket.org/milosn/simpleepp>
- ☐ tx-epp-proxy, a EPP reverse proxy for shared-nothing client architectures written in Python. See <https://bitbucket.org/milosn/tx-epp-proxy>

These libraries are available for anyone to use, at no cost. CentralNic develops these libraries, and accepts submissions and bug reports from users around the world.

25.10. Quality Assurance, RFC Compliance

To ensure that its EPP system fully complies with the relevant specifications documents, CentralNic has implemented the following, which will be replicated for DCA DotAfrica:

25.10.1. Schema Validation

The EPP system automatically validates all response frames against the XSD schema definitions provided in the RFCs. Should a non-validating response be sent to a registrar, an alert is raised with the NOC to be investigated and corrected. By default, this feature is disabled in the production environment but it is enabled in all other environments (as described below).

25.10.2. Multi-stage Deployment and Testing

EPP system code is developed, tested and deployed in a multi-stage environment:

1. Developers maintain their own development environment in which new code is written and changes are prepared. Development environments are configured with the highest level of debugging and strictness to provide early detection of faults.
2. All changes to the EPP system are subjected to peer review: other developers in the team must review, test and sign off the changes before being committed (or, if developed on a branch, being merged into the stable branch).
3. Changes to EPP system code are then deployed in the OT&E environment. Registrars continually test this system as part of their own QA processes, and this additional phase provides an additional level of quality assurance.

25.10.3. Registrar Feedback

Registrars are provided with an easy way to report issues with the EPP system, and many perform schema validation on the responses they receive. When issues are detected by registrars, they are encouraged to submit bug reports so that developers can rectify the issues.

25.11. EPP System Resourcing

As can be seen in the Resourcing Matrix found in Appendix 23.2, DCA DotAfrica will maintain a team of full-time developers and engineers which will contribute to the development and maintenance of this aspect of the registry system. These developers and engineers will not work on specific subsystems full-time, but a certain percentage of their time will be dedicated to each area. The total HR resource dedicated to this area is equivalent to more than one full-time person.

Although DCA DotAfrica Registry will operate on a dedicated registry environment, the .africa registry will be operated identically to CentralNic's existing registry by the same team, and will benefit from an economy of scale with regards to access to CentralNic's resources.

CentralNic's resourcing model assumes that after launch the "dedicated" resourcing required for .africa (ie, that required to deal with issues related specifically to .africa and not to general issues with the system as a whole) will be equal to the proportion of the overall registry system that .africa will use. After three years of operation, the optimistic projection for .africa states that there will be 529,000 domains in the zone. CentralNic has calculated that, if all its TLD clients are successful in their applications, and all meet their optimistic projections after three years, its registry system will be required to support up to 4.5 million domain names. Therefore .africa will require 12% of the total resources available for this area of the registry system.

In the event that registration volumes exceed this figure, CentralNic will proactively increase the size of the Technical Operations, Technical Development and support teams to ensure that the needs of .africa are fully met. Revenues from the additional registration volumes will fund the salaries of these new hires. Nevertheless, CentralNic is confident that the staffing outlined above is sufficient to meet the needs of .africa for at least the first 18 months of operation.

26. Whois

Except where specified this answer refers to the operations of DCA's Backend Registry Service Provider, CentralNic.

Whois is one of the oldest Internet protocols still in use. It allows interested persons to retrieve information relating to Internet resources (domain names and IP addresses). Whois services are operated by the registries of these resources, namely TLD registries and RIRs. Whois is described by RFC 3912, which serves as a description of existing systems rather than requiring specific behaviours from clients and servers. The protocol is a query-response protocol, in which both the query and the response are opaque to the protocol, and their meanings are known only the server and to the human user who submits a query. Whois has a number of limitations, but remains ubiquitous as a means for obtaining information about name and number resources.

26.1. Compliance

The Whois service for .africa will comply with RFC3912 and Specifications 4 and 10 of the New gTLD Registry Agreement. The service will be provided to the general public at no cost. If ICANN specify alternative formats and protocols (such as WEIRDS) then CentralNic will implement these as soon as reasonably practicable.

DCA DotAfrica will monitor its Whois system to confirm compliance. Monitoring stations will check the behaviour and response of the Whois service to ensure the correctness of Whois

EXHIBIT B



Date: 20 July 2015
Ref: OES/15/09/0157)

Dear Dr. Ibrahim

Re: Request for Support to Dot Africa Project

I am writing in connection with the request made to the Executive Secretary, Dr. Lopes for his support to the African Union's (AU") efforts in getting the regional identifier top level domain "dotAfrica" delegated to ZA Central Registry ("ZACR"), the entity we understand is authorized by the AU to apply for and administer the DotAfrica top level domain.

I understand from your letter that in addition to ZACR, another competing entity, DotConnectAfrica ("DCA") has submitted an application to obtain the same delegation as ZACR, and that DCA is purporting to use a letter of support obtained from ECA in 2008 as an endorsement from ECA for its application.

