

APPENDIX A

CHRONOLOGY OF RELEVANT EVENTS.

DATE	EVENT
June 2011	After years of development, which included consultations with the ICANN community at every stage, ICANN proceeds with the New gTLD Program. The New gTLD Program allows interested applicants to apply for the rights to operate generic top-level domain names. The Guidebook, which was created over a number of years in a collaborative, online process that was open to the public, sets forth the requirements for new gTLD applicants, as well as the evaluation rules and procedures. The application window opens in January 2012, and ICANN receives 1,930 applicants for new gTLDs. (2/7/19 Trial Tr. at 275:9–26, 277:13–279:19, 284:17–19.)
January 2012	The New gTLD Program application window opens, and ICANN begins accepting applications. (2/7/19 Trial Tr. at 275:24–26, <i>see also</i> Stip. Fact, ¶ 4.)
March - June 2012	DCA applies for the right to .AFRICA. Over the next year and a half, DCA’s application undergoes evaluation. DCA’s application passes several of the evaluation phases (background screening, financial evaluation, technical evaluation), but not yet geographic names review. (2/7/19 Trial Tr. at 284:20–285:1, 298:7–11, 299:1–19.)
June 2012	After nearly four years of development, ICANN publishes the final version of the Applicant Guidebook. Beginning in 2008, ICANN published a total of nine versions of the Guidebook (in addition to the final version) and sought public comment on each version. (2/6/19 Trial Tr. at 78:6–11; 2/7/19 Trial Tr. at 278:3–20; <i>compare</i> Ex. 61, 2008 Guidebook <i>with</i> Ex. 2, 2012 Guidebook.)
April 2013	The GAC addresses several gTLD applications and issues “consensus advice” to ICANN that DCA’s new gTLD application should not proceed through the evaluation process. Under the Guidebook, if the GAC issues consensus advice against an application, it creates a “strong presumption” that the application should not proceed. At the time the GAC issued its consensus advice, DCA’s application was still undergoing the Geographic Names Review, which evaluates whether an applicant for a

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	geographic gTLD such as .AFRICA has the required support or non-objection of 60% of relevant governmental authorities. (2/7/19 Trial Tr. at 291:1–23, 299:10–300:21; Ex. 2, 2012 Guidebook, § 3.1.)
June 2013	ICANN’s Board accepts the GAC advice. DCA is informed that its application will no longer be evaluated, and the Geographic Names Review processing of DCA’s application is stopped mid-stream. (2/7/19 Trial Tr. at 299:10–300:2, 300:22–305:26; Ex. 52, DCA App.)
June-July 2013	DCA moves for reconsideration of the ICANN Board’s decision to accept the GAC consensus advice regarding DCA’s application. The Board denies DCA’s request. (2/7/19 Trial Tr. at 305:28–306:9.)
October 2013	DCA initiates an IRP to address the ICANN Board’s decision to accept the GAC consensus advice regarding DCA’s application. (See Ex. 6, Amended Notice of IRP, at p. 2 n.1; see also Stip. Fact, ¶ 10.)
October 2013-May 2015	ICANN and DCA engage in the IRP proceeding, culminating in a live two-day hearing in May 2015. (2/6/19 Trial Tr. at 87:9–13, 115:9–14; see generally Ex. 35, 5/22/15 IRP Hr’g Tr.; Ex. 36, 5/23/15 IRP Hr’g Tr.; Stip. Fact, ¶¶ 12-17))
July 9, 2015	The IRP Panel issues a Final Declaration in DCA’s favor. The IRP Panel then recommended that: (1) DCA’s application should be returned to processing; (2) ICANN should refrain from delegating .AFRICA while DCA’s application completes processing; and (3) ICANN should pay the entirety of DCA’s IRP costs. (Stip. Fact, ¶¶ 38, 39; Ex. 33, Final Decl., ¶¶ 149, 150.)
July 16, 2015	The ICANN Board adopts the IRP Panel’s declaration in full and passes a resolution providing for ICANN to: (1) return DCA’s application to processing; (2) refrain from delegating the .AFRICA gTLD while DCA’s application completes processing; and (3) pay the entirety of DCA’s IRP costs. (2/8/19 Trial Tr. at 320:18–323:26; Ex. 41, Resolution.)
July 2015	ICANN returns DCA’s application to processing. DCA’s application is placed exactly where it had been in 2013 when the GAC had issued its advice: the Geographic Names Review. The independent expert panel hired by ICANN to evaluate geographic gTLDs (including the .AFRICA applications), InterConnect

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	Communications (“InterConnect” or “ICC”), resumes evaluation of DCA’s application. (2/8/19 Trial Tr. at 331:7–333:4.)
September 2015	ICC determines that DCA’s letters of support, which are from 2008 and 2009 (before the Guidebook was completed and years before DCA’s application was submitted) do not contain all the information necessary to conform to the Guidebook’s requirements. ICC issues “Clarifying Questions,” indicating what is missing from the support letters and asking DCA to obtain new, conforming letters, the normal process for any application that does not contain adequate letters of support. DCA refuses to submit new letters, taking the position that its 2008/2009 letters are sufficient despite ICC’s explicit directive that such letters were insufficient. (2/6/19 Trial Tr. at 164:19–165:9; 2/8/19 Trial Tr. at 333:5–334:17.)
October 2015	ICANN notifies DCA that it has failed the Geographic Names Review but offers to allow DCA to proceed through “Extended Evaluation,” which DCA accepts. Because DCA has not submitted new letters, InterConnect issues the same Clarifying Questions. DCA again refuses to submit updated letters. (2/6/19 Trial Tr. at 165:10–166:5; 2/8/19 Trial Tr. at 334:18–335:13.)
January 2016	DCA files this lawsuit. (Stip. Fact, ¶ 40.)
February 2016	InterConnect determines that DCA’s application does not pass Geographic Names review. ICANN informs DCA that, because its application for .AFRICA did not pass Geographic Names Review, its application has failed. (2/6/19 Trial Tr. at 166:6–11; 2/8/19 Trial Tr. at 335:14–22.)

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