



September 5, 2014

John O. Jeffrey
General Counsel & Secretary
Office of the General Counsel
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
independentreview@icann.org

**Re: Notice of Dot Registry Invoking the Cooperative Engagement Process
for .LLC, .LLP and .INC**

Dear Mr. Jeffrey:

Dot Registry LLC ("Dot Registry") is writing to invoke the Cooperative Engagement Process ("CEP") described in Article IV, Section 3 of the Bylaws of the Internet Corporation for Assigned Names and Numbers ("ICANN") for the following applications:

Application ID: 1-880-17627 for TLD: .LLC
Application ID: 1-880-35508 for TLD: .LLP
Application ID: 1-880-35979 for TLD: .INC

Basis for CEP

Dot Registry is seeking to raise and resolve with ICANN certain issues relating to the Determination of the Board Governance Committee ("BGC") on Reconsideration Requests 14-30 (.LLC), 14-32 (.INC), and 14-33 (.LLP), dated July 24, 2014 (the "Determination"), as discussed during the July 24 meeting of the BGC and documented in its meeting minutes, which were posted on ICANN's public website on August 22, 2014. In the process of considering Dot Registry's Reconsideration Requests and issuing the Determination, the BGC acted in direct violation of ICANN's Articles of Incorporation and its Bylaws, to the material and financial detriment of Dot Registry.

The BGC's actions and resulting harm to Dot Registry form the grounds on which Dot Registry could request an Independent Review Process ("IRP") with ICANN and, therefore, constitute a proper basis for participating in a CEP. Accordingly, Dot Registry seeks to participate in the CEP with ICANN in hopes of resolving its

issues with respect to the improper actions of the BGC and the EIU relating to Dot Registry's applications for .LLC, .LLP and .INC.

Violations of ICANN's Articles of Incorporation and Bylaws

ICANN's Articles of Incorporation bind it to "operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable international conventions and local law."¹ Principles of international law provide that, at a minimum, ICANN act in good faith, avoid abuse of rights, engage in fair dealing and respect the legitimate contract-based expectations of the Internet community. Moreover, ICANN's Bylaws require ICANN, *inter alia*, to operate in an open, transparent and non-discriminatory manner, remaining accountable to the Internet community;² protect the security and stability of the Internet as well as consumer confidence and trust in the Internet;³ ensure the accurate and unbiased application of ICANN's policies and procedures;⁴ and give due regard to the policy recommendations of entities tasked with a policy role that are affected by ICANN actions.⁵

While Dot Registry has complied with ICANN's requirements at every stage of the new gTLD application process, the recent actions of ICANN's Board relating to the Determination, including ICANN's apparent willingness to overlook the grievous mishandling of the Community Priority Evaluation ("CPE") process by its staff and the Economic Intelligence Unit ("EIU"), are inconsistent with ICANN's Articles of Incorporation and Bylaws and deny Dot Registry its basic rights as a new gTLD community applicant. In doing so, ICANN has failed to comply with and enforce compliance with the processes and procedures outlined in the gTLD Applicant Guidebook, the CPE guidelines and ICANN's governing documents.

As described in Dot Registry's Reconsideration Requests, the EIU CPE panel not only failed to follow the procedures set forth in the gTLD Applicant Guidebook for the above-listed applications but also unduly harassed supporters of Dot Registry. By denying Dot Registry's Reconsideration Requests, ICANN protects the EIU from having to disclose its actions during the CPE process and endorses the EIU's egregious scope creep and misapplication of the CPE procedures set forth in the gTLD Applicant Guidebook and the serious errors committed by the EIU during Dot Registry's CPEs.

¹ ICANN Articles of Incorporation, Cl. 4 (21 November 1998).

² ICANN Bylaws, Art. I § 2(7), (8), (10), Art. II § 3, Art. III §§ 1, 6(1) (7 February 2014); Affirmation of Commitments, Cls. 3, 9.1 (30 September 2009).

³ Bylaws, Art. I § 2(1); Affirmation of Commitments, Cls. 3, 9.1, 9.3.

⁴ Bylaws, Art. I § 2 (7), (8), Art. II § 3, Art. III § 1.

⁵ Bylaws, Art. I § 2(1), (3), (4), (7), (10), (11), Art. III § 6(1), Art. XI § 2(1), Affirmation of Commitments, Cl. 9.1.


In addition, over the past two years, the Governmental Advisory Committee, the Federal Trade Commission and various U.S. government officials have expressed specific concerns about the issuance of corporate identifier extensions and the consumer protection problems that could result from issuing these extensions without the proper protections offered by a community format. Rather than accord due regard to these recommendations, ICANN has completely disregarded them. Furthermore, instead of taking steps to ensure the protection of the Internet and consumer confidence in these extensions, ICANN has provided vague and inefficient solutions to the paramount risks that consumers could experience as a result of irresponsible management of these corporate identifiers.

For the above-stated reasons, we look forward to working with ICANN in the CEP to rectify the serious issues we have raised with respect to the handling of Dot Registry's CPE process and the denial of Dot Registry's Reconsideration Requests. Dot Registry, however, reserves all of its rights to pursue any and all remedies in the event that this CEP is unsuccessful.

Single Point of Contact for the CEP

Dot Registry designates its Chief Executive Officer, Shaul Jolles, as the single point of contact for this CEP. Mr. Jolles can be reached at (816) 200-7080 or via email at sjolles@dotregistry.org.

Respectfully,



Shaul Jolles
CEO
Dot Registry, LLC