We also note that in September 2011, ECA wrote to you in response to a letter you sent regarding the setting up of the structure and modalities for the implementation of the DotAfrica project and in that letter, ECA reaffirmed its continued commitment and support to the AU in the management of Internet-based resources in Africa.

As you are aware, one of ICANN's requirement for the application for delegation for geographic Top Level Domain ("gTLD") as detailed in ICANN's 2012 Applicant Guidebook, is a minimum of 60% support from *relevant governments or public authorities*, with no more than one government objection from any country from the region.

ECA as United Nations entity is neither a government nor a public authority and therefore is not qualified to issue a letter of support for a prospective applicant in support of their application. In addition, ECA does not have a mandate to represent the views or convey the support or otherwise of African governments in matters relating to application for delegation of the gTLD.

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

P.O. Box 3001, Addis Ababa, Ethiopia Tel: (251-11) 551 72 00 Fax: (251-11) 551 4418



United Nations
Economic Commission for Africa

In this regard, the August 2008 letter referenced above is merely expressions of a view in relation to the entity's initiatives and efforts regarding internet governance, including efforts to obtain gTLD for Africa. It is ECA's position that the August 2008 letter to Ms Bekele cannot be properly considered as a "letter of support or endorsement" within the context of ICANN's requirements and cannot be used as such.

I hope this clarifies ECA's position on the mater. Please feel free to contact me if you need any further clarification on tel: ^{Contact Information Redacted} _{Contact Information Redacted}

Yours sincerely,

A handwritten signature in black ink, appearing to read "S B Baffoe-Bonnie".

Sandra Baffoe-Bonnie
Secretary of the Commission and Legal Advisor

Cc: Ms Sophia Bekele, DotConnectAfrica

EXHIBIT C

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Resources

Approved Board Resolutions | Regular Meeting of the ICANN (Internet Corporation for Assigned Names and Numbers) Board

▶ [About ICANN \(Internet Corporation for Assigned Names and Numbers\) \(/resources/pages/welcome-2012-02-25-en\)](#)

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1. **Main Agenda**

a. **.AFRICA Update**

[Rationale for Resolution 2016.03.03.01](#)

b. **Consideration of Re-evaluation of the Vistaprint Limited String Confusion Objection Expert Determination**

[Rationale for Resolutions 2016.03.03.02 – 2016.03.03.04](#)

1. Main Agenda

a. **.AFRICA Update**

Whereas, in its 11 April 2013 Beijing Communiqué, the Governmental Advisory Committee (Advisory Committee) (GAC (Governmental Advisory Committee)) provided consensus advice pursuant to the Applicant Guidebook that DotConnectAfrica Trust's (DCA)'s application for .AFRICA should not proceed.

<p>2012-02-25-en)</p> <hr/> <ul style="list-style-type: none"> ▶ Registrars (/resources/pages/registrars-0d-2012-02-25-en) <hr/> <ul style="list-style-type: none"> ▶ Registries (/resources/pages/registries-46-2012-02-25-en) <hr/> <p>Operational Metrics (/resources/pages/metrics-gdd-2015-01-30-en)</p> <hr/> <ul style="list-style-type: none"> ▶ Identifier Systems Security, Stability (Security, Stability and Resiliency) and Resiliency (IS-SSR) (/resources/pages/is-ssr-2014-11-24-en) <hr/> <ul style="list-style-type: none"> ▶ ccTLDs (/resources/pages/cctlds-21-2012-02-25-en) <hr/> <ul style="list-style-type: none"> ▶ Internationalized Domain Names (/resources/pages/idn-2012-02-25-en) <hr/> <ul style="list-style-type: none"> ▶ Universal Acceptance Initiative (/resources/pages/universal-acceptance-2012-02-25-en) <hr/> <ul style="list-style-type: none"> ▶ Policy (/resources/pages/policy-01-2012-02-25-en) <hr/> <ul style="list-style-type: none"> ▶ Public Comment (/public-comments) <hr/> <ul style="list-style-type: none"> ▶ Technical Functions (/resources/pages/technical-functions-2015-10-15-en) <hr/> <ul style="list-style-type: none"> ▶ Contact (/resources/pages/contact-2012-02-06-en) <hr/> <ul style="list-style-type: none"> ▶ Help (/resources/pages/help- 	<p>Whereas, on 4 June 2013, the New gTLD (generic Top Level Domain) Program Committee (NGPC) adopted the "NGPC Scorecard of 1As Regarding Non-Safeguard Advice in the GAC (Governmental Advisory Committee) Beijing Communiqué," which included acceptance of the GAC (Governmental Advisory Committee)'s advice related to DCA's application for .AFRICA. (See https://www.icann.org/resources/board-material/resolutions-new-gtld-2013-06-04-en#1.a (/resources/board-material/resolutions-new-gtld-2013-06-04-en#1.a))</p> <p>Whereas, staff informed DCA of and published the "Incomplete" Initial Evaluation result and halted evaluation of DCA's application for .AFRICA on 3 July 2013 based on the NGPC resolution of 4 June 2013.</p> <p>Whereas, on 25 November 2013, DCA initiated an Independent Review Process (IRP) regarding the 4 June 2013 resolution, but did not at that time seek to stay ICANN (Internet Corporation for Assigned Names and Numbers) from moving forward the ZA Central Registry NPC trading as Registry.Africa's (ZACR) application.</p> <p>Whereas, on 24 March 2014, ZACR executed a Registry Agreement (RA (Registrar)) for .AFRICA.</p> <p>Whereas, on 13 May 2014 ICANN (Internet Corporation for Assigned Names and Numbers) halted further progress with respect to ZACR's RA (Registrar) for .AFRICA following the IRP Panel's interim declaration that ICANN (Internet Corporation for Assigned Names and Numbers) should stop proceeding with ZACR's application for .AFRICA during the pendency of the IRP that DCA had initiated.</p> <p>Whereas, on 9 July 2015, the IRP Panel issued its Final Declaration and recommended that ICANN (Internet Corporation for Assigned Names and Numbers) continue to refrain from delegating the .AFRICA gTLD (generic Top Level Domain) in order to permit DCA's application to proceed through the remainder of the new gTLD (generic Top Level Domain) application process. (See https://www.icann.org/en/system/files/files/final-declaration-2-redacted-09jul15-en.pdf (/en/system/files/files/final-declaration-2-redacted-09jul15-en.pdf) [PDF, 1.04 MB])</p> <p>Whereas, on 16 July 2015, the Board directed the President and CEO, or his designee(s), to continue to refrain from delegating the .AFRICA gTLD (generic Top Level Domain) and to take all steps necessary to resume the evaluation of DCA's application for .AFRICA in accordance with the established process(es). (See https://www.icann.org/resources/board-material/resolutions-2015-07-16-en#1.a (/resources/board-material/resolutions-2015-07-16-en#1.a))</p> <p>Whereas, on 1 September 2015, evaluation of DCA's application for .AFRICA resumed.</p>
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2012-02-03-en)

