

# JONES DAY

555 SOUTH FLOWER STREET • FIFTIETH FLOOR • LOS ANGELES, CALIFORNIA 90071.2452  
TELEPHONE: +1.213.489.3939 • FACSIMILE: +1.213.243.2539

Direct Number: (213) 243-2572  
jivee@JonesDay.com

December 5, 2013

## VIA E-MAIL

Carolina Cardenás-Soto  
Senior International Case Manager  
International Centre for Dispute Resolution  
120 Broadway, 21st Floor  
New York, NY 10271

**Re: ICDR Case No. 50 117 T 01083 13, DotConnectAfrica Trust (DCA Trust) vs.  
Internet Corporation for Assigned Names and Numbers (ICANN)**

Dear Ms. Cardenás-Soto:

We are in receipt of your December 4, 2013 letter confirming the agreements reached by the parties in the above-referenced matter during the administrative conference call that took place that same day.

At this time, we would like to clarify two issues addressed in your letter:

First, your letter indicates that the “parties have agreed for the arbitration to be held in Los Angeles, CA.” To be clear, ICANN stated that there may not be an in-person hearing in this matter, and only in the unlikely event that a limited in-person hearing is deemed necessary, ICANN agrees that the hearing should take place in Los Angeles, California. Pursuant to Article IV, Section 3 of ICANN’s Bylaws:

In order to keep the costs and burdens of independent review as low as possible, the IRP Panel should conduct its proceedings by email or otherwise via the Internet to the maximum extent feasible. Where necessary, the IRP Panel may hold meetings by telephone. **In the unlikely event that a telephonic or in-person hearing is convened**, the hearing shall be limited to argument only; all evidence, including witness statements, must be submitted in writing in advance.

(Bylaws, Art. IV, § 3.12 (emphasis added); *see also* ICDR’s Supplementary Procedures for ICANN Independent Review Process, Section 4.) Thus, in accordance with ICANN’s Bylaws and the Supplementary Procedures, there is no automatic right to a hearing as suggested in your letter.

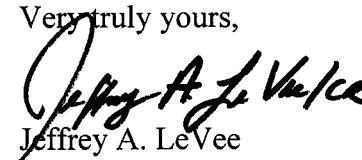
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Second, your letter states that the “parties agreed that Claimant will file an amended Notice of Independent Review by December 18 and Respondent will file a response 30 days thereafter.” As indicated in our December 2, 2013 letter to you, we would like to make clear that ICANN agreed that it was appropriate, only in this one instance, to permit DCA Trust to file an amended notice because this was the first attempt by a party to file a request for independent review since ICANN’s independent review procedures have been revised.

Finally, although the issue was not addressed during the administrative call, in view of the parties’ agreement to provide additional time for DCA Trust to file an amended notice, we would like to address the date on which the Checklist of Conflicts forms are due. Until ICANN receives DCA Trust’s amended notice, accompanied by a memorandum stating the nature of the claim and any evidence supporting the claim, ICANN is not in a position to identify the witnesses it expects to present or any persons or entities with an interest in these proceedings. Accordingly, ICANN believes it is appropriate to extend the time for the parties to submit the Checklist of Conflicts form to January 10, 2013.

Should you have any questions or require any additional information from ICANN regarding any of the issues addressed in this letter, please let us know. Otherwise, we look forward to hearing from you. Thank you.

Very truly yours,



Jeffrey A. LeVee

cc: Sophia Bekele, DCA Trust ([sbekele@dotconnectafrica.org](mailto:sbekele@dotconnectafrica.org))