

No. 16-55693

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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**DOTCONNECTAFRICA TRUST,**

*Plaintiff/Appellee,*

v.

**INTERNET CORPORATION FOR ASSIGNED  
NAMES AND NUMBERS, *et al.***

*Defendant/Appellant.*

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On Appeal from the United States District Court  
for the Central District of California, No. 2:16-CV-00862-RGK  
The Honorable R. Gary Klausner

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**EXCERPTS OF RECORD  
VOLUME 3 OF 7  
(ER-339-633)**

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NUMBERS

No. 16-55693

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FOR THE NINTH CIRCUIT**

**EXCERPTS OF RECORD**

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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

DOTCONNECTAFRICA TRUST, a  
Mauritius Charitable Trust,

Plaintiff,

v.

INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS;  
a California corporation; ZA Central  
Registry, a South African non-profit  
company; DOES 1 through 50, inclusive,

Defendants.

Case No. 2:16-cv-00862-RGK (JCx)

**DECLARATION OF SARA C.  
COLÓN**

[Filed concurrently: Reply in Support  
of Motion for Preliminary Injunction;  
Supplemental Declaration of Sophia  
Bekele Eshete; Evidentiary  
Objections to the Declarations of  
Jeffrey A. LeVee, Akram Atallah,  
Kevin Espinola, Christine Willet,  
and Moctar Yedaly]

DECLARATION OF SARA C. COLÓN



1 [https://www.icann.org/en/system/files/correspondence/masilela-to-crocker-](https://www.icann.org/en/system/files/correspondence/masilela-to-crocker-15jul15-en.pdf)  
2 [15jul15-en.pdf.](https://www.icann.org/en/system/files/correspondence/masilela-to-crocker-15jul15-en.pdf)

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4  
5 I declare under penalty of perjury under the laws of the State of California  
6 and the laws of the United States that the foregoing is true and correct.

7  
8 Executed on this 21st day of March 2016, at Los Angeles, California.

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10 \_\_\_\_\_  
11 /s/ Sara C. Colón  
12 Sara C. Colón

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DECLARATION OF SARA C. COLÓN

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**CERTIFICATE OF SERVICE**

I, Ethan J. Brown, hereby declare under penalty of perjury as follows:

I am a partner at the law firm of Brown, Neri & Smith LLP, with offices at 11766 Wilshire Blvd., Los Angeles, California 90025. On March 21, 2016, I caused the foregoing **DECLARATION OF SARA C.COLÓN** to be electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

Executed on March 21, 2016

/s/ Ethan J. Brown



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# EXHIBIT 1



Annual Report  
for the year ending  
30 June 2014

# Historic Breakthroughs

Exhibit 1 - Pg 003

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About ICANN

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Letter from the  
President & CEO

06

Letter from the Chairman  
of the Board

Introduction

Exhibit 1 - Pg 005

## About ICANN



ICANN's mission is to ensure a stable, secure and unified global Internet. To reach another person on the Internet you have to type an address into your computer - a name or a number.

That address has to be unique so computers know where to find each other. ICANN helps coordinate these unique identifiers across the world. Without that coordination, we wouldn't have one global Internet.

ICANN was formed in 1998. It is a not-for-profit public-benefit corporation with participants from all over the world dedicated to keeping the Internet secure, stable and interoperable. It promotes competition and helps develop policy on the Internet's unique identifiers. ICANN doesn't control content on the Internet. It cannot stop spam and it doesn't deal with access to the Internet. But through ICANN's coordinating role of the top-level of the Internet's system of unique identifiers, it does have an important impact on the expansion and evolution of the Internet.

## Letter from the President & CEO



This year marked the most significant milestone in ICANN's 16-year history. In March 2014, the United States government announced its intention to transfer its stewardship of the IANA Functions to the global Internet multistakeholder community. This step forward is the realization of the longtime goal for the United States to transition its stewardship to the global community.

Remarkably, this transition of stewardship was not the only historic event for us in 2014. In February, the first registries from the most recent round of new generic top-level domains came online, commencing the largest-ever expansion of the Domain Name System. We created the first Global Domains Division (GDD) within ICANN. Led by its president Akram Atallah, the GDD unit engages the Internet community to implement ICANN policies through contracts and services, and delivers the Internet Assigned Numbers Authority (IANA) functions. Within that unit, the New gTLD Program celebrated a number of firsts this year: the first delegation of an internationalized generic top-level domain name, the first delegation of a city top-level domain name, the first delegation of a brand top-level domain name, the first delegation of a community generic top-level domain name and the first new gTLD auction.

ICANN held four international public meetings, including our 50th in London and largest yet, bringing together thousands of people from all over the world to discuss issues of policy related to the Top-Level of the Internet's system of unique identifiers. We also saw the discussion around Internet governance become re-energized. Four advisory panels brought together thought leaders, experts and practitioners to support development of ICANN's strategic and operational future. A fifth panel, chaired by Estonia President Toomas Iivasa, developed key

recommendations on how to accommodate global needs for collaboration, interconnectivity and Internet growth within Internet governance.

We joined diverse stakeholders at the NETmundial Multistakeholder Meeting to create a shared set of principles for the evolution of Internet governance and cooperation. ICANN was a key sponsor of the Internet Governance Forum in Bali and the Internet Engineering Task Force meeting in London.

We also made important strides in organizational growth and effectiveness, opening hub offices in Singapore and Istanbul, Turkey, as well as a new engagement center in Geneva, Switzerland. We added a Chief Innovation and Information Officer to the leadership team; and sharpened our focus as a global organization on compensation, benefits, recruitment, and organizational development.

Though this year's many milestones have changed ICANN significantly, one thing that has not changed is ICANN's commitment to continue to grow as a global organization that is inclusive and open. The Internet is a powerful communication, information and economic force, and the time has come for its stewardship to reflect its status as a truly global resource.

Sincerely,  
Fadi Chehadé

## Letter from the Chairman of the Board

In the late 1990s, the U.S. government decided the IANA functions needed to be privatized. This decision led to the creation of ICANN in 1998. Sixteen years later, the U.S. stewardship of these important functions is coming to an end. This is just as we always anticipated, though perhaps it has taken longer than expected.

The NTIA announcement concerning the U.S. stewardship of the IANA functions has ushered in a period of serious reflection and open dialogue about how the transition should be managed, and how ICANN can improve its governance and accountability. Governments, civil society, the technical community, businesses, non-profits and others are engaging with renewed vigor and enthusiasm in the kind of essential discussions comparable to the early years of ICANN.

ICANN's accountability and transparency are regularly examined by a set of community volunteers through an effort mandated by the Affirmation of Commitments. At the last Accountability and Transparency Review, these diverse community members spent nearly a year reviewing documentation, interviewing staff and the community and debating amongst themselves to develop a complex report card. At nearly 300 pages, this final report shows areas of achievement and areas for improvement, and its 12 recommendations, combined with the ongoing efforts of the Enhancing ICANN's Governance and Accountability track, will be our roadmap to the future.

Another long-time issue that has come to a head is how we will manage information about the registration of a domain name or IP address. Our current system, the WHOIS database, is widely seen as an outdated approach that worked when a handful of us were transmitting

data across the ARPANET. This year, an Expert Working Group on gTLD Directory Services recommended a complete paradigm shift in gTLD registration and the creation of a collective new model to replace the existing database.

This year, I was also pleased to see ICANN's Identifier System Security, Stability and Resiliency team expand new opportunities in trust-based collaboration and capability building among organizations that have not been a part of our community in the past. These pioneering efforts, like staff's new membership in M3AAWG, the Messaging, Malware and Mobile Anti-Abuse Working Group, encouraged new technical participants in our multistakeholder model. The Identifier System SSR team also reported an increase in use of ICANN's threat awareness channels by public safety or trust communities, such as law enforcement.

These major events are important markers in the continued evolution of the Internet. The Internet's advancements over these few decades have transformed society, commerce and governments. It is up to us to continue these leaps forward, for it is only by stretching ourselves that we discover and ultimately overcome our limits.

Sincerely  
Stephen Crocker

Exhibit 1 - Pg 008



ER-349

08

New gTLD Registries  
Launched

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ICANN 47,48, 49 and 50

08

IANA Stewardship  
Transition  
Announcement

1/Highlights of the Year

Exhibit 1 - Pg 009





### **New gTLD Registries Launched**

The first of the new gTLD registries launched in February, making new Internet domains available to the public in the largest expansion of the domain name system.

### **IANA Stewardship Transition Announcement**

In March, the U.S. government announced its intention to transition the stewardship of the IANA functions to the global community, launching a global dialogue about how the transition should occur and how to strengthen ICANN's governance and accountability mechanisms.



### **IPv4 running on empty**

In 2014, the Regional Internet Registries were allocating some of the very last available blocks of the unallocated IPv4 address space according to their respective policies. IPv6 deployment, still underway, does not yet alleviate the need for IPv4 addresses to sustain network growth, so 2014 has seen increased use of mechanisms that facilitate the transfer "allocated but unused" IPv4 addresses from holders with surplus addresses to those who are in need of additional IPv4 resources.

**ICANN 47**

Our 47th Public Meeting took place in Durban, South Africa where 1,460 people arrived to participate. A historic moment was celebrated during the ICANN 47 Opening Ceremony, when the first four Registry Agreements with new gTLD applicants were signed on stage.

**ICANN 48**

Buenos Aires, Argentina was the site of ICANN 48 where we hosted over 200 sessions, meetings and networking events. Attendance in Buenos Aires reached 1,965. Our newly opened Uruguay engagement center was highlighted during the meeting, demonstrating our efforts to broaden stakeholder engagement worldwide.

**ICANN 49**

ICANN's 49th Public Meeting returned to where we had our very first meeting, Singapore. This meeting coincided with our increased presence in the region, including a newly established Singapore office with a growing staff of 14. Attendance at ICANN 49 reached 1,940.

**ICANN 50**

ICANN held its 50th international public meeting in London, UK in June. It was ICANN's largest meeting so far, with more than 3,100 people joining in person. In addition, 175 Ministers representing over 77 countries came for the parallel High-level Panel meeting and representatives from about 150 At-Large Structures for the ATLAS II Summit.

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Funds  
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Statement of Financial  
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Cashflow Synopsis

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Statement of Activities

## 2/Financial Overview

Exhibit 1 - Pg 012

## Funds under Management

In millions (US Dollars)

As of June 2014, ICANN managed a total of \$310 million, held in four different types of funds:

The **Operating Fund** is the cash on hand used to fund ICANN's day-to-day operations. The Operating Fund is used to collect revenues and to fund the payment of employees, suppliers and other third parties. The Operating Fund contains enough funds to cover ICANN's expected expenditures for three months. Periodically, any funds in excess of three months are transferred to the Reserve Fund. The Operating Fund has decreased between June 2013 and June 2014 as a result of planned operations and expenses incurred on behalf of the New gTLD Program, which were subsequently reimbursed to the Operating Fund.

The **Reserve Fund** is held by ICANN for contingent expenses resulting from any unexpected events or economic uncertainties. It supports the financial stability of the organization. The Reserve Fund is invested as per the ICANN Investment Policy, and under the custody and management of State Street Global Advisors. The returns generated through the investment of the funds are fully reinvested within the Reserve Fund.

The **New gTLD Program** funds result from the unspent funds collected from the program applicants. These funds were mainly collected between January and June 2012 and are exclusively used to pay for expenses related to the New gTLD Program. The New gTLD unspent funds are invested as per the New gTLD Investment Policy, and are under the shared custody and management of Northern Trust, US Bank and Deutsche Bank. The New gTLD Program funds have decreased since June 2013 as a result of the expenses incurred to perform the evaluation of the new gTLD applications and of the refund of fees for applications withdrawn.

ICANN collected net **Auction Proceeds** of \$0.6M by June 30, 2014. The proceeds result from the auctions that ICANN offers as a last resort mechanism for resolving String Contention under the New gTLD Program.

	30 June 2012	30 June 2013	30 June 2014
New gTLD Cash	357	287	209
Auction Proceeds	0	0	1
Reserve Fund	53	56	85
Operating cash	26	17	15
Total	436	360	310

## Cash Flow Synopsis

In millions (US Dollars)

The main cash flows affecting the ICANN operations on a recurring basis are the collection of fees and contributions from contracted parties and other contributors, payroll payments and payments to vendors for operating and capital expenses.

During its fiscal year 2014 (July 2013 to June 2014), ICANN continued with the Initial and Extended Evaluation, Pre-delegation testing and contracting phases of the New gTLD Program. The disbursements to vendors during this fiscal year include those related to the New gTLD Program for approximately \$21 million.