Whereas, on 13 October 2015, the Initial Evaluation report based on the Geographic Names Panel's review of DCA's application was posted and indicated that DCA's application did not pass Initial Evaluation, but that DCA was therefore eligible for Extended Evaluation; DCA chose to proceed through Extended Evaluation.

Whereas, on 17 February 2016, an Extended Evaluation report was posted and indicated that the resumed evaluation of DCA's application for .AFRICA had concluded, and that DCA had failed to submit information and documentation sufficient to meet the criteria described in AGB Section 2.2.1.4.3, rendering it ineligible for further review or evaluation.

Resolved (2016.03.03.01), the Board authorizes the President and CEO, or his designee(s), to proceed with the delegation of .AFRICA to be operated by ZACR pursuant to the Registry Agreement that ZACR has entered with ICANN (Internet Corporation for Assigned Names and Numbers).

Rationale for Resolution 2016.03.03.01

Two applicants, DotConnectAfrica Trust (DCA) and ZA Central Registry trading as Registry.Africa (ZACR), applied to become the operator for the .AFRICA generic top-level domain (gTLD (generic Top Level Domain)) in furtherance of ICANN (Internet Corporation for Assigned Names and Numbers)'s New gTLD (generic Top Level Domain) Program. In its 11 April 2013 Beijing Communiqué, ICANN (Internet Corporation for Assigned Names and Numbers)'s Governmental Advisory Committee (Advisory Committee) (GAC (Governmental Advisory Committee)) provided consensus advice pursuant to the New gTLD (generic Top Level Domain) Program's Applicant Guidebook (Guidebook) that DCA's application to operate .AFRICA should not proceed. The Board accepted that GAC (Governmental Advisory Committee) advice, evaluation of DCA's application was halted, and ICANN (Internet Corporation for Assigned Names and Numbers) proceeded to execute a Registry Agreement with the other applicant that applied to operate .AFRICA.

DCA challenged the GAC (Governmental Advisory Committee) advice that DCA's application should not proceed, and the Board's acceptance of that advice, through the Independent Review Process (IRP). The IRP is one of the accountability mechanisms set out in ICANN (Internet Corporation for Assigned Names and Numbers)'s Bylaws. First, only after ICANN (Internet Corporation for Assigned Names and Numbers) signed a registry agreement to operate .AFRICA with the other .AFRICA applicant, did DCA obtain interim relief from an IRP panel recommending that ICANN (Internet Corporation for Assigned Names and Numbers) not proceed further with .AFRICA pending conclusion of the IRP. ICANN (Internet Corporation for Assigned Names and Numbers) adopted that recommendation. Second, DCA prevailed in the IRP and the IRP Panel recommended that ICANN (Internet Corporation for Assigned Names and Numbers) resume evaluation

of DCA's application and continue to refrain from delegating .AFRICA to the party with which ICANN (Internet Corporation for Assigned Names and Numbers) already had executed a Registry Agreement to operate the .AFRICA gTLD (generic Top Level Domain).

