



October 24, 2013

The President/Chief Executive Officer
Internet Corporation for Assigned Names & Numbers (ICANN)
12025 Waterfront Drive, Ste. 300
Los Angeles, CA USA 90094
United States of America

Copy to: Dr. Steven Crocker, Chairman of the ICANN Board of Directors

Dear Sirs,

Subject: A Note to ICANN following Conclusion of the Cooperative Engagement Process

We refer to the recent Cooperative Engagement Process (CEP) that took place between DCA Trust and ICANN representatives and wish to express our unhappiness in the lack of a fruitful outcome; a result that was also confirmed in the recent email message from Mr. John Jeffrey, the ICANN General Counsel, which conveyed the notion that the CEP had “reached its conclusion and continuing would have no additional benefit”.

We believe that from the first session that took place on Thursday, September 19, 2013 to the last session that took place on Wednesday, October 16, 2013, no concrete or positive steps were taken by the ICANN representative to help resolve or narrow the issues that DCA Trust has presented as constituting the reasons for requesting accountability through the instrumentality of an Independent Review Process (IRP) Panel. Even though DCA Trust had officially notified its IRP intentions in a letter (***‘Official Notification of our intention to commence Independent Review Process (IRP) Panel Proceedings with ICANN following recent ICANN Board NGPC Decision accepting the BGC Recommendation not to approve our Reconsideration Request 13-4: DotConnectAfrica Trust’***) dated August 19, 2013, no measurable progress has been made on the issue within two months – a period that covered one month leading up to the CEP, and another valuable month that was expended on a CEP procedure that managed to achieve nothing. We particularly wish to register our observation that extraneous issues that are quite different from what we know as the ICANN official position were often introduced into the CEP discussions by the ICANN representative, which in our estimation further confounded and obfuscated the issues, thereby causing the singular failure of the CEP. We are quite frustrated that the CEP procedure was simply a pro-forma effort on the part of ICANN representatives. Even though DCA Trust was asked to provide a written clarification, the CEP discussions never focused on the core issues that were of primary concern to DCA Trust. There is no need to re-emphasize that the CEP procedure took time without any worthwhile results to show for commitment and effort.

Therefore, we hereby reiterate the same position that we have always maintained that the ICANN Board Decision(s) that we presently disagree with must be subjected to an independent third-party review. Thus, we are proceeding with the IRP.



Regarding the IRP filing deadlines indicated in the applicable section of the ICANN Bylaws, we wish to officially request that the filing deadlines be extended because of unavoidable delays that have already occurred; first, with the reconsideration request that took nearly 6 weeks to be treated by the ICANN Board Governance Committee, coupled with the CEP that also consumed another two months of elapsed time since our August 19, 2013 letter. Accordingly, we wish to formally request that the IRP filing deadline be officially extended to November 30, 2013. Our request is amply justified by the amount of time that has already been taken by the Reconsideration Request and CEP processes (as already been explained), coupled with the following provision in the CEP document (<http://www.icann.org/en/news/irp/cep-11apr13-en.pdf>):

“If ICANN and the requestor have not agreed to a resolution of issues upon the conclusion of the cooperative engagement process, or if issues remain for a request for independent review, the requestor’s time to file a request for independent review designated in the Bylaws shall be extended for each day of the cooperative engagement process, but in no event, absent mutual written agreement by the parties, shall the extension be for more than fourteen (14) days.”

We think that the technicality of filing deadlines should not be detrimentally used to deny DCA Trust accountability and justice, since we have tried our utmost to utilize, and abide by the due process provisions available to us within ICANN accountability mechanism – by first seeking reconsideration from ICANN, and also engaging with ICANN in a CEP procedure; all in good faith.

Thus, we look forward to a written mutual agreement between ICANN and DCA Trust that would extend the IRP filing deadline to November 30, 2013.

Thanking you in anticipation as we look forward to hearing from you soonest.

Yours sincerely,

For & On Behalf of DotConnectAfrica Trust

Spekele

Ms. Sophia Bekele, B.S., M.B.A., C.I.S.A, C.C.S, CGEIT

DotConnectAfrica Trust (Applicant for the .Africa gTLD) Application ID: 1-1165-42560

cc: Mr. Akram Atallah, President, Generic Domains, Division

cc: Cherine Chalaby, Chair, New gTLD Program Committee

cc: John Jeffrey, ICANN General Counsel & Secretary

cc: Susanna Bennett, ICANN Chief Operating Officer

cc: Ms. Amy Stathos, ICANN Deputy Counsel

cc: Ms. Samantha Eisner, ICANN Senior Counsel