30 June 2013	360	30 June 2012	436
Receipts from 3rd parties	82	Receipts from 3rd parties	60
Payment to vendors	(99)	Payment to vendors	(107)
Payment to employees	(43)	Payment to employees	(31)
Capital and Other	10	Capital and Other	2
30 June 2014	310	30 June 2013	360

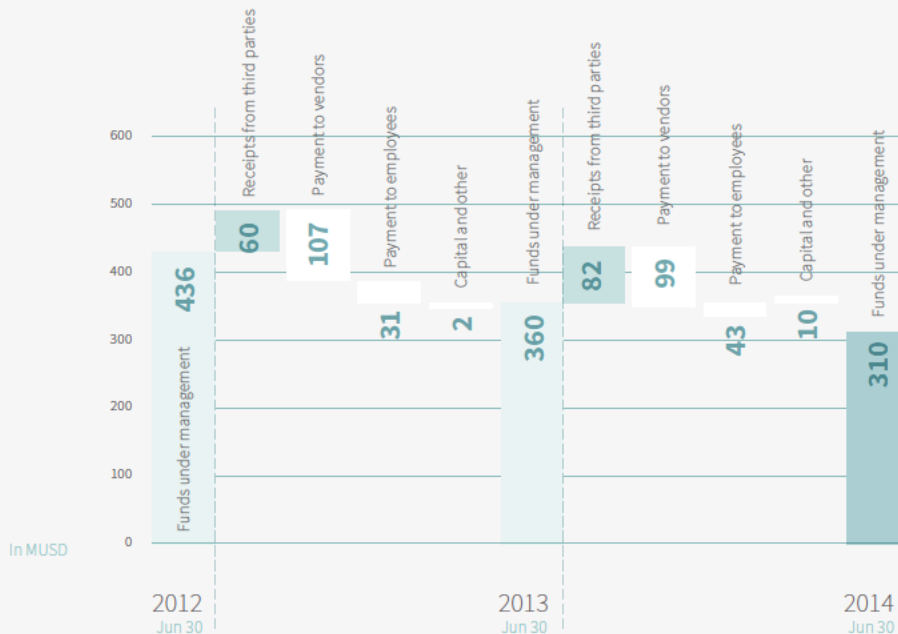


Exhibit 1 - Pg 014

## Statement of Financial Position

In millions (US Dollars)

The reduction of total assets reflects the cash spent to support the progress of the New gTLD Program. The decrease in Deferred Revenue from June 2013 to June 2014 is driven by the revenue recognized during the period, and by the fees refunded for applications withdrawn. The application fees collected are recognized in revenues as the program evaluation progresses and fees become non-refundable.

As of June 30	2014	2013 Restated
Cash & Cash Equivalents	\$ 25	\$ 65
Investments	285	295
Receivables	27	25
Capital and other assets	18	14
Total assets	\$ 355	\$ 399
Accrued payable and accrued liabilities	\$ 16	\$ 25
Deferred Income	146	191
Total Liabilities	162	216
Unrestricted net assets	193	183
Total liabilities and net assets	\$ 355	\$ 399

## Statement of Activities

In millions (US Dollars)

During the fiscal year 2014, the Total Support and Revenue has decreased compared to the previous year mainly as a result of the portion of the new gTLD application fees recognized in revenue, for \$37 million. Revenues for the New gTLD Program are recognized as the application evaluation work has progressed and fees become non-refundable. The total Expenses have decreased year on year as a result of lower costs incurred for Initial and Extended Evaluation and delayed Pre-delegation testing and contracting for the New gTLD Program, partially offset by the overall growth of the organization resulting from the strengthening of its infrastructure and its management capabilities, from its international expansion into hubs and engagement offices, and from the support to the New gTLD Program.

12-month ended	2014	2013 Restated
Registry	\$ 47	42
Registrar	35	34
Contributions	3	2
Auction Proceeds	1	-
Revenues from NgTLD Application Fees	37	158
Total support and revenue	\$ 123	\$ 236
Personnel	45	32
Travel & Meetings	21	12
Professional Services	37	93
Administration	21	13
Total expenses	\$ 124	\$ 150
Total Other Income	11	2
Change in net assets	10	88
Beginning of year	183	95
End of year	\$ 193	\$ 183

**Note: Restatement—Change in Transaction-Based Fee Revenue Recognition**

During its fiscal year 2014 (July 2013 to June 2014), ICANN analyzed its revenue recognition methodology through review of existing and new agreements with Registries and Registrars. As a result, ICANN changed its revenue recognition method so that transaction-based fees are recognized as revenue when each transaction occurs, rather than over the life of the registration. Accordingly, ICANN has restated the opening balance of unrestricted assets as of July 1, 2012 and financial statements for the year ended June 30, 2013. The impact of the restatement on the financial statement categories can be found in the notes section of the Audited Financial Statements.

Refer to page 53, Note #3 in Notes to the Financial Statements.



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## 3/Achievements by Strategic Objective

Exhibit 1 - Pg 018

## Objective 1/Affirmation of Purpose

Articulating and demonstrating ICANN's mission, acting as steward of public interest, deepening partnerships with Internet organizations, and delivering core Internet functions.

### Affirmation of Commitments Reviews

ICANN has a proven commitment to accountability and transparency in all of its practices. Indeed, ICANN considers these principles to be fundamental safeguards in ensuring that its consensus-based, bottom-up and multistakeholder operating model remains effective.

Every three years, the Affirmation of Commitments calls for an assessment by community review teams of ICANN's progress toward four fundamental organizational objectives:

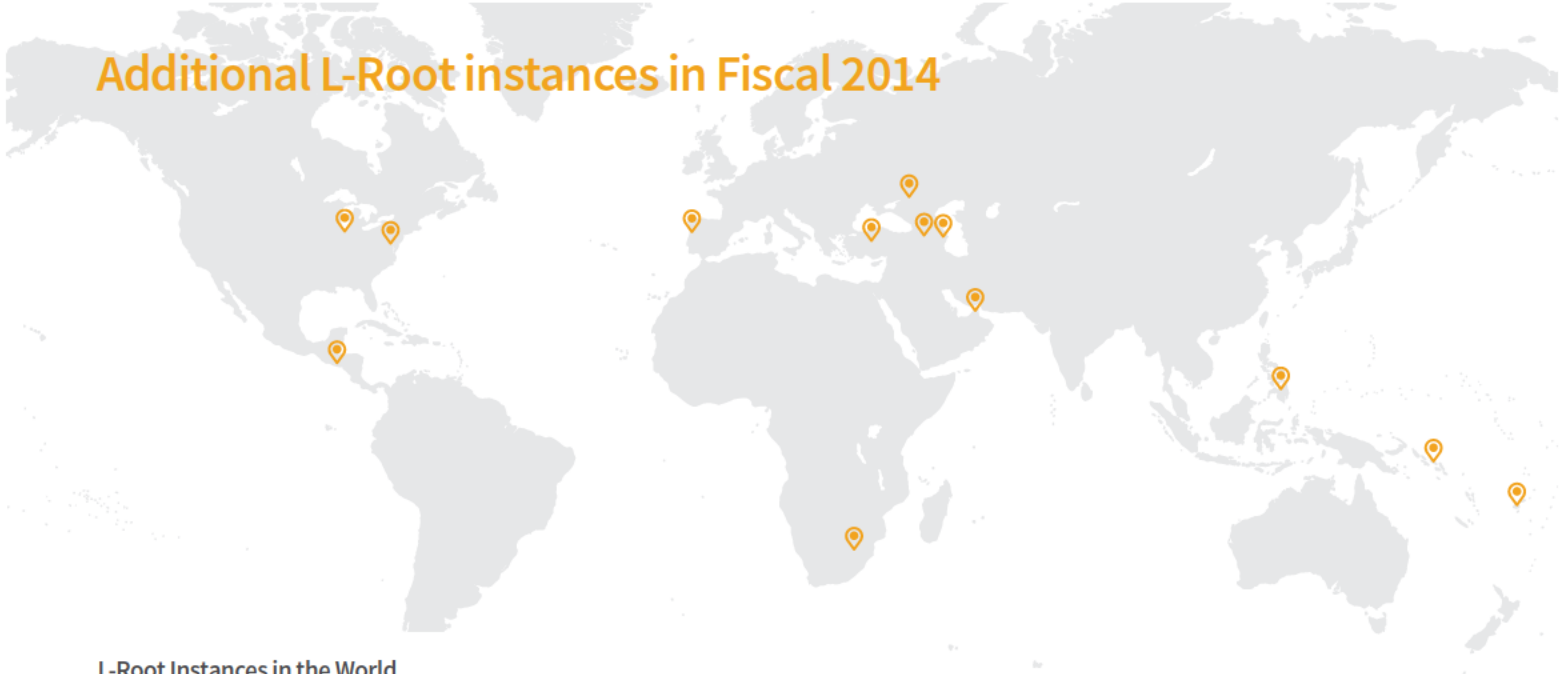
- Ensuring accountability, transparency and the interests of global Internet users.
- Preserving security, stability and resiliency of the Domain Name System.
- Promoting competition, consumer trust and consumer choice.
- WHOIS policy.

Fiscal year 2014 was the year for the second Accountability & Transparency Review Team. In June, the ICANN Board adopted the ATRT2 recommendations as spelled out in a 277-page report compiled by 16 ATRT2 members. These members were drawn from the ICANN stakeholders via a public notice as well as recommendations from ICANN's Supporting Organizations and Advisory Committees, and selected by the chairs of the ICANN Board and its Governmental Advisory Committee. These volunteers spent nearly a year reviewing, studying, questioning, debating and listening to the community and staff in preparing their report on ICANN's accountability and transparency efforts.

### IANA Functions

ICANN's Performance Standards for timeliness and accuracy of processing stakeholder's requests were published monthly. ICANN also conducted an annual audit of the security of the IANA functions systems. Over the years, ICANN has performed the IANA functions with increasing autonomy, demonstrating both operational excellence and maturity in organization—as illustrated by the findings of the IANA Functions Satisfaction Survey of December 2013. In addition, after an independent assessment, the IANA Functions Department received recognition from an international organization for its business excellence.

## Additional L-Root instances in Fiscal 2014



### L-Root Instances in the World

As part of an ongoing effort to expand distribution of L-Root globally, ICANN worked with local partners to install L-Root nodes in 12 additional countries this fiscal year. The goal of the effort is to increase resilience to abuse or attacks on the domain name system by boosting name resolution capacity.

A map of node locations and more information can be found at [dns.icann.org/lroot/locations](https://dns.icann.org/lroot/locations).

*(Added between 1 July 2013 and 30 June 2014)*

**Armenia:** Yerevan  
**Azerbaijan:** Baku  
**El Salvador:** San Salvador  
**Fiji:** Nadi, Nausori  
**Philippines:** Metro Manila  
**Portugal:** Porto  
**Russia:** Rostov-on-Don  
**Solomon Islands:** Honiara  
**South Africa:** Johannesburg  
**Turkey:** Ankara  
**United Arab Emirates:** Dubai  
**United States:** Reston, Chicago

### Contractual Compliance Audit

This year, ICANN's Contractual Compliance team conducted the second year of its three-year audit of all ICANN-accredited registrars and the top-level domains launched before 2013. The goal was to ensure that contracted parties, registrars and registries comply with their agreements and the consensus policies.

#### Audit by the numbers:

Randomly selected for audit:  
**6 registries** and **317 registrars**  
 Percent in compliance by end of audit:  
**98%**  
 Number of registrars  
 subject to full re-audit: **5**  
 Number of registrars to be retested: **10**

### Panel on Global Internet Cooperation and Governance Mechanisms

The Panel on Global Internet Cooperation and Governance Mechanisms—a global Panel of prominent stakeholders from diverse organizations and governments—in May released key recommendations on how to evolve the Internet governance (IG) ecosystem to accommodate global needs for collaboration, interconnectivity and Internet growth. The report also presented a roadmap and timeline for the future management of the Internet.

### NETmundial Meeting

ICANN participated in NETmundial – Global Multistakeholder Meeting on the Future of Internet Governance. Bringing together 1480 participants from 97 countries, the meeting was a partnership between the Brazilian Internet Steering Committee (CGI.br) and /1Net, a forum that gathers international entities of the various stakeholders involved with Internet governance. This meeting focused on the elaboration of principles of Internet governance and the proposal for a roadmap for future development of the ecosystem.

## Objective 2/Operational Excellence

Institutionalize management disciplines, mature organizational support functions, optimize gTLD services, plan for scale, enhanced security and continuity.

### New gTLD Program

The largest-ever expansion of the domain name system became a reality after seven years of preparation and application processes, when the public was able to purchase domain names with extensions such as .GURU, شبكة (xn--ngbc5azd)—Arabic for “web/network,” and .游戏 (xn--unup4y)—Chinese for “game(s).”

The Registry Services team, in partnership with GDD Operations, has been working to improve the processing of RSEP requests — a request from a Registry Operator to add or modify a Registry Service. The team has improved turnaround time of RSEP requests by 55 percent since March 2014, allowing registries who meet the qualifications to take new services to market 55 percent more quickly.

### New Chief Innovation and Information Officer

Ashwin Rangan joined ICANN’s global leadership team in March 2014 as the Chief Innovation and Information Officer. Rangan has driven global expansion and been at the forefront of innovation through skillful implementation of IT infrastructure and management. He previously served as the Chief Information Officer for a variety of companies, including Edwards Lifesciences, MarketShare, Walmart Inc., and Rockwell Semiconductors.