On 16 July 2015 the Board passed the following resolution:

Resolved (2015.07.15.01), the Board has considered the entire Declaration, and has determined to take the following actions based on that consideration:

1. ICANN (Internet Corporation for Assigned Names and Numbers) shall continue to refrain from delegating the .AFRICA gTLD (generic Top Level Domain);
2. ICANN (Internet Corporation for Assigned Names and Numbers) shall permit DCA's application to proceed through the remainder of the new gTLD (generic Top Level Domain) application process as set out below; and
3. ICANN (Internet Corporation for Assigned Names and Numbers) shall reimburse DCA for the costs of the IRP as set forth in paragraph 150 of the Declaration.

(See <https://www.icann.org/resources/board-material/resolutions-2015-07-16-en#1.a> (/resources/board-material/resolutions-2015-07-16-en#1.a).)

When the Board passed the above resolution, the only remaining evaluation process for DCA's application for .AFRICA during the Initial Evaluation (IE) period was the Geographic Names Panel review, as DCA had successfully completed the other stages of IE. Accordingly, at staff's request, in August 2015, the Geographic Names Panel resumed its evaluation of DCA's application to operate .AFRICA. The Geographic Names Panel determined that .AFRICA is a geographic name as defined in Guidebook Section 2.2.1.4, but that the DCA's application to operate .AFRICA has not sufficiently met the requisite criteria of possessing evidence of support or non-opposition from 60% of the relevant public authorities in the geographic region of Africa, as described in AGB Section 2.2.1.4.3.

Per the Guidebook, having failed to pass IE, DCA was eligible and chose to proceed to Extended Evaluation (EE), which provided DCA with an additional 90 days to obtain the requisite documentation needed to pass the Geographic Names Panel review. On 17 February 2016, EE results were posted showing that DCA again did not satisfy the necessary criteria to pass the Geographic Names Panel review, rendering, DCA's application ineligible for any further review.

Now that both IE and EE have been completed for DCA's application to operate .AFRICA, and both have resulted in DCA not passing the Geographic Names Panel review, ICANN (Internet Corporation for Assigned Names and Numbers) is prepared to move forward toward delegation of .AFRICA and with the party that has signed a Registry Agreement to operate .AFRICA. The party that has signed the Registry Agreement to operate .AFRICA is eager to move forward so that members of the African community can begin utilizing this gTLD (generic Top Level Domain). Further, as there are no remaining avenues available to DCA to proceed in the New gTLD (generic Top Level Domain) Program, there is no reason within defined Guidebook processes to delay any further.

Accordingly, the Board today is authorizing the President and CEO or his designee(s), to resume delegating the .AFRICA gTLD (generic Top Level Domain), and all that entails, which it has previously directed ICANN (Internet Corporation for Assigned Names and Numbers) to refrain from doing.

Taking this action is beneficial to ICANN (Internet Corporation for Assigned Names and Numbers) and the overall Internet community, as it will allow delegation of the .AFRICA gTLD (generic Top Level Domain) into the authoritative root zone. There likely will be a positive fiscal impact by taking this action in that there will be another operational gTLD (generic Top Level Domain). This action will not have a direct impact on the security, stability and resiliency of the domain name system.

This is an Organizational Administrative Function that does not require public comment.

b. Consideration of Re-evaluation of the Vistaprint Limited String Confusion Objection Expert Determination

Whereas, on 9 October 2015, an Independent Review Process (IRP) Panel issued its Final Declaration in the IRP filed by Vistaprint Limited (Vistaprint) against ICANN (Internet Corporation for Assigned Names and Numbers) wherein the Panel declared ICANN (Internet Corporation for Assigned Names and Numbers) to be the prevailing party and that the Board's actions did not violate the Articles of Incorporation (Articles), Bylaws, or Applicant Guidebook (Guidebook).

Whereas, Vistaprint specifically challenged the String Confusion Objection (SCO) Expert Determination (Expert Determination) in which the Panel found that Vistaprint's applications for .WEBS were confusingly similar to Web.com's application for .WEB (Vistaprint SCO).

Whereas, while the IRP Panel found that ICANN (Internet Corporation for Assigned Names and Numbers) did not discriminate against Vistaprint in not directing a re-evaluation of the Expert Determination, the Panel

recommended that the Board exercise its judgment on the question of whether it is appropriate to establish an additional review mechanism to re-evaluate the Vistaprint SCO.

Whereas, in Resolutions 2014.10.12.NG02-2015.10.12.NG03, the New gTLD (generic Top Level Domain) Program Committee (NGPC) exercised its discretion to address a certain limited number of perceived inconsistent and unreasonable SCO expert determinations that were identified as not being in the best interest of the New gTLD (generic Top Level Domain) Program and the Internet community (SCO Final Review Mechanism).

Whereas, the NGPC has already considered the Vistaprint SCO Expert Determination, among other expert determinations, in evaluating whether to expand the scope of the SCO Final Review Mechanism and determined that those other expert determinations, including the Vistaprint SCO Expert Determination, did not warrant re-evaluation.

Whereas, pursuant to the recommendations of the IRP Panel in the Final Declaration, the Board has again evaluated whether an additional review mechanism is appropriate to re-evaluate the Vistaprint SCO and resulting Expert Determination.

