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Ref: Independent Review Process (ICDR No. 50 117 T 1083 13)
DotConnectAfrica Trust v. Internet Corporation for Assigned Names and Numbers

Dear Sirs:

We write on behalf of Claimant DotConnectAfrica Trust (“DCA”) in the above-referenced matter to request that ICANN immediately cease any further processing of all applications for the delegation of the .AFRICA gTLD.

As you are aware, DCA is challenging ICANN’s decision not to proceed with DCA’s application for the .AFRICA gTLD on the grounds that ICANN’s conduct with respect to applications for the .AFRICA gTLD, and its treatment of DCA’s application, were unfair, discriminatory, and lacked appropriate due diligence and care, in breach of ICANN’s Articles of Incorporation and Bylaws. Should DCA succeed in its challenge, it believes its application must proceed, in accordance with the gTLD Applicant Guidebook. According to the rules set forth in the Guidebook, if it passed initial review, DCA would enter into a contention set with other applicants for the .AFRICA gTLD in order to negotiate an appropriate outcome to the competing applications for this domain name.

Obviously, DCA's right to proceed in the application process would be irreparably harmed if ICANN continued to process other applications for the .AFRICA gTLD, as this may result in a decision to award the domain name to another applicant before the IRP has concluded. Indeed, we understand that there is only one other application for the .AFRICA gTLD, and that the applicant has made public statements concerning its expectation that ICANN will award it the .AFRICA domain name in the very near future. Should ICANN take this step, DCA's request for relief through the IRP would be rendered moot, as DCA would be irretrievably deprived of the relief it seeks. Accordingly, it is our view that any actions taken by ICANN to further process applications for the .AFRICA gTLD would breach the rules and procedures ICANN has laid out for the New gTLD Program, as well as its obligation to abide by the principles expressed in its Bylaws and Articles of Incorporation, particularly the obligation to act transparently and in good faith.

Should ICANN refuse to suspend processing of applications for the .AFRICA domain name, we intend to seek emergency relief under Article 37 of the ICDR International Arbitration Rules. We believe we have the right to seek such relief because there is no standing panel (as anticipated in the Supplementary Procedures put together by ICANN), which would otherwise hear requests for emergency relief pending the constitution of the Tribunal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Arif H. Ali', with a stylized flourish at the end.

Arif H. Ali

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