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November 25, 2013

Via Email and Certified Mail

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Re: 50 117 T 01083 13
DotConnectAfrica Trust (DCA Trust)
vs
Internet Corporation for Assigned Names and Numbers
(ICANN)

Dear Parties,

The International Centre for Dispute Resolution (ICDR), a division of the American Arbitration Association (AAA), acknowledges receipt on November 18, 2013 of a Request for Independent Review dated October 24, 2013.

Please be advised that the above-captioned parties are receiving this communication in accordance with the representative information provided to us by the Requestor. If you are receiving this communication and do not represent any of the parties in this matter, please contact the ICDR immediately.

Your case will receive full administrative coverage by a case manager and a supervisor. I will be in charge of the administration of this matter and can be reached by phone at **212-484-3281**, fax at **212-246-7274**, or e-mail at **CardenasC@adr.org**. Please direct all future communications to my attention with a copy to the other party.

Please note that an Administrative Conference Call has been scheduled for **Wednesday, December 4 at 11:00 AM local New York time**. The parties are requested to dial in to this call at the following toll-free number: **888-537-7715 (US only)**. For security purposes, please enter the following passcode **59763001** followed by the “#” sign once requested. Should you have to dial in from outside of the US, please immediately contact the ICDR. If the parties are unable to participate on the scheduled date of the call, we

kindly request that the parties mutually agree on an alternate date and advise the ICDR so that the call may be rescheduled accordingly.

This matter is currently being administered under the International Dispute Resolution Procedures as amended and in effect as of June 1, 2009 (Fee Schedule Amended and Effective June 1, 2010), as well as the Supplementary Procedures for Internet Corporation for Assigned Names and Numbers (ICANN) Independent Review Process. Please find a copy of our Rules and the Supplementary Procedures on our website at www.icdr.org.

Pursuant to Articles 3(1) and 2(2), ICANN shall file a written statement of defense with Requestor and the ICDR **within 30 days** from the date of commencement of this matter (**or on Wednesday, December 18, 2013**). If ICANN wishes to file a counterclaim, please file three copies, along with the supporting documents and the appropriate filing fee, with the ICDR and send a copy directly to the Requestor by said date.

Please note that the ICDR Guidelines for Arbitrators Concerning Exchanges of Information will apply to this matter, unless the parties agree otherwise in writing. We have enclosed a copy of the guidelines for your convenience.

We also have enclosed a Checklist for Conflicts form. Please list all the witnesses you expect to present, as well as any persons or entities with an interest in these proceedings. This checklist will assist the neutrals to disclose any and all potential conflicts. The checklist is confidential and should only be sent to the ICDR. The checklist is due **within 15 days** from the date of this letter, or until **Tuesday, December 10, 2013**.

Finally, we have enclosed our Arbitration Information Sheet, which will serve to provide you with some basic information about the ICDR's arbitration process and set forth some initial dates by which certain steps should be completed by the parties. The ICDR will continue to provide you with information regarding the various stages of the process as the case proceeds. We also encourage you to contact the ICDR at any time for further procedural information or to discuss how we can best serve your needs in resolving your dispute.

We look forward to work with you and to provide you with assistance during the arbitral process.

Sincerely,



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Encl.

- Arbitration Information Sheet
- Checklist for Conflicts
- ICDR Guidelines for Arbitrators Concerning Exchanges of Information



ARBITRATION INFORMATION SHEET

This document provides information about your upcoming arbitration and the expectations concerning each party's conduct throughout the process. Please save this information sheet for reference.

Administrative Conference Call

The ICDR may conduct an Administrative Conference Call with the parties to discuss issues that will assist the ICDR in administering the case as efficiently as possible. This is also an opportunity for the parties to discuss ways to conduct the arbitration to meet their specific needs. Please be prepared to discuss the following:

- The means of communication between the ICDR and the parties;
- The possibility of submitting the dispute to mediation;
- The number of arbitrators and/or party-appointed arbitrator provisions;
- The method of appointment of arbitrator(s);
- The qualifications and area of expertise of the arbitrator(s);
- The handling of extension requests; and/or
- The possibility of utilizing a documents-only process.

Exchange of Correspondence and Documents

The parties shall copy each other and the ICDR on all correspondence during the course of the arbitration. Three items are exempt from this rule: (1) the Checklist for Conflicts, (2) any financial documents (e.g., invoices), and (3) the parties' arbitrator ranking lists (if applicable). Beyond the aforementioned items, there shall be no ex-parte communications with the ICDR.

Communications with Arbitrator(s)

It is paramount that the parties do not engage in any ex-parte communications with the arbitrator(s). To minimize the potential of such communications, all exchanges of appropriate written documents shall occur initially through the ICDR. Once appointed, the arbitrator(s) shall determine whether a limited direct exchange of communications between the parties, the ICDR, and the arbitrator(s) is acceptable. Otherwise, all correspondence shall be submitted to your case manager for transmittal to the arbitrator, copying the other party.

Timeliness of Filings

Please pay particular attention to response dates included on any ICDR correspondence. The ICDR may not consider untimely filings or responses. Should a party need an extension to any deadline, it should contact the other party first and attempt to reach an agreement. Should the parties disagree prior to the appointment of the arbitrator(s), the ICDR may grant a reasonable extension after reviewing the parties' comments for or against the requested extension.

Locale of the Arbitration

The parties may agree to a locale for the arbitration. This agreement can be made in the parties' agreement or contract, or when the arbitration is submitted to the ICDR. Any dispute as to the locale will be determined by the ICDR in accordance with the Rules governing the arbitration.