Resolved (2016.03.03.02), the Board concludes that the Vistaprint SCO Expert Determination is not sufficiently "inconsistent" or "unreasonable" such that the underlying objection proceedings resulting in the Expert Determination warrants re-evaluation.

Resolved (2016.03.03.03), the Board finds, as it has previously found, that ICANN (Internet Corporation for Assigned Names and Numbers)'s Bylaws concerning core values and non-discriminatory treatment and the particular circumstances and developments noted in Final Declaration do not support re-evaluation of the objection proceedings leading to the Vistaprint SCO Expert Determination.

Resolved (2016.03.03.04), the Board directs the President and CEO, or his designee(s), to move forward with processing of the .WEB/.WEBS contention set.

Rationale for Resolutions 2016.03.03.02 – 2016.03.03.04

The Board is taking action today to address the recommendation of the Independent Review Process (IRP) Panel (Panel) set forth in its Final Declaration in the IRP filed by Vistaprint Limited (Vistaprint). Specifically, the IRP Panel recommended that the Board exercise its judgment on the question of whether an additional review is appropriate to re-evaluate the Vistaprint String Confusion Objection (SCO) leading to the "Vistaprint SCO Expert Determination."

I. Background

A. VistaprintSCO Expert Determination

The background on the Vistaprint SCO Expert Determination is discussed in detail in the Reference Materials and IRP Final Declaration, which is attached as Attachment A to the Reference Materials. The Reference Materials are incorporated by reference into this resolution and rationale as though fully set forth here.

B. Vistaprint IRP

Vistaprint filed an IRP request challenging ICANN (Internet Corporation for Assigned Names and Numbers)'s acceptance of the Vistaprint SCO Expert Determination. In doing so, among other things, Vistaprint challenged procedures, implementation of procedures, and ICANN (Internet Corporation for Assigned Names and Numbers)'s purported failure to correct the allegedly improperly issued Expert Determination.

On 9 October 2015, a three-member IRP Panel issued its Final Declaration. After consideration and discussion, pursuant to Article IV, Section 3.21 of the ICANN (Internet Corporation for Assigned Names and Numbers) Bylaws, the Board adopted the findings of the Panel. (See Resolutions 2015.10.22.17 – 2015.10.22.18, *available at* <https://www.icann.org/resources/board-material/resolutions-2015-10-22-en#2.d> (/resources/board-material/resolutions-2015-10-22-en#2.d); *see also*, IRP Final Declaration, *available at* <https://www.icann.org/en/system/files/files/vistaprint-v-icann-final-declaration-09oct15-en.pdf> (/en/system/files/files/vistaprint-v-icann-final-declaration-09oct15-en.pdf) [PDF, 920 KB].)

In the Final Declaration, the Panel found, among other things, that it did not have the authority to require ICANN (Internet Corporation for Assigned Names and Numbers) to reject the Expert Determination and to allow Vistaprint's applications to proceed on their merits, or in the alternative, to require a three-member re-evaluation of the Vistaprint SCO objections. However, the Panel did recommend that

the Board exercise its judgment on the questions of whether an additional review mechanism is appropriate to re-evaluate the [expert] determination in the Vistaprint

SCO, in view of ICANN (Internet Corporation for Assigned Names and Numbers)'s Bylaws concerning core values and non-discriminatory treatment, and based on the particular circumstances and developments noted in this Declaration, including (i) the Vistaprint SCO determination involving Vistaprint's .WEBS applications; (ii) the Board's (and NGPC's) resolutions on singular and plural gTLDs, and (iii) the Board's decisions to delegate numerous other singular/plural versions of the same gTLD (generic Top Level Domain) strings.

(Final Declaration at ¶ 196, *available at* <https://www.icann.org/en/system/files/files/vistaprint-v-icann-final-declaration-09oct15-en.pdf> (/en/system/files/files/vistaprint-v-icann-final-declaration-09oct15-en.pdf) [PDF, 920 KB].) The Board acknowledged and accepted this recommendation in Resolution 2015.10.22.18. (See <https://www.icann.org/resources/board-material/resolutions-2015-10-22-en#2.d> (/resources/board-material/resolutions-2015-10-22-en#2.d).)

C. Confusing Similarity

1. The Generic Names Supporting Organization (Supporting Organization)'s (GNSO (Generic Names Supporting Organization)) Recommendation on confusing similarity.

In August 2007, the GNSO (Generic Names Supporting Organization) issued a set of recommendations (approved by the ICANN (Internet Corporation for Assigned Names and Numbers) Board in June 2008) regarding the introduction of new generic top-level domains (gTLDs). The policy recommendations did not include a specific recommendation regarding singular and plural versions of the same string. Instead, the GNSO (Generic Names Supporting Organization) included a recommendation (Recommendation 2) that new gTLD (generic Top Level Domain) strings must not be confusingly similar to an existing top-level domain or a reserved name. (See GNSO (Generic Names Supporting Organization) Final Report: Introduction of New Generic Top-Level Domains, <http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm> ([<https://www.icann.org/resources/board-material/resolutions-2016-03-03-en>](http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-</p>
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2. The issue of confusing similarity was agreed as part of the Applicant Guidebook and is addressed in the evaluation processes.

