

**INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION**  
**Emergency IRP Panel**

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**Gulf Cooperation Council,**

**Requestor/Applicant,**

**v.**

**ICDR Case No. 01-14-0002-1065**

**Internet Corporation  
for Assigned Names and Numbers  
Respondent.**

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**PROCEDURAL ORDER NO. 1**

I, THE UNDERSIGNED Emergency IRP Panelist, having been duly appointed by the International Centre for Dispute Resolution (ICDR), a division of the American Arbitration Association (AAA), pursuant to Article 6 of the International Dispute Resolution Procedures (“ICDR Rules”) and having been designated in accordance with the parties’ agreement entered into between the above-named parties and dated December 9, 2014, hereby set forth the following schedule and procedures to be followed in this emergency proceeding:

**I. The Parties:**

**Claimant:**

**Gulf Cooperation Council**  
Contact Information Redacted

**Claimant is represented by:**

**Natasha Kohne, Esq.**  
**Akin Gump Strauss Hauer & Feld**  
Contact Information Redacted

**Kamran Salour, Esq.**  
**Akin Gump Strauss Hauer & Feld**  
Contact Information Redacted

**Respondent:**

ICANN  
12025 Waterfront Drive  
Suite 300  
Los Angeles, California 90094-2536

**Respondent is represented by:**

Eric P. Enson, Esq.  
Jones Day  
Contact Information Redacted

Rachel Zernik  
Jones Day  
Contact Information Redacted

Jeffrey LeVee, Esq.  
Jones Day  
Contact Information Redacted

Pierre Heitzmann  
Jones Day  
Contact Information Redacted

Requestor/Applicant and Respondent are referred to collectively as the “Parties.”

**II. The Emergency IRP Panelist:**

John A.M. Judge  
John Judge Professional Corporation  
Contact Information Redacted

**III. The ICDR:**

Carolina Cardenas-Venino, LL.M.  
ICDR Senior Case Counsel  
Contact Information  
Redacted

Christian P. Alberti, Esq.  
Director  
Contact Information  
Redacted

Shashi K. Dholandas, Esq.  
International Case Counsel  
Contact Information Redacted

International Centre for Dispute Resolution  
American Arbitration Association  
Contact Information Redacted

#### **IV. The Procedural History:**

1. The Requestor\Applicant Gulf Cooperation Council (the “GCC”) is a political and economic alliance of six Middle Eastern countries: the United Arab Emirates (“UAE”); Saudi Arabia; Kuwait; Qatar; Bahrain; and Oman with offices located in Saudi Arabia.
2. The Internet Corporation for Assigned Names and Numbers (“ICANN”) is a California non-profit public benefit corporation created under the laws of the State of California which is responsible for the co-ordination of the maintenance and methodology for unique identifiers in respect of the Internet and for ensuring the stable and secure operation of the Internet.
3. In June 2011, ICANN launched the New generic Top Level Domain (“gTLD”) Program, to allow prospective internet domain name registry operators to apply for new gTLDs and to thereby encourage competition and diversity for Internet domains, all for the benefit of Internet users worldwide.
4. A private Turkish company, Asia Green IT System Bilgisayar San.ve Tic. Ltd. Sti (“Asia Green”), filed an application under the New gTLD Program for the gTLD <.PERSIANGULF>. Asia Green is said to have been founded by Iranian nationals.
5. The GCC, either directly or through its authorized agents, expressed its objection to the application for <.PERSIANGULF> at various stages of the application process under the New gTLD Program, including the making of a formal Objection in accordance with the gTLD Applicant Guidebook (30 May 2011), Module 3. The Objection raised a Community Objection as defined in the Module 3 based on a longstanding disagreement over the appropriate denomination for the “Gulf” region as between the terms “Persian Gulf” and “Arabian Gulf”.
6. Upon the completion of the various stages for the application and objection process under the New gTLD Program, ICANN determined that the Asia Green application for <.PERSIANGULF> would be granted. However, no registry agreement for such domain has been signed to date.
7. Article 4.3 of the Bylaws of ICANN provide for an independent review of ICANN Board actions at the request of any person materially affected by a Board decision or action based on the specific grounds and procedures as provided therein. An Independent Review Panel (“IRP”) shall conduct the review in accordance with the Bylaw. The ICDR has been designated as the provider of the IRP.
8. By service of a Notice of Independent Review (the “Notice”) and a written Request for Independent Review Process (the “Request”), both dated December 5, 2014, GCC sought a review of the decision by ICANN to approve Asia Green’s application for the new gTLD

<.PERSIANGULF>. The Notice and Request are supported by the Expert Report of Mr. Steven Tepp.