### Data Retention Waivers

ICANN worked with its registrars to resolve 2013 Registrar Accreditation Agreement data retention waiver issues for registrars in jurisdictions where collection and retention of registrant data may violate applicable law.

23 October 2013:

### First four new gTLDs delegated into root

شبكة (xn--ngbc5azd)—  
Arabic for “web/network”

онлайн (xn--80asehdb)—  
Russian for “online”

сайт (xn--80aswg)—  
Russian for “site”

游戏 (xn--unup4y)—  
Chinese for “game(s)”



426 new  
gTLD Registry  
Agreements signed



322 new  
gTLDs delegated  
into the root

### Meeting Participation

Attendee numbers at ICANN's Public Meetings have steadily increased over time, demonstrating that ICANN continues to engage its base of stakeholders while attracting new and diverse members

of the larger community. Attendance achieved a new record in June 2014 at its meeting in London, UK with 3,115 registered on-site attendees.

MEETING #	CITY	TOTAL REGISTRATION	DATE	REGION
50	London, UK	3115	22 June 2014	Europe
49	Singapore	1940	23 March 2014	Asia Pacific
48	Buenos Aires, Argentina	1965	17 November 2013	Latin America
47	Durban, South Africa	1460	14 July 2013	Africa
46	Beijing, China	2532	7 April 2013	Asia Pacific
45	Toronto, Canada	1800	14 October 2012	North America
44	Prague, Czech Republic	1821	24 June 2012	Europe
43	San Jose, Costa Rica	1426	16 March 2012	Latin America
42	Dakar, Senegal	1246	28 October 2011	Africa
41	Singapore	1341	24 June 2011	Asia Pacific
40	San Francisco, USA	1767	18 March 2011	North America

### Remote Participation

With stakeholders in every country in the world, ICANN strives for world-class remote participation services that enable Internet users to add their voices to the discussion from wherever they are. First provided in 2009, these remote participation services have continued to improve and were among the standard services provided at each meeting this fiscal year. Simultaneous audio, video and scribing services, in English as well as local languages, were provided for more than 100 public sessions (on average) at all four ICANN meetings held this fiscal year.

#### Adobe Connect Statistics

##### Unique attendees per session

MEETING #	CITY	TOTAL CONNECTIONS
47	Durban	3752
48	Buenos Aires	3602
49	Singapore	3499
50	London	4766

ICANN used Adobe Connect as the main remote participation tool, but also provided low bandwidth services through sole mp3 streaming and scribe feed.

**Attracting New and Diverse Community Members**

ICANN welcomed newcomers into its multistakeholder process through special orientation programs during ICANN Public Meetings. In its third year, the newcomers program shifted its first-day focus from staff presentations to interactive dialogue with staff and community members to facilitate understanding ICANN’s role in Internet governance, how its community is structured and how the policy-development process works. The newcomers program goal is to educate newcomers so they can be effective and engaged participants in their first, second or third meeting, and to leave the meeting well informed and eager to come back.

Newcomers were paired with alumni from ICANN’s Fellowship Program who served as mentors. These mentors, as well as ICANN staff, provided hands-on support, guidance and introductions to community members and helped educate newcomers on the ICANN structure and process, and the sessions best suited for newcomers. The Newcomers Lounge, a special gathering place designated at each Public Meeting, was the focal point for this activity.

**WHOIS**

This year, ICANN set its sights on making meaningful improvements to WHOIS, especially in the areas of accuracy and access. Achievements this year included strengthened contractual requirements for registrars and registries (such as new validation and verification requirements, performance service level agreements, and standards for privacy/proxy services), streamlined compliance processes for reporting and responding to complaints regarding inaccurate WHOIS, and engaging in a global outreach program with registrars to facilitate the transition to these new requirements.

ICANN launched a new online resource – whois.icann.org – to consolidate information about WHOIS in one, easy-to-read resource. The website also includes a global WHOIS Lookup Tool in beta test mode that has a centralized search portal functionality for all gTLDs. The organization also opened public consultations on the Draft Implementation Plan for WHOIS Online Accuracy Reporting System.

In a parallel effort and at the direction of the ICANN Board, CEO Fadi Chehadé formed the Expert Working Group on gTLD Directory Services in FY2013 (Dec. 2012) to help resolve deadlock within the ICANN community on how to replace the current WHOIS system with a next-genera-

tion gTLD directory service. The EWG was comprised of 13 volunteers, selected from over 70 applicants, to use their diverse experiences, perspectives and expertise to help solve the problem. Developed over 15 months, their final recommendations offer some 180 principles that point to a future collective new model that would serve stakeholders better than today’s existing WHOIS database. Its final report was issued on 6 June 2014.

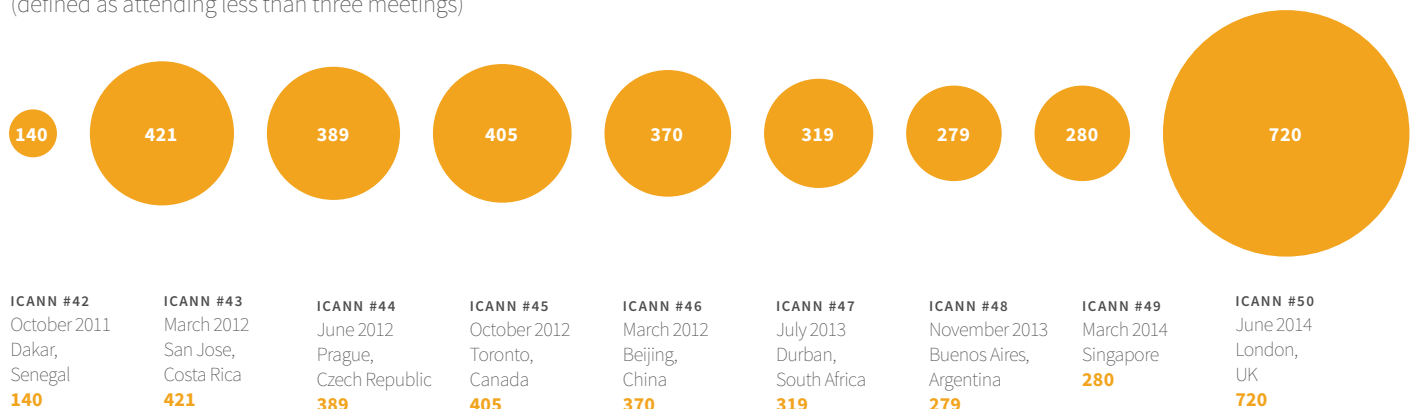
**Organizational Development**

ICANN continued maturing its organizational and global development through a series of advancements to its global recruitment methodology and cost management as well as its compensation and benefits offerings to improve competitiveness and equity. It also implemented for the first time global policies related to relocation, expatriate and overseas assignments.

ICANN’s newly formed Talent Management department rolled out its strategic plan in May, focusing on key areas such as talent acquisition, learning and development, succession planning and other areas, aligned with the goals of Operational Excellence and Globalization. The department also expanded with staff in Asia Pacific and Europe, Middle East, and Africa regions.

**Newcomers**

(defined as attending less than three meetings)



### Objective 3/Internationalization

Communicating effectively with stakeholders, engaging globally, evolving government relationships, and integrating global and regional responsibilities

#### Global Engagement

ICANN facilitated many important dialogues among its global community during the year. Here are two key ones:

1. ICANN launched a multistakeholder process and discussion to gather community views and input on the principles and mechanisms for the IANA Functions Stewardship Transition Process.
2. In partnership with ICANN, the Boston Consulting Group launched its efriction report, *Greasing the Wheels of the Internet Economy*, at the World Economic Forum Davos 2014.

## Asia Pacific

### Establishment of the APAC Hub

In August, ICANN opened its Singapore hub office, providing an accessible way to engage with the Asia Pacific region. The hub has grown from a concept to a fully operational office with 13 employees working on-site and altogether 19 in the region at the end of the fiscal year.

The hub office in Singapore now has a fully functional customer service channel with phone and email access. Together with the Beijing engagement center and Seoul office query-lines, the APAC hub processes and answers queries in Chinese, English and Korean.

The APAC Hub delivers ICANN's core operations, including Global Stakeholder Engagement, Contractual Compliance, Communications, Human Resources, Finance, IT, Registry and Registrar Services, serving our stakeholders and contracted parties in the APAC time zones.

### APAC Engagement Strategy

The APAC Engagement Strategy was developed with input from the APAC community. Key pilot projects were implemented under this Strategy, focusing on collaboration with the APAC community and stakeholders. First, ICANN partnered with Korea Internet and Security Agency (KISA) to collaborate on engagement efforts in Korea, establishing the ICANN Seoul Office, and implementing a pilot project to promote language localization efforts in the region.

'NextGen@ICANN' was the second pilot program, implemented during ICANN49 in Singapore, with 25 participants from the next generation of Internet users and stakeholders between 18 and 30 years old. The program was so successful in connecting the next generation of Internet users, stakeholders and leaders to the ICANN community that staff worked on a similar initiative with the University of Greenwich for ICANN50 in London. The pilot was a result of collaboration with DotAsia Organization, led by its NetMission Ambassadors

and facilitated by community members who acted as mentors for the NextGen participants.

Other key pilot programs were the launch of regional meetings that brought ICANN issues to the APAC community. This was done as part of the multistakeholder model evolution.

Finally, to address a major gap in capacity and capability in ICANN and Internet Governance-related issues, ICANN helped to spearhead and support the community-led Asia Pacific Internet Leaders' Program (APILP). This program helped APAC community members better understand the global and regional Internet Governance (IG) issues, with a goal of empowering new people to initiate discussions or form thought leadership on IG. In addition, APAC hub staff also hosted capacity-building sessions in the form of workshops and webinars for network operators as well as the law enforcement and justice sectors, such as INTERPOL.



## Europe, Middle East & Africa

### A Growing Presence

ICANN established its first office in Geneva, Switzerland, and moved key staff members there for better engagement with inter-governmental organizations and country missions at the United Nations.

Our Istanbul Hub for Europe, Middle East and Africa (EMEA) region allows ICANN to respond to the needs of all the regions in the EMEA. Our staff of 11 cover compliance, registrar and registry services, communications, meetings and policy development. Furthermore, our hub office provides support to the Global Stakeholder Engagement teams in the EMEA region, as well as our engagement offices, one in Brussels dedicated to outreach with EU institutions and the other in Geneva, dedicated to outreach with the IGO and UN missions.

The Engagement and Communications teams brought new senior staff on board in Brussels, Moscow and Istanbul. In addition, a total of three staff members are now working on the African continent in Benin and Kenya.

### High-Level Government Meeting

ICANN worked with the United Kingdom government to convene a High-Level Government Meeting concurrent with ICANN50 in London, UK in June. Chaired by UK Minister Ed Vaizey, the meeting addressed ICANN's accountability and the transition of NTIA's

stewardship of the IANA functions. Approximately 175 Ministers representing over 77 countries attended.

### DNS Forums in Nigeria, South Africa and United Arab Emirates

Following the success of the first DNS Forum organized during ICANN 47 in Durban, South Africa, ICANN partnered with African and Middle East Internet community leaders to hold similar meetings in Abuja, Nigeria and Dubai, UAE. The goal of each DNS Forum is to advance regional domain name industry development and tap into growing potential among existing and new top-level domains.

### DNSSEC Roadshows

This remains one of our flagship projects in Africa, and we have so far conducted technical trainings in eight African countries with six more planned for next fiscal year.

### Registrar Support in Underserved Regions

A working group of African registrars initiated a working paper on issues facing registrars in underserved regions. Combined with efforts among registrars in the Middle East, ICANN has proposed a global framework to strengthen support.

### Middle East and Adjoining Countries School on Internet Governance (MEAC-SIG)

Helping individuals to better understand

global and regional Internet Governance issues and processes, the first-ever MEAC-SIG in Kuwait in May attracted 25 students from 10 different countries. ICANN organized the event with local host Kuwait Information Technology Society and sponsors RIPE NCC and Afiliias.

### DNS Entrepreneurship Center

During ICANN50 in London, ICANN and Egypt's National Telecommunication Regulatory Authority signed an agreement to establish a DNS Entrepreneurship Center (DNS-EC). Establishing such a Center was identified as a milestone towards achieving one of ICANN's strategic goals in Africa and the Middle East. It aims to contribute to the evolution of the domain name sector in Africa and the Middle East.

### Memorandum of Understanding with the Government of the State of Qatar

During ICANN50, ICANN and the State of Qatar, represented by the Ministry of Information and Communications Technology (MICT), signed a Memorandum of Understanding (MoU). The objective was to coordinate between ICANN and MICT in the areas of developing the domain name industry and supporting the use of Internationalized Domain Names (IDN), as well as promote the multistakeholder model of Internet Governance at the national, regional, and global levels.