Refund Schedule

The ICDR's Standard Fee Schedule has a refund schedule in the administrative fee section of the Rules. After 60 days of the ICDR's receipt of the Notice of Arbitration or once an arbitrator has been appointed the filing fees are non-refundable. The ICDR will only refund filing fees as outlined in the Rules and does not refund arbitrator fees incurred when parties settle their dispute or withdraw their claims. Case service fees are fully refundable if the parties provide at least 24 hours notice of cancellation prior to the hearing. Note: this refund schedule does not apply to the Pilot Flexible Fee Schedule.

AAA WebFile

We invite the parties to visit our website to learn more about how to file and manage your cases online. As part of our administrative service, AAA's WebFile allows parties to perform a variety of case related activities, including:

- Filing additional claims;
- Completing the Checklist for Conflicts form;
- Viewing invoices and submitting payment;
- Sharing and managing documents;
- Striking and ranking listed neutrals; and/or
- Reviewing case status or hearing dates and times.

AAA WebFile provides the flexibility for the parties to work online at any time. Cases originally filed in the traditional offline manner can also be viewed and managed online. If the case does not appear upon login, you may request access to the case through AAA WebFile on our website at www.icdr.org. The ICDR will review and process the request for access within 24 hours.



ICDR GUIDELINES FOR ARBITRATORS CONCERNING EXCHANGES OF INFORMATION

Introduction

The American Arbitration Association (AAA) and its international arm, the International Centre for Dispute Resolution® (ICDR) are committed to the principle that commercial arbitration, and particularly international commercial arbitration, should provide a simpler, less expensive and more expeditious form of dispute resolution than resort to national courts.

While arbitration must be a fair process, care must also be taken to prevent the importation of procedural measures and devices from different court systems, which may be considered conducive to fairness within those systems, but which are not appropriate to the conduct of arbitrations in an international context and which are inconsistent with an alternative form of dispute resolution that is simpler, less expensive and more expeditious. One of the factors contributing to complexity, expense and delay in recent years has been the migration from court systems into arbitration of procedural devices that allow one party to a court proceeding access to information in the possession of the other, without full consideration of the differences between arbitration and litigation.

The purpose of these guidelines is to make it clear to arbitrators that they have the authority, the responsibility and, in certain jurisdictions, the mandatory duty to manage arbitration proceedings so as to achieve the goal of providing a simpler, less expensive, and more expeditious process. Unless the parties agree otherwise in writing, these guidelines will become effective in all international cases administered by the ICDR commenced after May 31, 2008, and may be adopted at the discretion of the tribunal in pending cases. They will be reflected in amendments incorporated into the next revision of the International Arbitration Rules. They may be adopted in arbitration clauses or by agreement at any time in any other arbitration administered by the AAA.

1. In General

- a. The tribunal shall manage the exchange of information among the parties in advance of the hearings with a view to maintaining efficiency and economy. The tribunal and the parties should endeavor to avoid unnecessary delay and expense while at the same time balancing the goals of avoiding surprise, promoting equality of treatment, and safeguarding each party's opportunity to present its claims and defenses fairly.
- b. The parties may provide the tribunal with their views on the appropriate level of information exchange for each case, but the tribunal retains final authority to apply the above standard. To the extent that the Parties wish to depart from this standard, they may do so only on the basis of an express agreement among all of them in writing and in consultation with the tribunal.

2. Documents on which a Party Relies.

Parties shall exchange, in advance of the hearing, all documents upon which each intends to rely.

3. Documents in the Possession of Another Party.

- a. In addition to any disclosure pursuant to paragraph 2, the tribunal may, upon application, require one party to make available to another party documents in the party's possession, not otherwise available to the party seeking the documents, that are reasonably believed to exist and to be relevant and material to the outcome of the case. Requests for documents shall contain a description of specific documents or classes of documents, along with an explanation of their relevance and materiality to the outcome of the case.
- b. The tribunal may condition any exchange of documents subject to claims of commercial or technical confidentiality on appropriate measures to protect such confidentiality.

4. Electronic Documents.

When documents to be exchanged are maintained in electronic form, the party in possession of such documents may make them available in the form (which may be paper copies) most convenient and economical for it, unless the Tribunal determines, on application and for good cause, that there is a compelling need for access to the documents in a different form. Requests for documents maintained in electronic form should be narrowly focused and structured to make searching for them as economical as possible. The Tribunal may direct testing or other means of focusing and limiting any search.

5. Inspections.

The tribunal may, on application and for good cause, require a party to permit inspection on reasonable notice of relevant premises or objects.

6. Other Procedures.

- a. Arbitrators should be receptive to creative solutions for achieving exchanges of information in ways that avoid costs and delay, consistent with the principles of due process expressed in these Guidelines.
- b. Depositions, interrogatories, and requests to admit, as developed in American court procedures, are generally not appropriate procedures for obtaining information in international arbitration.

7. Privileges and Professional Ethics.

The tribunal should respect applicable rules of privilege or professional ethics and other legal impediments. When the parties, their counsel or their documents would be subject under applicable law to different rules, the tribunal should to the extent possible apply the same rule to both sides, giving preference to the rule that provides the highest level of protection.

8. Costs and Compliance.

- a. In resolving any dispute about pre-hearing exchanges of information, the tribunal shall require a requesting party to justify the time and expense that its request may involve, and may condition granting such a request on the payment of part or all of the cost by the party seeking the information. The tribunal may also allocate the costs of providing information among the parties, either in an interim order or in an award.
- b. In the event any party fails to comply with an order for information exchange, the tribunal may draw adverse inferences and may take such failure into account in allocating costs.