9. By a Request for Emergency Arbitrator and Interim Measures of Protections also dated December 5, 2014, GCC sought emergency relief under Article 6 of the ICDR International Dispute Resolution Procedures effective as of June 1, 2014 (the “ICDR Rules”) and the Supplementary Procedures for the ICANN Independent Review Process.
10. Following the appointment of the undersigned as the Emergency IRP Panelist as noted above, a procedural conference call was held on December 10, 2014 at 6:00 pm EST. Present on the conference call were:
  - a. Natasha Kohne and Kamran Salour, of Akin Gump, Strauss Hauer & Feld, counsel for GCC;
  - b. Eric Enson and Rachel Zernik, of Jones Day, counsel for ICANN;
  - c. John Judge, Emergency IRP Panelist; and,
  - d. Shashi Dholandas, International Case Counsel for the ICDR.
11. During the conference call, an appropriate schedule was discussed and agreed in order to provide for the expeditious conduct of the emergency application while providing reasonable time for both counsel to properly prepare. The Emergency IRP Panelist and counsel also discussed and agreed upon the propriety of and terms for preserving the status quo pending the completion of an Interim Declaration in respect of the application.

#### **V. The Schedule and the Status Quo:**


Article 6(3) ICDR Rules provides that “[t]he emergency arbitrator shall as soon as possible, and in any event within two business days of appointment, establish a schedule for consideration of the application for emergency relief. Such schedule shall provide a reasonable opportunity to all parties to be heard, but may provide for proceedings by telephone, video, written submissions, or other suitable means, as alternatives to an in-person hearing...”

Based on the discussions and agreements during the December 10 conference call, the Emergency IRP Panelist therefore now establishes the following schedule for the Request by GCC of Interim Measures of Protection:

1. **The Response.** ICANN shall deliver its Response to the Request for Interim Measures of Protection by 6 p.m. Pacific Time (9 PM EST) on Wednesday, December 17, 2014, which Response shall be limited to 25 pages in length, exclusive of any supporting authorities. The Response shall be delivered by email to the Claimant, the Emergency Arbitrator and the ICDR at the email addresses noted above.

2. **The Reply.** The GCC shall deliver its Reply to the Response by 6 pm Pacific Time (9 PM EST) on Monday, December 22, 2014, which Reply shall be limited to 7 pages in length and shall also be delivered by email.
3. **Oral Argument.** Oral argument on the application shall be conducted by way of telephone conference call on Tuesday, December 23, 2014 at 10:00 am Pacific Time, being 1:00 pm EST and 10:00 PM UAE Time. Oral argument shall be limited to approximately one hour with time to be split equally as between the parties, each having 30 minutes for the presentation of their oral argument. In addition, the Claimant shall be entitled to a short reply of approximately 5 minutes. The ICDR shall set up the conference call and provide notice of the call in particulars.
4. **The Interim Declaration.** Following the completion of oral argument, the Emergency Arbitrator shall endeavor to deliver an Interim Declaration in accordance with ICANN's Supplementary Rules as expeditiously as possible by the end of December 2014 or early in January 2015.
5. **The Status Quo.** During the procedural conference call on December 10, 2014, the Respondent ICANN, through its counsel, gave its undertaking that, pending the timely delivery of an Interim Declaration in respect of this Emergency Application, ICANN shall not take any steps towards the execution of a registry agreement for the domain <PERSIANGULF>. By reason of this undertaking to preserve the status quo, the Emergency Arbitrator determines that it is unnecessary at this time to make any order for any interim measure of protection pending the hearing of this application and the completion of the Interim Declaration.
6. **Communications.** Counsel for the parties shall communicate in writing directly with the Emergency Arbitrator, and vice versa, through the email addresses noted above, provided that the ICDR shall be copied on all such communications. In the event that any issue may arise in respect of the terms of this procedural order or in respect of the pending emergency application, the parties shall promptly communicate first with each other and then with the Emergency Arbitrator in respect of such issue.

11 December 2014  
Toronto, Ontario, Canada

  
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John A.M. Judge  
Emergency IRP Panelist