### Africa by the Numbers



8 registrars



1 new government to the Government Advisory Committee



8 new At-Large Structures



2 business engagement roundtables in Nairobi



70 participants in Benin workshop on domain names, trademarks and user rights protection in Africa

## Latin America and the Caribbean

### Consolidated Regional Strategy and Team

A five-member regional team operates within the region from Brazil, Bolivia, Mexico, St. Lucia, and Uruguay. ICANN has operated an engagement center in Montevideo, Uruguay for more than a year. Together, they help the community to implement a regional strategic plan that is available in all the languages of the region: <http://goo.gl/MtK8vT>

### Enhanced Communications

ICANN's 48th Public Meeting in Buenos Aires, Argentina in November introduced for the very first time a series of sessions tailored by and for Latin Americans and Caribbeans. We held the first Latin American and Caribbean DNS forum on November 15, 2013. These sessions were part of the implementation of one of the projects of the LAC Strategy.

The region also launched its own newsletter in February: <http://goo.gl/JI3KcD>

Because of the popularity of social media within Latin America, ICANN has launched many social media tools to help community members follow ICANN and Internet governance news. Among these are

Scoop.it in Spanish and Portuguese as well as Spanish and Portuguese Twitter handles and a regional YouTube list.

### Internet Governance in Latin America and the Caribbean

ICANN was a partner in the development and implementation of the NETmundial Multistakeholder Meeting on the Future of Internet Governance, in São Paulo, Brazil in April. ICANN supports the LACIGF (LAC preparatory meeting for the Internet Governance Forum) and the Caribbean IGF in collaboration with the CTU.

Four new multistakeholder mechanisms emerged from the region this year as well, in Argentina, Colombia, Costa Rica, and Mexico, with potential ones being formed in Paraguay and Venezuela.

**ICANN and the Caribbean Telecommunications Union signed a Memorandum of Understanding to increase active engagement with Caribbean stakeholders** On December 5th, 2013 in Montego Bay, Jamaica, Fadi Chehadé, ICANN President and CEO, and Ms. Bernadette Lewis, Secretary General of the Caribbean Telecommunications Union signed a Memorandum of Understanding to increase cooperation and coordination among both organi-

zations. Actions will include capacity building, partnering on outreach events and fostering multistakeholder dialogue at the regional and national levels.

In her remarks at the signing, Ms. Bernadette Lewis remarked that "this MoU is the demonstration of the CTU's commitment to work in collaboration with ICANN to increasing awareness and usage of the Internet and its resources in the Caribbean."

### LAC-I-ROADSHOW

One of the important activities within the Regional Strategic Plan is the realization of the LAC-i-Roadshows. This workshop series is designed to raise awareness in the region on key issues related to the critical infrastructure of the Domain Name System (DNS): the transition to IPv6, Security, Stability and Resiliency (SSR) and the impact of the new gTLD program. To ensure a well distributed set of events, four editions of LAC-i-Roadshow were organized in 2014: Caribbean, Mexico/Central America, South America and Andean Region. Last year, we visited Trinidad and Tobago (Port of Spain), Mexico (Guadalajara), Brazil (Sao Paulo) and Bolivia (La Paz), reaching and training more than 250 people and getting wide coverage in the regional press.

### Latin America and the Caribbean by the Numbers:



1 new member to the Security & Stability Advisory Committee



2 new members to the Generic Names Supporting Organization



2 new At-Large Structures



More than 250 participants in the 2014 LAC-i-Roadshow across the region



4 new governments to the Governmental Advisory Committee

## North America

### In-person Roundtables with Key Stakeholder Communities

As part of increasing engagement with key stakeholders in the North American community, ICANN held in-person roundtables with members of the business, civil society, academic, and technical communities to discuss issues of vital importance to the Internet ecosystem, including: the transition of the IANA Stewardship Functions; the NETMundial meeting in Brazil; and enhancing the accountability of ICANN.

Business events featured roundtables at the major global firm APCO Worldwide, as well as the Motion Picture Association of America. Civil society roundtables were held at the beginning of 2014 and during the summer to update stakeholders in the community on ICANN business related to major Internet meetings civil society often participates in, including NETMundial and the recently launched NETMundial Initiative. Academic engagement included organized panel discussions at Carnegie Mellon and Georgetown Universities, and ICANN connected with the technical community with a presentation on initiatives at the North American Network Operators Group conference in Atlanta in February.

### Launch of the ICANN Informer

As part of efforts to connect the broader public with ICANN's work, and help the North American ICANN community stay informed, ICANN launched The ICANN Informer: North America Update. The e-newsletter is distributed to more than 700 stakeholders quarterly, and features stories emanating from ICANN's main constituencies: business, civil society, academia, government, and the technical communities.

The Informer includes original content written by ICANN staff and members of the ICANN community, as well as content curated from ICANN peer and partner organizations.

### IGF-USA

ICANN recently joined with the Internet Society (ISOC) to sponsor the Internet Governance Forum-USA (IGF-USA) 2014. Stakeholders from across the United States brought their voices to the most prominent and timely discussions surrounding the Internet ecosystem. The event was held at George Washington University in Washington, D.C. Speakers from civil society, business, government, and academia led conversations on a wide range of topics from net neutrality and the multistakeholder model to the Internet of Things.



## Objective 4/Multistakeholder Model Evolution

Evolve Supporting Organizations and Advisory Committee structures, increase and improve global participation, optimize policy development, promote ethics and transparency.

### Address Supporting Organization (ASO)

In FY 2014, the ASO Advisory Council advised ICANN that the implementation of the Global Policy for Post-Exhaustion Internet Protocol version 4 (IPv4) Allocation Mechanisms should take place immediately. ICANN activated the allocation phase on 20 May 2014, when LACNIC's inventory of IPv4 address space fell below 8.3 million addresses. Each Regional Internet Registry was allocated approximately two million addresses, using half the recovered pool. The ASO AC also advised that all subsequent IPv4 allocations should be consistent with the allocation period specified in the global policy text.

Throughout the first half of the financial year, ASO discussed the end of 16-bit Autonomous System Number availability with the Internet number communities through the respective RIRs. As a result of the discussion, ICANN requested clarification of the related Global policy. The ASO Address Council advised the IANA department to implement the Global Policy for Allocation of ASN Blocks to Regional Internet Registries by considering the use of the total undifferentiated pool of ASNs that contain both 16-bit ASNs and 32-bit ASNs. Per this clarification, the

policy supports a single allocation being composed of AS number ranges drawn from both the 16-bit and 32-bit ASN blocks if so requested.

The ASO independent reviewer, Items International, the ASO Address Council and the Number Resource Organization Executive Council agreed on 26 recommendations that were all adopted by June 2014. These recommendations include:

- An increase of ASO participation during ICANN meetings
- Implementation of a new ASO website (aso.icann.org)
- Translation of global policies and other key documents into five different languages
- Development of internal procedures to appoint members to various ICANN bodies

During FY 2014, the RIR policy development process saw the implementation of 16 Internet number regional policies, described as follows:

### AFRINIC

- AFPUB-2012-DNS-001: No Reverse Unless Assigned
- > This policy limits AFRINIC members (LIR) from obtaining reverse delegation from AFRINIC unless the address space the LIR has issued to its customers and/or own network infrastructure has been recorded in the AFRINIC WHOIS Database by the LIR.

### APNIC

- prop-105-v002: Distribution of returned IPv4 address
- > IPv4 address blocks received by APNIC are added to the final /8 pool and redistributed according to the final /8 policy (prop-088). Prop-105-v002 defines a separate distribution policy for all non-103 IPv4 address blocks in the APNIC pool, to start the distributions once "Global policy for post exhaustion IPv4 allocation mechanisms by the IANA" is activated.
- prop-107-v001: AS number transfer policy proposal.
- > This policy permits the transfer of Autonomous System Numbers (ASNs) within the APNIC region and between

regions with compatible inter-regional ASN transfer policies.

- prop-108-v002: Suggested changes to the APNIC Policy Development Process.
- > This proposal optimizes and/or disambiguates procedures carried out under the current APNIC PDP.
- prop-109-v001: Allocate 1.0.0.0/24 and 1.1.1.0/24 to APNIC Labs as Research Prefixes.
- > This policy allows 1.0.0.0/24 and 1.1.1.0/24 to be allocated to APNIC Labs to be used as research prefixes.

#### ARIN

- ARIN-2012-2: IPv6 Subsequent Allocations Utilization Requirement
- > This policy allows an additional way for ISP's that have already begun using their IPv6 space but who may not have sufficiently planned for longer term growth, to receive an additional allocation. This policy allows ISPs who have allocated at least 90 per cent of their space to serving sites to qualify for an additional allocation as long as the block size allocated to each serving site is justified based on the number of customers at the largest single serving site.
- ARIN-2013-4: RIR Principles
- > This policy adds text to the NRPM that codifies the guiding principles of the registry system as registration, conservation, routability, and stewardship.
- ARIN-2014-4: Remove 4.2.5 Web Hosting Policy
- > This proposal removes existing policy NRPM 4.2.5 as it is "technology specific language" that is obsolete and not in sync with current network practices.
- ARIN-2014-7: Section 4.4 Micro Allocation Conservation Update
- > This proposal modified existing NRPM section 4.4 to require Exchange Point Operators to have a minimum of three participants.
- ARIN-2014-10: Remove Sections 4.6 and 4.7
- > This proposal permanently removed suspended NRPM policies 4.6 and 4.7

based on the rationale that any number of large organizations could potentially abuse these policies and request enough IPv4 address space to completely deplete ARIN's available pool of addresses in one request.

#### LACNIC

- LAC-2013-4: Management of Returned Internet Resources.
- > This document proposes giving equal treatment to returned and recovered resources, expanding the scope of Chapter 7 of the Policy Manual.

#### RIPE

- 2013-04: Resource Certification for non-RIPE NCC Members
- > This proposal allows the RIPE NCC to issue resource certificates for non-members, such as Provider Independent End Users and Legacy address space holders, who reside in the RIPE NCC Service Region.
- 2013-05: No Restrictions on End User Assignments in Intra-RIR Transfers
- > This policy proposal intends to update the intra-RIR IPv4 transfer policy with the removal of the restriction on End User assignments.
- 2012-08: Publication of Sponsoring LIR for Independent Number Resources
- > This proposal intends to allow the RIPE NCC to identify and make public the sponsoring organization of each independent number resource.
- 2013-03: Post Depletion Adjustment of Procedures to Match Policy Objectives, and Clean-up of Obsolete Policy Text
- > This proposal simplified the stated "Fairness" policy goal and removed the requirement for LIRs to complete a forecast-based documentation of need when requesting IPv4 allocations from the RIPE NCC, when requesting approval for IPv4 transfers, or when End Users request an assignment of address space from an LIR. The proposal also added a "self destruct clause" that removes the "Unforeseen Circumstances" section if the reserved

address space returns to the free pool.

Finally, the proposal removed text suggesting that the RIPE NCC would assign PI address space to End Users.

- 2012-07: RIPE NCC Services to Legacy Internet Resource Holders
- > This proposal created a framework for the rigorous maintenance of registration data and the delivery of services to holders of legacy Internet resource in the RIPE NCC service region. The proposal also amended the policies described in the RIPE Document, "IPv4 Address Allocation and Assignment Policies for the RIPE NCC Service Region" where this was not consistent with the framework established by the proposal.

#### Transparency Statistics Reporting

Recommended by the second Accountability and Transparency Review Team, ICANN now provides yearly transparency reporting on key areas.

##### 1. Documentary Information Disclosure Policy

- Requests in FY14: 6
- % requests responded to in 30 days: 100%

##### 2. ICANN's Internal Anonymous Hotline for Reporting of Work-Related Concerns

- Reports submitted: 0
- Reports verified as containing issues requiring action: 0
- Reports resulting in a change to ICANN practices: 0

*NOTE: The second Accountability and Transparency Review Team recommended that ICANN provide some annual statistical reporting on transparency-related items. Some of the requested metrics were not collected during FY14, but will be implemented for reporting in future years. In addition, reporting on issues such as the use of ICANN's accountability processes and the use of the DIDP are already incorporated into an annual report produced by the Board Governance Committee.*

**Generic Names Supporting Organization (GNSO)****Policy Development Processes Completed in FY 2014**

- Locking of a Domain Name Registration Subject to UDRP: PDP Final Report recommendations adopted by the GNSO Council and ICANN Board
- Thick WHOIS for all gTLD Registries: PDP Final Report recommendations adopted by the GNSO Council and ICANN Board
- Adoption of PDP recommendations on the Protection of IGO and INGO Identifiers in all gTLDs adopted by the GNSO Council

**New Policy Development Processes Underway**

In FY 2014, the GNSO Council initiated work on the following topics:

- Privacy & proxy services accreditation issues for gTLD domain name registrations.
- Exploration of whether the existing Uniform Dispute Resolution Policy (UDRP) and the new Uniform Rapid Suspension procedure (URS) should be modified to facilitate their use by International Governmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs).

**New Groups in 2014****Policy & Implementation Working Group**

Tasked to provide the GNSO Council with recommendations on topics including a set of principles that would underpin any GNSO policy and implementation related discussions, and a process for developing gTLD policy, including criteria for when it would be appropriate to use such a process (for developing policy other than "Consensus Policy") instead of a GNSO Policy Development Process..