As discussed in detail in Reference Materials document related to this paper, and which is incorporated by reference as though fully set forth here, the issue of confusing similarity is addressed in two manners in the evaluation processes – through the String Similarity Review (SSR) process and through the String Confusion Objection process. The objective of this preliminary review was to prevent user confusion and loss of confidence in the DNS (Domain Name System) resulting from delegation of similar strings. (See *Module 2.2.1.1*, available at <https://newgtlds.icann.org/en/applicants/agb/evaluation-procedures-04jun12-en.pdf> (<https://newgtlds.icann.org/en/applicants/agb/evaluation-procedures-04jun12-en.pdf>) [PDF, 916 KB], and *Module 3.2.1*, available at <https://newgtlds.icann.org/en/applicants/agb/objection-procedures-04jun12-en.pdf> (<https://newgtlds.icann.org/en/applicants/agb/objection-procedures-04jun12-en.pdf>) [PDF, 260 KB].) The SSR Panel did not find any plural version of a word to be visually similar to the singular version of that same word, or vice versa. (<http://newgtlds.icann.org/en/program-status/application-results/similarity-contention-01mar13-en.pdf> (<http://newgtlds.icann.org/en/program-status/application-results/similarity-contention-01mar13-en.pdf>) [PDF, 168 KB]; <http://newgtlds.icann.org/en/announcements-and-media/announcement-01mar13-en> (<http://newgtlds.icann.org/en/announcements-and-media/announcement-01mar13-en>).

3. The Board previously addressed the issue of confusing similarity as it relates to singular and plural versions of the same string in response to Governmental Advisory Committee (Advisory Committee) (GAC (Governmental Advisory Committee)) advice.

On 25 June 2013, the Board, through the New gTLD (generic Top Level Domain) Program Committee (NGPC), considered the issue of singular and plural

versions of the same strings being in the root in response to the GAC (Governmental Advisory Committee)'s advice from the Beijing Communiqué. (<https://www.icann.org/en/news/correspondence/gac-to-board-18apr13-en.pdf> (</en/news/correspondence/gac-to-board-18apr13-en.pdf>) [PDF, 156 KB].) The NGPC determined that no changes are needed to the existing mechanisms in the Guidebook to address the GAC (Governmental Advisory Committee) advice relating to singular and plural versions of the same string. (See <https://www.icann.org/resources/board-material/resolutions-new-gtld-2013-06-25-en#2.d> (</resources/board-material/resolutions-new-gtld-2013-06-25-en#2.d>.) As noted in the Rationale for Resolution 2013.06.25.NG07, the NGPC considered several significant factors as part of its deliberations, including the following factors: (i) whether the SSR evaluation process would be undermined if it were to exert its own non-expert opinion and override the determination of the expert panel; (ii) whether taking an action to make program changes would cause a ripple effect and re-open the decisions of all expert panels; (iii) the existing nature of strings in the DNS (Domain Name System) and any positive and negative impacts resulting therefrom; (iv) whether there were alternative methods to address potential user confusion if singular and plural versions of the same string are allowed to proceed; (iv) the SCO process as set forth in Module 3 of the Guidebook. (See <https://www.icann.org/resources/board-material/resolutions-new-gtld-2013-06-25-en-2.d> (</resources/board-material/resolutions-new-gtld-2013-06-25-en#2.d>.)

The NGPC determined that the mechanisms established by the Guidebook (SSR and SCO) should be unchanged and should remain as the mechanisms used to address whether or not the likelihood potential user confusion may result from singular and plural versions of the same strings.

D. SCO Final Review Mechanism

As discussed in full in the Reference Materials and incorporated herein by reference, the SCO Final Review Mechanism was established by the NGPC on 12 October 2014, after consultation with the community, to address a very

limited set of perceived inconsistent and unreasonable SCO expert determinations. (See <https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-10-12-en#2.b> (/resources/board-material/resolutions-new-gtld-2014-10-12-en#2.b).) The SCO Final Review Mechanism was not a procedure to address the likelihood of confusion of singular and plural versions of the same string in the root. Rather, it was a mechanism crafted to address two SCO expert determinations (.CAM/.COM and .SHOPPING/.通販 expert determinations) that had conflicting expert determinations about the same strings issued by different expert panels, thus rendering their results to be so seemingly inconsistent and unreasonable as to warrant re-evaluation. (NGPC Resolution 2014.10.12.NG03, *available at* <https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-10-12-en#2.b> (/resources/board-material/resolutions-new-gtld-2014-10-12-en#2.b).) The NGPC also identified the SCO Expert Determinations for .CAR/.CARS as not in the best interest of the New gTLD (generic Top Level Domain) Program and the Internet community, which also resulted in opposite determinations by different expert panels on objections to the exact same strings. Because the .CAR/.CARS contention set resolved prior to the approval of the SCO Final Review Mechanism, it was not part of the final review. (See *id.*)

As part of its deliberations, the NGPC considered and determined that it was not appropriate to expand the scope of the proposed SCO Final Review Mechanism to include other expert determinations such as other SCO expert determinations relating to singular and plural versions of the same string, including the Vistaprint SCO Expert Determination. With respect to its consideration of whether all SCO expert determinations relating to singular and plurals of the same string should be re-evaluated, the NGPC noted that it had previously addressed the singular/plurals issue in Resolutions 2013.06.25.NG07, and had determined "that no changes [were] needed to the existing mechanisms in the Applicant Guidebook" (<https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-10-12-en#2.b> (/resources/board-material/resolutions-new-gtld-2014-10-12-en#2.b).)

