

JONES DAY

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November 27, 2013

VIA E-MAIL

Carolina Cardenás-Soto
Senior International Case Manager
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:

We write as counsel for ICANN in the above-captioned matter, and acknowledge receipt by ICANN of your letter dated November 26, 2013 in response to DCA Trust's purported "Request for Independent Review."

Pursuant to Article IV, Section 3 of ICANN's Bylaws:

Any person materially affected by a decision or action by the Board that he or she asserts is inconsistent with the Articles of Incorporation or Bylaws may submit a request for independent review of that decision or action.

(Bylaws, Art. IV, § 3.2.) A request for independent review must be filed within thirty days of the posting of the alleged violation and the request for independent review shall not exceed 25 pages of argument. (Bylaws, Art. IV, §§ 3.3 & 3.4.)

Article 2(1) of the ICDR's International Dispute Resolution Procedures ("IDRP"), as amended and in effect as of June 1, 2009, requires the party initiating arbitration ("claimant") to provide written notice of the arbitration to the administrator and at the same time to the party against whom a claim is being made ("respondent"). The notice of arbitration shall contain a statement of claim including, among a list of other things, "a description of the claim and an indication of the facts supporting it." (IDRP, Art. 2(3).) Likewise, Section 5 of the ICDR's Supplementary Procedures for ICANN Independent Review Process provides that the "initial written submissions of the parties shall not exceed 25 pages each in argument ... All necessary evidence to demonstrate the requestor's claims that ICANN violated its Bylaws and Articles of Incorporation should be part of the submission."

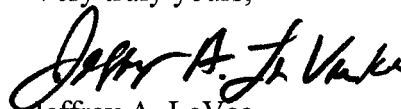
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To date, ICANN has not received a written request/statement for independent review from DCA Trust as required by ICANN's Bylaws and the ICDR's Procedures. ICANN only received from DCA Trust the first page of the two-page ICDR "Notice of Independent Review" form dated October 24, 2013.¹ The single page notice received by ICANN identifies the parties to the independent review but does not set forth the grounds upon which DCA Trust submits its request for independent review, including whether DCA Trust has standing and a right to assert a claim under Article IV, Section 3 of ICANN's Bylaws.

If DCA Trust has filed a written request/statement for independent review with the ICDR, but has failed to serve a copy of the request on ICANN, we ask that you immediately provide us with a copy of the request. If DCA Trust has not filed a written request/statement for independent review with the ICDR, the initiation of the independent review process is defective for failure to comply with ICANN's Bylaws and the ICDR's Procedures, and the matter should be dismissed.

Thank you.

Very truly yours,


Jeffrey A. LeVee

cc: Sophia Bekele, DCA Trust (sbekele@dotconnectafrica.org),
John O. Jeffrey, ICANN,
Amy A. Stathos, ICANN

¹ The second page of the Notice states: "In the submission, state specifically the grounds under which the claimant has the standing and the right to assert the claim."