**GNSO and GAC Consultation Group**

Established to explore ways for the GAC to engage more effectively and, if possible, earlier in the GNSO Policy Development

Process with the aim to improve overall cooperation between the two organizations.

**Discussion Group on new gTLD Subsequent Procedures** Created to discuss experiences gained from the first round of new gTLD applications and identify subjects for future policy development, as applicable.

**Cross-Community Working Group (CWG) on CWG principles** Launched to finalize a Framework of Operating Principles to govern the chartering, operations, decision-making and termination of future CWGs.

**Data & Metrics for Policy Making Working Group**

Created to explore opportunities regarding reporting and metrics recommendations that could better assist the policy development process by enhancing fact-based decision-making.

**Reports and Studies****WHOIS Privacy & Proxy Abuse Study**

Conducted by Dr. Richard Clayton's research team at the University of Cambridge, this study focused on the extent to which privacy and proxy services are used to register domain names for harmful or illegal activities.

**WHOIS Technical Survey Final Report**

The GNSO Council approved the recommendations in this report based on the results of a survey measuring the level of support for various technical requirements outlined in the final Inventory of WHOIS Service Requirements Report.

**At-Large Advisory Committee (ALAC)**

After over a year of planning, the At-Large community held its second At-Large Summit (ATLAS II) in London during ICANN50. Over 150 At-Large Structure representatives participated actively in the development of the At-Large Declaration, which contains 43 recommendations. The At-Large community is currently implementing many of these recommendations. The ATLAS II website, which contains all information related to the Summit is available at: <http://goo.gl/KW3THM>

At-Large/ALAC elected Rinalia Abdul Rahim as the next Board Director for Seat 15. Rinalia took her seat at ICANN 51 in Los Angeles.

ALAC submitted 53 Policy Advice Statements in FY 2014. All ALAC Policy Advice Statements may be viewed at: <http://goo.gl/c55oVG>

**2014 Fiscal Year**

MONTH	NO. OF STATEMENTS
Jun-14	2
May-14	7
Apr-14	4
Mar-14	6
Feb-14	3
Jan-14	4
Dec-13	2
Nov-13	6
Oct-13	4
Sep-13	7
Aug-13	4
Jul-13	4



Exhibit I - Pg 031

The number of At-Large Structures increased significantly, with 23 new ones joining in FY 2014. All At-Large Structures may be viewed at: <http://goo.gl/aErl6y>

Age Numerique

Australian Communications Consumer Action Network (ACCAN)

Capital Area Globetrotters

Fédération Comorienne des Consommateurs

Fundetic Bolivia

Hispanic Educational Technology Services

Internet Society of Kenya Chapter

Internet Society Disability and Special Needs Chapter

Internet Society of Bangladesh Dakha Chapter

Internet Society of Japan Chapter

Internet Society of Nepal Chapter

Internet Society of Nigeria Chapter

Internet Society of Pakistan Islamabad Chapter

Internet Society of Somalia Chapter

ISOC Mauritius

ISOC Portugal

ISOC Venezuela

ISOC Yemen

Manitoba E-Association

Native Public Media

Open Media

South Pacific Computer Society (SPaCS)

Visually Impaired and Blind User Group (VIBUG)

### Governmental Advisory Committee (GAC)

- The GAC's advice to the Board during FY14 remained predominantly focused on New gTLD matters for the current round, inter alia concerning safeguards and IGO protections. A GAC working group was also established during FY14 to focus on matters for future New gTLD rounds, including handling of geographic names.
- The IANA Stewardship Transition and Enhancing ICANN's Accountability emerged in FY14 as important matters for GAC deliberations and engagement.
- The GAC started addressing the implementation of GAC-related ATRT2 recommendations in FY14 and held its first "GAC Open Forum" and its second High Level Governmental Meeting, thereby fulfilling implementation of two such recommendations. The Board GAC Recommendations Implementation Working Group (BGRI-WG) was launched by the ICANN Board to provide implementation oversight. A joint consultation group with the GNSO was launched to improve early engagement of the GAC in GNSO work, also that in response to an ATRT2 recommendation. Furthermore, a GAC working group was established to liaise with ICANN's GSE department's activities for implementation of ATRT2 recommendations.

- A GAC working group on Working Methods was launched in FY14 to propose improvements in working methods as well as to suggest implementation solutions for GAC-specific ATRT2 recommendations.
- After an RFP issued by the GAC in FY13, followed by evaluation of offers and selection, an Australian consultancy company successively came on board during FY14 to provide independent secretariat services to the GAC, financed by a group of GAC Members.

### Root Server System Advisory Committee (RSSAC)

The Root Server System Advisory Committee represents organizations responsible for operating the world's 13 root name servers and others concerned with stable technical operational of the authoritative root server system.

The RSSAC in fiscal year 2014 continued to make progress on its restructure effort. It established a more frequent sequence of teleconferences to coordinate its activities. The Policy Development staff has streamlined its support services for the group as well. The RSSAC's operational procedure document is undergoing final round of edits and is nearing completion.

In FY14, the GAC held four face-to-face meetings and saw its membership increase with 16 new Members and one new Observer, now totaling 141 Members and 31 Observers.



The RSSAC also approved the working definition, membership requirements, and application process for the RSSAC Caucus, a larger group of DNS and root server system experts responsible for developing RSSAC advisories. The RSSAC Caucus was formed in July 2014 with 52 current members.

In line with its renewed profile, the RSSAC has been engaging more deeply in ICANN. For the first time since ICANN 1, the RSSAC convened during an ICANN public meeting at ICANN 49 re-establishing relationships with senior staff, SOs, and ACs. The RSSAC also submitted comments on the proposed process for the transition of stewardship of the IANA functions and plans to participate actively in this effort.

#### **Security and Stability Advisory Committee (SSAC)**

The Security and Stability Advisory Committee advises the ICANN community and Board on matters relating to the security and integrity of the Internet's naming and address allocation systems.

The SSAC produces Reports, Advisories, and Comments on a range of topics. The SSAC considers matters

pertaining to the correct and reliable operation of the root name system, to address allocation and Internet number assignment, and to registry and registrar services such as WHOIS. The SSAC also tracks and assesses threats and risks to the Internet naming and address allocation services. For more information on how the SSAC operates, see the SSAC Operational Procedures.

The following is a list of the SSAC documents published in fiscal year 2014 in which the SSAC addressed topics relating to WHOIS, name collision, Denial of Service Attacks, DNSSEC and Internationalized Domain Names:

#### **SAC066**

SSAC Comment Concerning JAS Phase One Report on Mitigating the Risk of DNS Namespace Collisions  
06 June 2014

#### **SAC065**

SSAC Advisory on DDoS Attacks Leveraging DNS Infrastructure  
18 February 2014

#### **SAC064**

SSAC Advisory on Search List Processing  
13 February 2014

#### **SAC063**

SSAC Advisory on DNSSEC Key Rollover in the Root Zone  
07 November 2013

#### **SAC062**

SSAC Advisory Concerning the Mitigation of Name Collision Risk  
07 November 2013

#### **SAC061**

SSAC Comment on ICANN's Initial Report from the Expert Working Group on gTLD Directory Services  
06 September 2013

#### **SAC060**

SSAC Comment on Examining the User Experience Implications of Active Variant TLDs Report  
23 July 2013



The RSSAC Caucus was formed in July 2014 with 52 current members.



### Country Code Names Supporting Organization (ccNSO)

#### 10th Anniversary and continued growth of membership

The ccNSO celebrated its 10th Anniversary at the 47th Public meeting in Durban. Since its creation the ccNSO has grown steadily. In Fiscal Year 2014, 12 ccTLD managers became members of the ccNSO, bringing the total membership to 151.

#### IDN ccTLD PDP completed

In FY 2014, the ccNSO concluded its work on its second policy development process. The ccNSO PDP was submitted to the Board in September 2013, after the members endorsed the recommendations. The IDN ccPDP focused on two topics: the selection of IDN ccTLD strings and the inclusion of IDN ccTLD in the ccNSO.

#### Closure on discussions on Financial Contributions

At its meeting during ICANN 48 in Buenos Aires, the ccNSO Council adopted a new Guideline for the voluntary financial contribution of ccTLD to ICANN. This new Guideline is the result of the result of an intense and collaborative effort between the ccNSO Finance WG and ICANN staff, and brought closure to a longstanding open issue between the ccTLD community and ICANN.

### New initiatives

Ever since the announcement by U.S. government, the ccNSO (at membership and Council level) actively participates in the IANA Stewardship Transition Process. This process and the related process to strengthen ICANN's accountability and governance process, are considered of the highest priority of the ccNSO.

In Fiscal Year 2014, the ccNSO invited other supporting organizations and advisory committees to participate in the cross-community on the use of names of Countries and Territories as Top Level Domains. Focus of this CWG is to develop, if feasible, a framework for the use of such names as a TLD. The ccNSO also participates in the CWG on CWG Principles, which was initiated by the GNSO

### New ICANN.ORG

On 19 May, staff launched the newest version of the ICANN.ORG website that included enhanced navigation built to make information easier to find and new tools to support the established community to participate in ICANN. A special section was built for newcomers to make it easier than ever to engage in ICANN's policy development processes.



### Multi-stakeholder Ethos Award

ICANN volunteer leaders selected longtime

community member Avri Doria as the first recipient of the Multistakeholder Ethos Award. The award was created as a pilot program in 2014 to recognize ICANN participants who have deeply invested in consensus-based solutions and the importance of ICANN's multistakeholder model to Internet Governance. Doria received the award at ICANN 50 in London in recognition of her multiple roles in ICANN (including the Accountability & Transparency Review Team 2, the ICANN Academy and being an active participant in many working groups). The award also recognized her active and constructive engagement in other fora such as the UN Working Group on Internet Governance, the World Summit on the Information Society, and the Internet Governance Forum, to name a few.

34

Board of Directors

42

Community Leaders

41

Corporate Officers

## 4/Lists of members

Exhibit 1 - Pg 035

## Board of Directors

As of 30 June 2014



**Steve Crocker**

**Chairman of the ICANN Board of Directors**  
**CEO and Cofounder of Shinkuro, Inc.**

Experience includes research management at DARPA, University of Southern California Information Sciences Institute and the Aerospace Corporation, vice president of Trusted Information Systems, and co-founder of CyberCash, Inc., Executive DSL, and Longitude Systems, Inc.

Involved in the Internet since its inception. As a graduate student, helped develop protocols for the Arpanet and laid the foundation for today's Internet; organized the Network Working Group, the forerunner of the modern Internet Engineering Task Force, and initiated the Request for Comment series through which protocol designs are documented and shared.

Named as Internet Hall of Fame Pioneer in 2012. Recipient of 2002 IEEE Internet Award.

**Chair**, Executive Committee; member, New gTLD Program, Risk and Compensation Committees.



**Bruce Tonkin**

**Vice Chair, ICANN Board**  
**Chief Strategy Officer, Melbourne IT Limited.**

Evaluates new product opportunities and analyzes emerging technology trends for domain name registrar providing services for many gTLDs and ccTLDs.

Has represented Melbourne IT in ICANN's registrars' constituency since 2001. Later, elected to the GNSO Council; chair of the DNSO Names Council and GNSO Council.

Active participant in policy development for the .au ccTLD. Major policy work includes the introduction of registrar competition in the .au namespace and the introduction of a range of policies covering areas such as domain name registration policies and WHOIS.

**Fellow**, Australian Institute of Company Directors.

**Chair**, Board Governance Committee; **member**, Compensation and Executive Committees.



**Sebastien Bachollet**

**Founding CEO of BBS International Consulting.**

Organized European Global Event on Domain Names and Addresses in Paris from 2002-2008. The event drew more than 250 participants each year.

Launched France's largest e-business web site, [www.sncf.fr](http://www.sncf.fr).

Deputy general manager of Club Informatique des Grandes Entreprises Francaises.

Leveraging his early career experience in leading innovative information systems projects at Air Inter and French National Railways, he became involved in the re-launch and promotion of CIO networks in France, and the creation of EuroCio.

**Member** of the Internet Society French Chapter, serving on its board since 2003 and named Honorary President in 2009.

**Member**, Finance and Structural Improvements Committees.

**Cherine Chalaby**

Held many leadership roles in banking and technology.

During 28-year tenure at IT service company Accenture, he held key managing positions, ultimately serving on Accenture's Executive Committee and its Global Leadership Council. His experience includes strategy development, systems implementation, transformational change and running operations.

Joined Middle East-based regional investment bank Rasmala in March 2006, serving as chairman of the supervisory board, chairman of the management board and chairman of the bank's subsidiary in Egypt.

Previous Middle East experience included developing one of the first Internet-based brokerage systems in the region and developing and installing a local exchange system.