II. Analysis

A. Confusing Similarity as it Relates to Singular/Plurals of the Same String Has Already Been Addressed By The Board.

As discussed above, the NGPC first considered the issue of singular and plural versions of same strings in the root in June 2013 in consideration of the GAC (Governmental Advisory Committee)'s advice from the Beijing Communiqué regarding singular and plural versions of the same strings. Then, the NGPC determined that no changes were needed to the existing mechanisms in the Guidebook to address the issue. (<https://www.icann.org/en/news/correspondence/gac-to-board-18apr13-en.pdf> (/en/news/correspondence/gac-to-board-18apr13-en.pdf) [PDF, 156 KB].) As part of its evaluation, the NGPC considered applicant responses to the GAC (Governmental Advisory Committee) advice. The NGPC noted that most were against changing the existing policy, indicating that this topic was agreed as part of the Guidebook and is addressed in the evaluation processes. (<https://www.icann.org/resources/board-material/resolutions-new-gtld-2013-06-25-en#2.d> (/resources/board-material/resolutions-new-gtld-2013-06-25-en#2.d).) The NGPC also considered existing string similarity in the DNS (Domain Name System) at the second level and any positive and negative impacts resulting therefrom. At the time, no new gTLD (generic Top Level Domain) had been delegated, and therefore, there was no evidence of singular and plurals of the same string in the DNS (Domain Name System) at the top level. To date, seventeen singular/plural pairs have been delegated. The Board is not aware of any evidence of any impact (positive or negative) from having singular and plurals of the same string in the DNS (Domain Name System). As such, the evidence of the existence of singular and plural versions of the same string, while it did not exist in June 2015, should not impact the NGPC's previous consideration of this matter.

As the NGPC acknowledged in Resolution 2013.06.25.NG07, the existing mechanisms (SSR and SCO) in the Guidebook to address the issue of potential consumer confusion resulting from allowing singular and plural versions of the same string are adequate. (<https://www.icann.org/resources/board-material/resolutions-new-gtld-2013-06-25-en#2.d> (/resources/board-material/resolutions-new-gtld-2013-06-25-en#2.d).) These mechanisms are intended to address the issue of confusing similarity at the outset of the application process. A decision to send the Vistaprint SCO Expert Determination back for re-evaluation because there is now evidence of singular and plural versions of the same string in the DNS (Domain Name System) would effectively strip away the objective function of the evaluation processes that have

been set in place, which in the case of a SCO is to evaluate the likelihood of confusion at the outset of the application process, not some time after there has been evidence of delegation of singular and plural versions of the same string. (See Guidebook, Module 3.5.1.) To do so would be to treat Vistaprint differently and arguably more favorably than other applicants, which could be argued to be contradictory to ICANN (Internet Corporation for Assigned Names and Numbers)'s Bylaws.

B. The SCO Final Review Mechanism Does Not Apply to the Vistaprint Expert Determination.

The Board notes that Vistaprint argued in the IRP that the Vistaprint SCO Expert Determination is as equally unreasonable as the .CAM/.COM, .通販/.SHOP, .CARS/CAR Expert Determinations and therefore should be sent back for re-evaluation pursuant to the Final Review Mechanism. (See Final Declaration, ¶¶ 93, 94.) However, the Vistaprint SCO Expert Determination is plainly distinguishable from the .CAM/.COM, .通販/.SHOP, .CARS/.CAR expert determinations, and therefore, the reasons warranting re-evaluation as determined by the NGPC in those decisions do not apply to the Vistaprint Expert Determination.

The CAM/.COM, .通販/.SHOP, .CARS/.CAR Expert Determinations were ripe for re-evaluation because those expert determinations involved *multiple conflicting SCO determinations issued by different experts on the same strings*, thus rendering their results to be so seemingly inconsistent and unreasonable as to warrant re-evaluation. Moreover, the NGPC discussion of the .CARS/.CAR expert determinations in the scope of the SCO Final Review Mechanism was not based on the singular/plural issue, but rather, due to conflicting SCO expert determinations (two expert determinations finding .CARS/.CAR not to be confusingly similar and one finding .CARS/.CAR to be confusingly similar. (See Charleston Road Registry, Inc. v. Koko Castle, LLC SCO expert determination at <http://newgtlds.icann.org/sites/default/files/drsp/25sep13/determin1-1-1377-8759-en.pdf> (<http://newgtlds.icann.org/sites/default/files/drsp/25sep13/determin1-1-1377-8759-en.pdf>) [PDF, 196 KB] (finding no likelihood of confusion between .CARS/.CAR); Charleston Road Registry, Inc. v. Uniregistry, Corp. SCO expert determination at <http://newgtlds.icann.org/sites/default/files/drsp/25oct13/determin1-1-845-37810-en.pdf> (<http://newgtlds.icann.org/sites/default/files/drsp/25oct13/determin1-1-845-37810-en.pdf>).

