

JONES DAY

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March 24, 2014

VIA EMAIL

Arif H. Ali, Esq.
Weil, Gotshal & Manges LLP
1300 Eye Street NW, Suite 900
Washington, DC 20005

Re: DCA and ICANN

Dear Arif:

I am responding to your letters sent last night, Sunday, March 23.

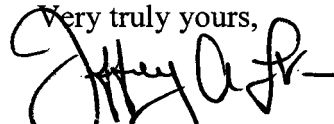
First, as your letter states, I informed you on February 5, 2014 – over six weeks ago – that ICANN would not suspend its processing of the other application for the .AFRICA generic top level domain (gTLD). In my email of February 5, I told you that ICANN believes that DCA's claims in the Independent Review Proceeding "are exceedingly weak, and that the decision to refrain from the further processing of other applications on the basis of the pending IRP would be unfair to others." You never responded to my email.

Second, DCA initiated these Independent Review proceedings in November 2013, over four months ago. As you are well aware, DCA has always had available to it the means under the ICDR rules to apply for emergency relief. Although ICANN believes that any application for emergency relief, in this instance, would be frivolous, DCA has elected not to seek such relief. DCA's delays – including repeated extensions of time to file its papers (over ICANN's objections) and the extremely slow pace of selecting the panel (as DCA requested) – did not require ICANN to alter the pace of the processing of gTLD applications.

Third, DCA's own delays in seeking emergency relief completely undermine the notion stated in your letter that ICANN would "damage its own credibility" by proceeding to contract with ZA Central Registry ("ZACR"). ICANN is doing exactly what it told DCA it would do, and the fact of ICANN's continued processing of ZACR's application has not been a secret. We presume that the reason that DCA has refrained from seeking emergency relief is that DCA knows that its claims are extraordinarily weak, as confirmed by ICANN's response to DCA's Notice, dated February 10, 2014. (Because you provided the panelists a copy of DCA's Notice, I am attaching a copy of ICANN's Response and the two accompanying declarations.)

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Finally, ICANN has already signed the registry agreement with ZACR for the .AFRICA gTLD. A copy of the executed agreement will be posted on ICANN's website in due course and in accordance with ICANN's process.

Very truly yours,

Jeffrey A. LeVee

cc: Carolina Cardenas-Soto
Professor Catherin Kessedjian
The Hon. Richard C. Neal (Ret.)
Neil Dundas, ZA Central Registry
Simla Budhu, Legal & Policy Manager, ZACR

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