**Chair**, Finance and New gTLD Program Committees; member, Board Governance and Executive Committees.

**Fadi Chehadé**

President & CEO, ICANN  
Ex-officio Member of the Board

President and CEO of ICANN, with more than 25 years of experience in building and leading progressive Internet enterprises, leveraging relationships with senior executives and government officials across Asia, Europe, the Middle East and the United States. Previously, served as Chief Executive Officer of Vocado, LLC, a U.S. firm that is a provider of cloud-based software for the administration of educational institutions. Also served as CEO of CoreObjects Software, Inc., and General Manager of IBM's Global Technology Services in the Middle East and North Africa. Founded and led three companies since 1987: Viacore, RosettaNet and Nett Information Products.

**Member**, Executive and New gTLD Program Committees.

**Chris Disspain**

CEO of .au Domain Administration Ltd. since October 2000.

Instrumental in Australian government's endorsement of auDA as manager of .au. Responsible for negotiating re-delegation of .au to auDA and guiding the evolution of the DNS in Australia from a monopoly to a competitive, regulated and price-sensitive regime.

Served as corporate attorney; held executive management positions and directorships in private and public companies in United Kingdom and Australia. Served as chair or director of several companies listed on the Australian Stock Exchange.

**Founding chair** of ICANN's ccNSO from 2004 to 2011.

**Member** of the United Nations Internet Governance Multistakeholder Advisory Group.

**Member**, Finance, New gTLD Program, and Board Governance Committees.

**Heather Dryden**

Government Advisory Committee  
Liaison, non-voting  
GAC Chair

Senior Advisor at Industry Canada in the International Telecommunications Policy directorate of the Telecommunications Policy Branch, with lead responsibility for Internet governance and DNS policy matters.

Serves in an ex officio capacity on the Canadian Internet Registration Authority Board of Directors and participates in the American Registry for Internet Numbers – Government Working Group.

Appointed to Multistakeholder Advisory Group of the Internet Governance Forum and participated in the Canadian delegation to the United Nations World Summit on the Information Society.

Previously worked at the NATO Information Office in Moscow and worked on capacity-building programs in Ukraine funded by the Canadian International Development Agency.

**Non-voting member**, New gTLD Program Committee.

**Bill Graham**

Independent consultant.

Worked with Internet Society from 2007-11, responsible for expanding its engagement with organizations such as the United Nations, the Organization for Economic Cooperation and Development, the World Intellectual Property Organization, and the International Telecommunication Union.

Served as Director of International Telecommunications Policy and Coordination in the Canadian government.

First joined the Canadian government in 1988, and held management positions in program evaluation and strategic planning. Involved in early promotion of community networking and Internet use in Canada, as well as in international business development in the spectrum, information, and communications technology sector.

**Former Director** of Government Relations for Teleglobe, Inc.

**Member**, Audit, New gTLD Program, Risk and Structural Improvements Committees.

**Wolfgang Kleinwachter**

Professor for International Communication Policy and Regulation at the Department for Media and Information Sciences of the University of Aarhus in Denmark, where he has taught “Internet Policy and Regulation” since 1998.

Has taught Internet Governance at numerous universities around the globe, including American University in Washington D.C. and Lomonossov University in Moscow.

Within the World Summit on the Information Society, he served on the Civil Society Bureau, co-chaired the Internet Governance Caucus and was appointed to the UN Working Group on Internet Governance. In the Tunis Summit he was part of the governmental delegation of Denmark.

Studied Communication, International Law and International Relations at the University of Leipzig.

**Member**, Structural Improvements Committee.

**Bruno Lanvin**

Executive Director of INSEAD's European Competitiveness Initiative, and of Global Indices projects at INSEAD (Global Information Technology, Global Innovation Index, and Global Talent Competitiveness Index).

Served as Director of INSEAD's eLab for six years until 2013, managing INSEAD's teams in Paris, Singapore and Abu Dhabi. Under his leadership, eLab's main areas of focus were leadership in knowledge economies, skills/e-skills, innovation, economic impact of social networks, new roles of government.

Currently sits on the Board of IDA Infocomm in Singapore and serves a member of the Media Convergence Panel of Singapore's Media Development Authority and as a

**Broadband Commissioner.**

Previous experience includes positions at the World Bank, as the Executive Secretary of the G8 DOT Force, and two decades working at the United Nations.

**Member**, Finance and New gTLD Program Committees.

**Olga Madruga-Forti**

More than 25 years' experience as a senior executive in the telecommunications and satellite industries. Based in Buenos Aires, Argentina, she represents global and regional telecomm companies before the ITU, the Organization of American States and other standards-setting international agencies and trade associations. Currently represents ARSAT S.A., an international satellite company in all international and regulatory matters. Former positions include: Vice President, Regulatory and Legal, for Iridium Satellite; Vice President, Legal and Regulatory for Loral CyberStar, a U.S. international satellite company; and Special Counsel for International Satellite Policy and Chief of the Domestic Services Branch of the Common Carrier Bureau of the U.S. Federal Communications Commission.

**Member**, Audit, Board Governance and New gTLD Program Committees.

**Erika Mann**

Head of Facebook Brussels office.

Executive Vice President of the Computer & Communications Industry Association.

German member of the European Parliament from 1994-2009, concentrating on trade and World Trade Organization policy, transatlantic relations, digital economy, telecommunications and Internet policy, and research policy.

European chairperson of the Transatlantic Policy Network and proponent of transatlantic market between the EU and US. Member of advisory board of Transatlantic Economic Council.

Lecturer and author of publications on trade, transatlantic relations and the Internet.

Recipient of European-American Business Council for Exceptional Transatlantic Commitment award, and Bundesverdienstkreuz am Bande (the German Federal Cross of Merit).

**Chair**, Audit Committee; **member**, Compensation and New gTLD Program Committees.



**Ram Mohan**

**Security and Stability Advisory Committee Liaison, non-voting**

**Executive Vice President & Chief Technology Officer of Afiliis Limited.**

Oversees key strategic, management and technology choices in support of .info and .org, sponsored domains .mobi, .asia, and .aero and country code domains including .in (India) and .me (Montenegro).

Led the strategic growth of the company in registry services, security and new product sectors.

At Infonautics Corp., founded award-winning CompanySleuth product and line of business.

Helped design online references Electric Library and Encyclopedia.com.

Cofounder of the technology behind anti-spam company TurnTide.

Held leadership, engineering and technology positions with First Data Corporation, Unisys Corporation and KPMG Peat Marwick.

**Non-voting member**, Board Governance and Risk Committees.



**Gonzalo Navarro**

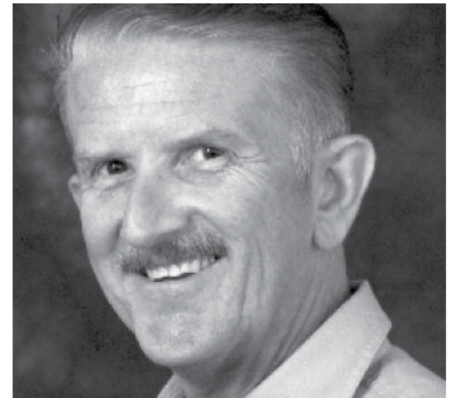
**Chief of Staff, National Institute of Industrial Property of Chile.**

Served as senior adviser on international affairs, Undersecretary of Telecommunications of Chile, representing Chile on the Governmental Advisory Committee.

Associate at Morales & Besa.

Advised the Chilean government on the implementation of public policies derived from international processes, negotiated and drafted telecommunications chapters in several free trade agreements, including those between Chile and the United States and China; permanent representative of Chile at the International Telecommunication Union, the World Summit on the Information Society, the Internet Governance Forum, Comisión Interamericana de Telecomunicaciones and Asia-Pacific Economic Cooperation Telecommunications and Information Working Group.

**Member**, Audit, New gTLD Program and Risk Committees.



**Ray Plzak**

**President Emeritus, American Registry for Internet Numbers.**

More than 20 years experience in Internet registry operations, first with the Defense Data Network/Department of Defense Network Information Center.

Extensive experience in allocation of Internet Number Resources, administration of domain names, management of root server and directory services such as Whois and IRR, and help desk operations.

Past co-chair of the Internet Engineering Task Force Domain Name System Operation Working Group.

Coauthor of Legal and Policy Aspects of Internet Numbers (Santa Clara Computer & High Technology Law Journal, 2008) on need for a consistent legal and public policy approach to management of Internet number resources.

**Chair**, Structural Improvements Committee; **member**, Audit, Board Governance, Compensation, and New gTLD Program Committees.

**George Sadowsky****Independent consultant.**

Computer scientist who has worked as a mathematician and programmer, and headed computing centers at Brookings Institution, Northwestern University and New York University.

At United Nations, supported technical assistance projects and has worked in more than 50 developing countries; consultant to U.S. Treasury, U.S. Agency for International Development, World Wide Web Consortium, the Swiss government, and the World Bank.

Served on boards of AppliedTheory Corporation, Corporation for Educational Research and Educational Networking and New York State Education and Research Network, and the Internet Society where he directed Developing Country Network Training Workshops.

**Executive Director** of Global Internet Policy Initiative.

**Chair**, Compensation Committee; **member**, Finance and New gTLD Program Committees.

**Mike Silber****Attorney and Head, Legal and Commercial, Liquid Telecomms.**

Former independent legal and regulatory consultant in the information and communication technologies spheres. Selected as a leading South African Internet and e-Commerce lawyer by Who's Who Legal and as one of the leading Technology, Media and Telecommunications lawyers in South Africa by Expert Guides.

Management Committee member and regulatory advisor to the South African Internet Service Providers' Association. Helped form and served as a regulatory advisor and adjudicator to the South African Wireless Application Service Providers' Association.

Founding member of Internet Society South African chapter. Director of the .ZA Domain Name Authority.

**Chair**, Risk Committee; member, Board Governance, Finance and New gTLD Program Committees.

**Jonne Soininen****IETF Liaison, non-voting**

Finnish citizen and technical executive with experience working for Broadcom, Nokia, Nokia Siemens Networks and Renesas Mobile. Most recent position was as Associate Technical Director for Broadcom.

Active in organizations such as 3rd Generation partnership project, the Open Mobile Alliance and the Internet Engineering Task Force.

Vice-chair for the Internet Society Advisory Council.

Active participant in the Finnish Internet Forum – the Internet Governance Forum in Finland and as a member of the board of the local ISOC chapter.

Master of Science in Computer Science from the University of Helsinki, Finland.

**Non-voting member**, Risk and New gTLD Program Committees.





**Suzanne Woolf**

Self-employed consultant, Internet technology and policy.

Has held a variety of roles in the Internet technology industry, specializing in DNS and other infrastructure, including network operations, product management, strategic considerations for software and protocol development projects, technology standards development, and participation in technical policy activities with ICANN, American Registry of Internet Numbers (ARIN), root and TLD service operators, and others.

Member of the ICANN Root Server System Advisory Committee and Security and Stability Advisory Committee. Participant in Internet Engineering Task Force and North American Network Operators' Group.

**Non-voting member**, Board Governance and Risk Committees.



**Kuo Wei-Wu**

CEO of National Information Infrastructure Enterprise Promotion Association, a non-profit in Taipei focused on global Internet and security policy research

Cofounder, High Performance Computing Asia Conference series held since 1995 in Taipei.

Established the Taiwan Academic Network in 1990.

Coordinated Asia ccTLD operators' formation of Asia Pacific Top-Level Domain Association in 1998

Organized an Internationalized Domain Names joint engineering taskforce in Asia.

Served on Asia Pacific Network Information Center Executive Council from 1999 to 2010, and as treasurer since 2003 to 2009.

Currently serves as Taiwan Network Information Center board member since 2000.

**Former vice president** at Acer, Inc.

**Member**, New gTLD Program, Risk and Structural Improvements.

## Corporate officers

As of 30 June 2014

### **Fadi Chehadé,**

#### **President and Chief Executive Officer**

Joined ICANN in 2012, bringing more than 25 years of experience in building and leading progressive Internet enterprises, leveraging relationships with senior executives and government officials across Asia, Europe, the Middle East and the United States. Previously, served as Chief Executive Officer of Vocado, LLC, a U.S. firm that is a provider of cloud-based software for the administration of educational institutions. Also served as CEO of CoreObjects Software, Inc., and General Manager of IBM's Global Technology Services in the Middle East and North Africa. Founded and led three companies since 1987: Viacore, RosettaNet and Nett Information Products.

### **John Jeffrey,**

#### **General Counsel and Secretary**

With more than 22 years of legal and business experience in the technology and entertainment industries, John has provided services to individuals, non-profits/trusts, and companies (from startups to Fortune 500 companies) as a dealmaker, litigator, corporate and intellectual property lawyer, and business executive.

Before joining ICANN in 2003, John spent four years at the Silicon Valley streaming media/Internet radio start-up Live365, where he was the Executive Vice President of Corporate Strategy and General Counsel. While at Live365, John managed strategic and corporate development, business development, marketing, public relations, and governmental, business & legal affairs.