[1-1-845-37810-en.pdf](#) [PDF, 7.08 MB] (finding no likelihood of confusion between .CARS/.CAR); and Charleston Road Registry, Inc. v. DERCars, LLC SCO expert determination at <http://newgtlds.icann.org/sites/default/files/drsp/14oct13/determina-1-1-909-45636-en.pdf> (<http://newgtlds.icann.org/sites/default/files/drsp/14oct13/determina-1-1-909-45636-en.pdf>) [PDF, 2.09 MB] (finding likelihood of confusion between .CARS/.CAR).)

Here, none of the factors significant to the NGPC's decision to send the CAM/.COM, .通販/.SHOP, expert determinations back for re-evaluation exist for the Vistaprint Expert Determination. The Vistaprint SCO proceedings resulted in one Expert Determination, in favor of Web.com on both objections. There were no other conflicting SCO expert determinations on the same strings issued by different expert panels ending in a different result. One expert panel had all of the arguments in front of it and considered both objections in concert, and made a conscious and fully informed decision in reaching the same decision on both objections. In this regard, Vistaprint already had the same benefit of consideration of the evidence submitted in both objection proceedings by one expert panel that the CAM/.COM, .通販/.SHOP objections received on re-evaluation. Thus, a re-evaluation of the objections leading to the VistaprintSCO Expert Determination is not warranted because it would only achieve what has already been achieved by having the same expert panel review all of the relevant proceedings in the first instance. Further, as discussed above, the NGPC has already considered the VistaprintSCO Expert Determination as part of its deliberations on the scope of the SCO Final Review Mechanism, and determined that the objection proceedings leading to the Expert Determination did not warrant re-evaluation. Thus, while Vistaprint may substantively disagree with the Expert Determination, there is no evidence that it is "inconsistent" or "unreasonable" such that it warrants re-evaluation.

The Board's evaluation is guided by the criteria applied by the NGPC in reaching its determination on the scope of the Final Review Mechanism, the NGPC's consideration and determination on the existence of singular and plurals of the same word as TLD (Top Level Domain) as set forth in Resolution 2013.06.25.NG07, the GNSO (Generic Names Supporting Organization) Final Report Introduction of New Generic Top-Level Domains, the Applicant Guidebook, including the mechanisms therein to address potential

consumer confusion, the circumstances and developments noted in the Final Declaration, and the core values set forth in Article I, Section 2 of the Bylaws. Applying these factors, for the reasons stated below, the Board concludes that a re-evaluation of the objection proceedings leading to the VistaprintSCO Expert Determination is not appropriate because the Expert Determination is not "inconsistent" or "unreasonable" as previously defined by the NGPC or in any other way to warrant re-evaluation.

The Board considered the following criteria, among others, employed by the NGPC in adopting Resolutions 2014.10.12.NG02 – 2014.10.12.NG03:

- Whether it was appropriate to change the Guidebook at this time to implement a review mechanism.
- Whether there was a reasonable basis for certain perceived inconsistent expert determinations to exist, and particularly why the identified expert determinations should be sent back to the ICDR while other expert determinations should not.
- Whether it was appropriate to expand the scope of the proposed review mechanism to include other expert determinations such as other SCO expert determinations relating to singular and plural versions of the same string, including the VistaprintSCO Expert Determination.
- Community correspondence on this issue in addition to comments from the community expressed at the ICANN (Internet Corporation for Assigned Names and Numbers) meetings.

(See <https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-10-12-en> ([/resources/board-material/resolutions-new-gtld-2014-10-12-en](https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-10-12-en)). In addition, the Board also reviewed and took into consideration the NGPC's action on the existence of singular and plurals of the same string as a TLD (Top Level Domain) in Resolution 2013.06.25.NG07.

As part of this decision, the Board considered and balanced the eleven core values set forth in Article I, Section 2 of the Bylaws. Article I, Section 2 of the Bylaws states that "situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN (Internet Corporation for Assigned Names and Numbers) body making a recommendation or decision shall exercise its judgment to

determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values." (Bylaws, Art. I, § 2, <https://www.icann.org/resources/pages/governance/bylaws-en/#1> (/resources/pages/governance/bylaws-en/#1).) Among the eleven core values, the Board finds that value numbers 1, 4, 7, 8, 9, and 10 to be most relevant to the circumstances at hand. Applying these values, the Board concludes that re-evaluation of the objection proceedings leading to the Vistaprint SCO Expert Determination is not warranted.

This action will have no direct financial impact on the organization and no direct impact on the security, stability or resiliency of the domain name system. This is an Organizational Administrative Function that does not require public comment.

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