

Response to Documentary Information Disclosure Policy Request

To: Mr. George Kirikos

Date: 27 November 2012

Re: Request No. 20121027-1

Thank you for your Request for Information dated 27 September 2012 (the "Request"), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP).

Items Requested

Your Request is attached to this response.

In summary, your Request seeks ICANN to bring its litigation and Independent Review Pages to date, and further identifies some ideas for potential procedures for maintaining those pages and other ideas for how ICANN could further update the community regarding the posting of new litigation documents.

Response:

Thank you for your attention to this matter. At the time of your submission, ICANN indeed had not posted documents related to the Name.Space or the Image Online Design litigation matters. In addition, the Schreiber litigation page required updating as did the Manwin IRP page.

By way of background, the Litigation Documents pages published on [icann.org](http://www.icann.org) (<http://www.icann.org/en/news/litigation>) are not intended to replicate the full court dockets in the matters. The Litigation Documents collect the substantive filings within the litigation matter and not all filings made within the matter. ICANN has often elected to publish not only the substantive filings (such as Motions, Oppositions, Replies, Answers, and Orders on substantive matters) related to ICANN, but also filings related to other parties in the case, as well as scheduling orders. ICANN's practice is to not post each procedural filing, such as motions to allow counsel to be admitted before the court (*pro hac vice* motions and orders), basic disclosure statements, and other procedural or administrative filings. In addition, ICANN has exercised discretion in publishing documents that are relevant to its participation in a lawsuit. For example, the Netsphere litigation at <http://www.icann.org/en/news/litigation/netsphere-v-baron>, in which ICANN was involved after being identified in a motion in November 2011, has a docket containing hundreds upon hundreds of documents. ICANN has posted only those documents that are directly relevant to ICANN and its position in that case. The remainder of the docket in the Netsphere matter is available as a matter of public record - as are the dockets for all cases in the U.S. Federal Courts.

The Name.Space and Image Online Design litigation pages were published on 2 November 2012. On that same day, the Schreiber page was updated with a large number of filings to bring the matter current. Additional filings have been posted on each of those pages within

a reasonable time of filings, and are up to date. In addition, the Employ Media Arbitration has an updated note on the status of the arbitration, indicating a change to the schedule for the matter. The Manwin Independent Review page, at <http://www.icann.org/en/news/irp/manwin-v-icann> is up to date, and recent filings in the Manwin v. ICM/ICANN litigation are also being prepared for publication. In regards to the Afternic v. ICANN matter from 2000, ICANN will be making information on the Afternic case accessible from the Litigation Documents landing page at <http://www.icann.org/en/news/litigation>. Information on the conclusion of the Afternic case is also publicly available from the website of the U.S. District Court for the Southern District of New York.

While not appropriately subject to DIDP process, we appreciate your suggestions regarding more predictable timing in the publication of documents, as well as potential enhancements to the Litigation Documents pages for updates regarding status. ICANN is committed to posting its litigation documents as soon as is practical and feasible after filing, and will consider if additional enhancements can be made to the page to make information such as status easier to locate. Your recommended enhancement to myICANN.org will be forwarded along, and you can also submit this to the myICANN team through the [contact form](#) available at the bottom of every page at myICANN.org.

About DIDP

ICANN's DIDP is limited to requests for information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, please see <http://www.icann.org/en/about/transparency/didp>. ICANN makes every effort to be as responsive as possible to the entirety of your Request.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.