### **Xavier Calvez, Chief Financial Officer**

Executive with international experience in strategic planning, financial reporting, analysis and modeling and financial

systems implementation. Joined ICANN in 2011, after holding progressive leadership positions in finance at Technicolor/Thomson Multimedia over a ten-year period, ultimately serving as CFO for Technicolor Creative Services. In that role, he oversaw finance during a time of major transformation with system's implementation, reorganization, and process changes/improvements for a diversified group of businesses, spread across the world. Prior, he worked with audit and financial clients out of the Paris, France and Miami, Florida offices of Deloitte.

### **Akram Atallah,**

#### **President, Global Domains Division**

Appointed in 2013 as the first President of ICANN's Global Domains Division. Oversees management of generic domain operations, domain name industry engagement and web services.

Joined ICANN in September 2010 as Chief Operating Officer, overseeing operations and strategic planning.

Before joining ICANN, he successfully restructured CoreObjects Software, an engineering services start-up, as its Chief Operating Officer.

Prior, held positions of progressive responsibility at Conexant Systems, culminating in position as Senior Vice President and General Manager of its Broadband Access Business Unit.

### **Susanna Wong Bennett,**

#### **Chief Operating Officer**

Experienced high-tech executive with over 20 years of executive leadership experience from extensive operations roles with international public and private companies.

Joined ICANN in 2013, and has built operational and business excellence on multiple continents for global expansion, emerging

growth, mergers and integrations, initial public offerings, turn-around, management-buy-out and restructuring.

Most recently served as the Chief Financial Officer, Vice President of Human Resources and a Director of the Board for Jazz Technologies, a public semiconductor company. After joining Jazz in early 2008, she led a merger integration, during which she attained operational excellence and major cost reductions.

### **David Olive, Vice President, Policy Development Support**

Has led ICANN's Policy Development team since 2010 following 20 years as a corporate executive and leader in ICT public policy formation. Prior, he served as Fujitsu Limited's Washington office as General Manager and Chief Corporate Representative. He advised Fujitsu on business planning, corporate and business development, and public policy issues.

He was a member of the Commercial Board of Directors of TechAmerica, a leading voice for the U.S. technology industry, and served on the Board of Directors of the Computer and Communications Industry Association.

### **Ombudsman**

#### **Chris LaHatte**

An experienced mediator and lawyer who has practiced in New Zealand, Taiwan and Central Asia. Joined ICANN in 2011. He qualified as a lawyer from the University of Auckland and earned a Masters Degree in Dispute Resolution from Massey University, with judicial settlement conferences as his thesis. He is a Fellow of the Arbitrators and Mediators Institute of New Zealand, a mediator for the New Zealand Law Society on cost issues and a construction law adjudicator.

# ICANN Community Leaders

As of 30 June 2014

## 1. Supporting Organizations

Address Supporting Organization  
Address Counsel  
Louie Lee, Chair

Country-code Names  
Supporting Organization  
Byron Holland, Chair

Generic Names  
Supporting Organization  
Jonathan Robinson, Chair

## 2. Advisory Committees

At-Large Advisory Committee  
Olivier Crépin-Leblond, Chair

Governmental Advisory Committee  
Heather Dryden, Chair

Root Server System  
Advisory Committee  
Lars-Johan Liman and  
Jun Murai, Co-chairs

Security and Stability  
Advisory Committee  
Patrick Fältström, Chair

## 3. Nominating Committee

Cheryl Langdon-Orr, Chair

## 4. GNSO Stakeholder

### Groups and Constituencies

Commercial and  
Business Users Constituency  
<http://www.bizconst.org/>  
Elisa Cooper, Chair

Intellectual Property Constituency  
<http://www.ipconstituency.org/>  
Kristina Rosette, Chair

Internet Service Providers  
and Connectivity Providers Constituency  
<http://www.ispcp.info/>  
Tony Holmes, Chair

Non-commercial Stakeholder Group  
<http://gns0.icann.org/en/non-commercial/>  
Rafik Dammak, Chair

Non-commercial Users Constituency  
<http://ncuc.org/>  
William Drake, Chair

Not-for-profit Operational  
Concerns Constituency  
<http://www.npoc.org/home.html>  
Rudi Vansnick, Chair

Registrar Stakeholder Group  
<http://www.icannregistrars.org/>  
Michele Neylon, Chair

Registry Stakeholder Group  
<http://www.gtldregistries.org/>  
Keith Drazek, Chair

# 5/Audited Financial Statements

Exhibit 1 - Pg 045

## Independent Auditor's Report

To the Board of Directors, Internet Corporation for Assigned Names and Numbers  
Los Angeles, California

### Report on the Financial Statements

We have audited the accompanying financial statements of Internet Corporation for Assigned Names and Numbers (ICANN or Organization), which comprise the statement of financial position as of June 30, 2014 and the related statements of activities and cash flows for the year then ended, and the related notes to the financial statements.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements,

whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Internet Corporation for Assigned Names and Numbers as of June 30, 2014, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### Emphasis of Matter

As described in Note 3, the Organization's analysis previously led it to recognize the registry and registrar transaction fee revenue over the term of the individual domain name registrations, which, after further review and analysis, the Organization concluded it is not in accordance with accounting principles generally accepted in the United States of America. Accordingly, the Organization has changed

its method of accounting for this item to recognize revenue in the period where the registration occurred and restated its June 30, 2013 financial statements. Our opinion on the June 30, 2014 financial statements is not modified with respect to this matter.

### Other Matters

The financial statements of Internet Corporation for Assigned Names and Numbers for the year ended June 30, 2013, before restatement for the matter described in the Emphasis of Matter paragraph, were audited by other auditors, whose report dated October 7, 2013 expressed an unmodified opinion on those financial statements. As part of our audit of the June 30, 2014 financial statements, we also audited the adjustments described in Note 3 that were applied to restate the June 30, 2013 financial statements. In our opinion, such adjustments are appropriate and have been properly applied. We were not engaged to audit, review, or apply any procedures to the June 30, 2013 financial statements of the Organization other than with respect to the adjustments and, accordingly, we do not express an opinion or any other form of assurance on the June 30, 2013 financial statements as a whole.

**BDO USA, LLP**

Los Angeles, California  
October 30, 2014

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## Statement of Financial Position

June 30, 2013 and 2014

U.S. dollar amount in thousands

Assets	Notes	2014	2013 Restated
Cash and cash equivalents	2, 4, 5	\$ 24,611	\$ 64,887
Accounts receivable, net	2, 5, 6	26,605	25,138
Investments	2, 5, 7	285,068	294,874
Prepaid expenses	4	1,405	3,614
Other assets	4	833	2,416
Capital and other assets	2, 8	16,740	8,518
Total assets		\$ 355,262	\$ 399,447

Liabilities and Net Assets	Notes	2014	2013 Restated
Liabilities			
Accounts payable and accrued liabilities	4	\$ 16,224	\$ 24,849
Deferred revenue	2, 4	145,929	191,101
Total liabilities		162,153	215,950
Unrestricted net assets	2	193,109	183,497
Total liabilities and net assets		\$ 355,262	\$ 399,447

See accompanying independent auditor's report and notes to financial statements.

## Statement of Activities

Years ended June 30, 2013 and 2014  
U.S. dollar amount in thousands

Unrestricted Support and Revenue	Notes	2014	2013 Restated
Registry	1,3	\$ 47,143	\$ 41,698
Registrar	1,3	34,831	34,010
Regional Internet Registry (R.I.R.)	1	823	823
Country code Top Level Domain ("ccTLD") contribution and fees	1	2,098	657
New generic Top Level Domain ("gTLD") auction revenue	1,4	600	-
Contributions and other income	1	1,315	1,235
Revenue from New gTLD application fees	1,4	36,574	158,072
	Total support and revenue	\$ 123,384	\$ 236,495
<b>Expenses</b>			
Personnel	2	45,239	31,457
Travel and meetings	2	20,929	12,240
Professional services	2	37,639	93,185
Administration	2	20,593	13,480
	Total expenses	124,400	150,362
<b>Other Income</b>			
Interest income	7	3	5
Investment gain	7	10,625	1,727
Total other income		10,628	1,732
Change in net assets		9,612	87,865
<b>Unrestricted Net Assets</b>			
Beginning of year		183,497	95,632
End of year		\$ 193,109	\$ 183,497

See accompanying independent auditor's report and notes to financial statements.

## Statement of Cash Flows

Years ended June 30, 2013 and 2014  
U.S. dollar amount in thousands

Cashflows from Operating Activities	2014	2013 Restated
Change in net assets	\$ 9,612	\$ 87,865
Adjustments to reconcile change in net assets to cash provided by operating activities:		
Depreciation expense	3,927	2,140
Bad debt expense	209	1,052
Investment gains, net	(10,625)	(1,727)
Loss on disposal of capital assets	777	-
Changes in operating assets and liabilities		
Accounts receivable	(1,676)	(7,111)
Prepaid expenses	2,209	(327)
Other assets	1,583	951
Accounts payable and accrued liabilities	(8,625)	11,998
Deferred revenue	(45,172)	(167,989)
Net cash used in operating activities	(47,781)	(73,148)
Cash Flows from Investing Activities		
Purchases of capital assets	(12,926)	(4,871)
Proceeds from sale of investments	41,900	53,035
Purchases of investments	(21,469)	(293,147)
Net cash provided by (used in) investing activities	7,505	(244,983)
Net decrease in Cash and Cash Equivalents	(40,276)	(318,131)
Cash and Cash Equivalents		
Beginning of year	64,887	383,018
End of year	\$ 24,611	\$ 64,887

See accompanying independent auditor's report and notes to financial statements.



## Notes to Financial Statement

### 1. Organization

The Internet Corporation for Assigned Names and Numbers (ICANN) was established in September 1998 under the laws of the state of California as a non-profit public benefit corporation.

ICANN coordinates a select set of the Internet's technical management functions, such as the assignment of protocol parameters, the management of the domain name system, and the allocation of Internet Protocol (IP) address space. Categories of Internet domains include Generic Top Level Domains (gTLDs), examples of which are: .com, .net, .org, and .edu domains; Country Code Top Level Domains (ccTLDs) in ASCII characters, examples of which are: .us, .uk, .de and .fr; and Internationalized Domain Name (IDN) ccTLDs that are reflected through non-ASCII based languages.

ICANN has three supporting organizations that serve as the policy development bodies for ICANN within three specialized areas, including the system of IP addresses and the domain name system. The three supporting organizations are the Address Supporting Organization (ASO), the Generic Names Supporting Organization (GNSO) and the Country Code Names Supporting Organization (ccNSO). These supporting organizations are the primary source of substantive policy recommendations for matters lying within their respective specialized areas. The supporting organizations are not separately incorporated entities.

ICANN's primary sources of revenue are generated from domain name registration activities and DNS service as follows:

#### Registry Fees

As of June 30, 2014, ICANN had contracts with registry operators of 473 Generic Top Level Domains (gTLDs), of which 455 were added during the fiscal year. Registry fees are described in the respective registry agreements. Based on those agreements, registries pay to ICANN fees via a fixed fee, transaction-based fee, or both.

#### Registrar Fees

ICANN accredits registrars in accordance with the Registrar Accreditation Agreement (RAA). The RAA provides for the following types of fees:

- Application fees are paid one time by prospective registrars at the time of the application.
- Annual accreditation fees are fees that all registrars are required to pay annually to maintain accreditation.
- Per-registrar variable fees are based upon a set amount divided by the number of accredited registrars and is based on a validated concept that ICANN often expends the same quantum of effort in providing services to a registrar regardless of size. However, some registrars may qualify for "forgiveness" of two-thirds of the standard per-registrar variable fee.
- Transaction-based fees based on each add, transfer, or renewal domain name registration.
- Add Grace Period (AGP) deletion fees are charged to registrars that delete added names within the grace period in excess of a threshold.

#### Address Registry Fees

ICANN coordinates with organizations responsible for the assignment and administration of Internet addresses (RIRs). RIRs contribute annually to ICANN.

#### Application Fees

*Registrar*—Application fees are non-refundable and are paid at the time of application by applicants seeking to become an ICANN accredited domain name registrar.

*New generic Top Level Domain (gTLD)*—The application fees were paid during the application window by applicants seeking to become a New gTLD registry operator for a particular top-level domain. Application fees are refundable at a decreasing rate according to the processing phase in which the request for refund occurs. Note that once a New gTLD registry agreement is signed with an applicant that party becomes a registry operator that is subject to registry fees in accordance with the terms of the registry agreement.

#### New gTLD Auction Fees

Contention sets are groups of applications containing identical or confusingly similar applied for gTLD strings. Contention sets must be resolved prior to the execution of a Registry Agreement for an applied-for gTLD string. An ICANN facilitated auction is a last resort for resolving string contention sets.

If ICANN facilitates the resolution of a contention set through an auction, the auction is concluded when the remaining application is not in contention as a result of competing applicants having exited the auction.

## Notes to Financial Statement

continued

### 2. Significant Accounting Policies

#### Basis of Presentation

The financial statements of ICANN have been prepared in accordance with generally accepted accounting principles in the United States. ICANN recognizes contributions, including unconditional promises to give, as revenue in the period received. Contributions and net assets are classified based on the existence or absence of donor-imposed restrictions. As such, the net assets of ICANN and the changes therein are classified and reported as follows:

*Unrestricted net assets*—Net assets that are not subject to donor-imposed stipulations and that may be expendable for any purpose in performing the objectives of ICANN. ICANN's Board adopted an investment policy in April 2014. This investment policy established a Board designated Reserve Fund that limits use of the Reserve Fund based upon specific Board actions. All investments are designated under the Reserve Fund.

*Temporarily restricted assets*—Net assets subject to donor-imposed stipulations that may or will be met either by actions of ICANN and/or the passage of time. As the restrictions are satisfied, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the accompanying financial statements as net assets released from restrictions.

*Permanently restricted net assets*—Net assets for which the donor has stipulated that the principal be maintained in perpetuity, but permits ICANN to use, or expend, all or part of the income derived from the donated assets for general or specific purposes, subject to statutory regulations.

As of June 30, 2014 and 2013, ICANN had no permanently or temporarily restricted net assets.

#### Revenue Recognition

ICANN recognizes revenue as follows (pursuant revenue recognition method effective July 1, 2013 as disclosed in Note 3):

- Transaction-based fees are determined based upon an established rate per registration, multiplied by the volume and number of contract years of the underlying domain registration. Transaction-based fees are earned and recognized in the year the transaction occurs. A transaction corresponds to a registration, a transfer or a deletion of a domain name.
- Fixed fees are billed in accordance with the underlying contract and are recognized as earned over the contractual period.
- Registrar application fees are non-refundable and are recognized at the time the application fees are received.
- New gTLD application fees are recognizable ratably as direct application processing costs are incurred. The rate of recognition of the fees is determined by the proportion of the direct costs incurred versus the total costs. The New gTLD application fees are refundable at a diminishing rate according to the processing phase in which the request for refund occurs.
- New gTLD auction fees are recognized in revenues when an auction is concluded.
- Accreditation fee amounts and timing are due in accordance with agreements, are not event dependent, and

are recognized ratably monthly over the term of the accreditation.

#### Cash and Cash Equivalents

Cash and cash equivalents include deposits in bank and money market funds. ICANN considers all cash and financial instruments with original maturities of three months or less to be cash and cash equivalents.

#### Accounts Receivable, Net

Accounts receivable net of allowances for doubtful accounts are approximately \$26,605,000 and \$25,138,000 as of June 30, 2014 and 2013, respectively. On a periodic basis, ICANN adjusts its allowance based on an analysis of historical collectability, current receivables aging, and assessment of specific identifiable customer accounts considered at risk or uncollectible.

ICANN had bad debt expense of approximately \$209,000 and \$1,052,000 during the years ended June 30, 2014 and 2013, respectively.

#### Investments

Investments are reported at their fair value and all related transactions are recorded on the trade date. Interest, dividends and realized and unrealized gains and losses are accounted for within unrestricted net assets, or as changes in temporarily or permanently restricted net assets, if so stipulated by the donor of such assets. Investment securities, in general, are exposed to various risks, such as interest rate risk, credit risk and overall market volatility risk. Due to the level of risk associated with certain investment securities, it is reasonably possible that

## Notes to Financial Statement

continued

changes in the values of investment securities will occur in the near term and that such change could materially affect the amounts reported in the statements of financial position.

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The Accounting Standards Codification (ASC) establishes a fair value hierarchy that requires an entity to maximize the use of observable inputs and minimize the use of unobservable inputs when measuring fair value.

The standard describes three levels of inputs that may be used to measure fair value:

*Level 1*—Quoted prices in active markets for identical assets or liabilities.

*Level 2*—Observable inputs other than Level 1 prices, such as quoted prices for similar assets or liabilities; quoted prices in markets that are not active; or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities.

*Level 3*—Unobservable inputs that are supported by little or no market activity and that are significant to the fair value of the assets or liabilities.

The following is a description of the valuation methodologies used for instruments measured at fair value on a recurring basis and recognized in the accompanying statements of financial position, as well as

the general classification of such instruments pursuant to the valuation hierarchy. Where quoted market prices are available in an active market, securities are classified within Level 1 of the valuation hierarchy. Level 1 securities include money markets funds. If quoted market prices are not available, then fair values are estimated by using pricing models, quoted prices of securities with similar characteristics or discounted cash flows. Investments that are valued based on quoted market prices of comparable assets and investments reported at net asset value or its equivalent, which are redeemable in the near term are typically classified within Level 2.

ICANN's policy is to recognize transfers in and transfers out at the end of the reporting period. This policy includes transfers in and transfers out of Level 1 and Level 2. ICANN has no Level 3 investments.

### Fair Value of Financial Instruments

The carrying amounts of cash and cash equivalents, accounts receivables, prepaid and other receivables, accounts payable and accrued liabilities and deferred revenue approximate fair value because of the short-term maturity of these financial instruments. Estimates of fair value involve assumptions and estimation methods that are uncertain and, therefore, the estimates could differ from actual results. The fair value of investments are recorded at fair value on a recurring basis are included in Note 7.

### Capital Assets

Capital assets consist of capitalized computer equipment, software, furniture and fixtures and leasehold improvements and

are stated at cost or, for contributed items, at fair value at date of contribution. Capital assets are depreciated using the straight-line method over their estimated useful lives, which range from three to seven years. Leasehold improvements are amortized using the straight-line method over the shorter of their estimated useful life or the remaining lease term. Acquisitions in excess of \$10,000 and one year useful life as well as laptop computers are capitalized. Maintenance and repairs are charged to expense as incurred.

### Deferred Revenue

Deferred revenue is recorded when fees are not yet earned. Deferred revenue consists of deferred income related to the New gTLD application fee of \$145,320,000 and \$190,502,000 and deferred registrar accreditation income of \$609,000 and \$599,000 as of June 30, 2014 and 2013, respectively.

### Income Taxes

ICANN is exempt from Federal and state income taxes under Section 501(c)(3) of the Internal Revenue Code and Section 23701(d) of the California Revenue and Taxation Code. Accordingly, no provision for income taxes has been made in the accompanying financial statements. However, ICANN is subject to income taxes on any net income that is derived from a trade or business, regularly carried on, and not in furtherance of the purposes for which it was granted exemption. No income tax provision has been recorded as the net income, if any, from any unrelated trade or business, in the opinion of management, is not material to the basic financial statements taken as a whole.

ICANN believes it is in compliance with all

## Notes to Financial Statement

continued

applicable laws, however, upon audit by a taxing authority, if amounts are found due, ICANN may be liable for such taxes. Management has analyzed ICANN's tax positions taken on Federal and state income tax returns for all open tax years and has concluded that, as of June 30, 2014 and 2013, no liabilities are required to be recorded in connection with such tax positions in ICANN's financial statements. The fiscal 2009 through 2013 tax years remain open for examination by the taxing authorities. No interest or penalties are recognized during the year as ICANN has not recorded income tax contingencies. ICANN is not under examination by the Internal Revenue Service for any open tax years.

### Functional Allocation of Expenses

Expenses that can be identified to a specific program or supporting service are charged directly to the related program or supporting service. Expenses that are associated with more than one program or supporting service are allocated based on methods determined by management. ICANN's expenses are classified approximately as follows for the fiscal years ended June 30:

### Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

### Subsequent Events

ICANN evaluates subsequent events in accordance with ASC 855, Subsequent Events. ICANN evaluated subsequent events through October 30, 2014, which is when these financial statements were available to be issued. ICANN is not aware of any other significant events that would have a material impact on its financial statements or require disclosure in the notes to the financial statements.

### 3. Restatement - Change in Transaction-Based Fee Revenue Recognition

Through the year ended June 30, 2013, ICANN recognized nonrefundable transaction-based fees collected from registries and registrars as earned in the year the billed fee applies (for example, 1/10th of a

registration transaction-based fee was recognized in each year of a ten year domain name registration). This recognition method was based on a previous interpretation of the contracts that ICANN has obligations under those contracts that must be fulfilled over the duration of a specific domain name registration.

Given the New gTLD program, and the prospective delegation of hundreds of new registries under a new base registry agreement, ICANN has conducted further analysis of its revenue recognition method through review of the existing and new agreements with registries and registrars and the specific accounting treatment of the transaction-based fees. Upon this further review and analysis, ICANN has determined that the registry and registrar agreements do not include any obligations for ICANN that pertain to each specific registration of a domain name. ICANN considers that its contractual obligations are unrelated to a specific domain name registration, which therefore do not create specific performance obligations which would require a deferral of revenue over the duration of the registration.

As a result, ICANN has changed its reve-

	2014	2013
Program services	\$ 89,336	\$ 126,532
Support services: management and general	35,064	23,830
Total expenses	\$ 124,400	\$ 150,362

## Notes to Financial Statement

continued

revenue recognition method so that the transaction-based fees are recognized as revenue when each transaction occurs. Accordingly, ICANN has restated the opening balance of unrestricted net assets as of July 1, 2012 and financial statements for the year ended June 30, 2013.

The following table displays the impact of this restatement on the financial statement categories reflected in the statements of financial position:

June 30, 2013	Previously Reported	Change in Revenue Recognition	Restated
Accounts receivable, net	\$ 22,866	\$ 2,272	\$ 25,138
Deferred revenue	203,592	(12,491)	191,101
Unrestricted net assets	168,734	14,763	183,497

June 30, 2012	Previously Reported	Change in Revenue Recognition	Restated
Unrestricted net assets	\$ 83,592	\$ 12,040	\$ 95,632

The following table displays the impact of this restatement on the financial statement categories reflected in the statements of activities:

June 30, 2013	Previously Reported	Change in Revenue Recognition	Restated
Registry	\$ 39,002	\$ 2,696	\$ 41,698
Registrar	33,983	27	34,010
Support and revenue	233,772	2,723	236,495
Change in net assets	85,142	2,723	87,865
Unrestricted net assets	168,734	14,763	183,497

The following table displays the impact of this restatement on the financial statement categories reflected in the statements of cash flows:

June 30, 2013	Previously Reported	Change in Revenue Recognition	Restated
Change in operating assets and liabilities:			
Accounts receivable	\$ 6,037	\$ 1,074	\$ 7,111
Deferred revenue	166,340	1,649	167,989
Change in net assets	85,142	2,723	87,865

Exhibit 1 - Pg 054

## Notes to Financial Statement

continued

### 4. New Generic Top Level Domain Program

ICANN's New generic Top Level Domains (gTLD) Program is responsible for the introductions of New generic Top Level Domains (gTLDs) that has resulted in the expansion of the Domain Name System (DNS). Prior to the New gTLD program, resulting in 1930 applications for New gTLDs in 2012, there were 22 gTLDs. The additional gTLDs will enhance competition, innovation and choice in the DNS, providing a wider variety of organizations, communities and brands new ways to communicate with their audiences. All Registries that operate these New gTLDs must pass a rigorous evaluation process and technical preparations and assessments. These steps help ensure the safe, secure and measured rollout of the New gTLDs.

All applications for New gTLDs that have not been withdrawn have completed Initial Evaluation (IE) phase and, where applicable Extended Evaluation (EE). During IE and EE, all applications were evaluated for, among other things, financial, technical/operational, geographic names, and registry services.

Following completion and passing of IE, and EE if applicable, the Registry Agreement Contracting phase of the New gTLD program commenced. Contracting is a process by which the eligible applicants enter into a Registry Agreement with ICANN to operate a gTLD. After completion of this phase, the applicant can elect to enter into Pre-Delegation Testing.

Pre-Delegation Testing (PDT) ensures that an applicant has the capacity to operate a New gTLD in a stable, secure manner. Every new Registry must demonstrate that it has established operations in accordance with the technical and operational criteria described in the Applicant Guidebook.

After passing PDT, a Registry's gTLD can be introduced into the root zone of the Internet.

As of June 30, 2014, 322 New gTLDs were delegated in the root zone.

As the New gTLD program and its funding through application fees has been designed on a cost recovery basis, and to enhance accountability and transparency, ICANN has fully segregated from its on-going operations the program's accounting ledger, bank accounts, investment accounts for all program-related funds and expenses. The following statements of position and activity provide the breakdown of ICANN's financial statements into each segment.

## Notes to Financial Statement

continued

All intra-company payables and receivables will be settled in cash on a monthly basis. The segregated statement of financial position at June 30, 2014:

June 30, 2014	ICANN	NgTLD	Elimination	Total
<b>Assets</b>				
Cash and cash equivalents	\$ 15,170	\$ 9,441	\$ -	\$ 24,611
Accounts receivable, net	26,220	385	-	26,605
Investments	85,226	199,842	-	285,068
Prepaid expenses	1,405	-	-	1,405
Other assets	833	-	-	833
Intra-company asset	1,944	-	(1,944)	-
Capital assets, net	16,740	-	-	16,740
<b>Total assets</b>	<b>\$ 147,538</b>	<b>\$ 209,668</b>	<b>\$ (1,944)</b>	<b>\$ 355,262</b>
<b>Liabilities and Net Assets</b>				
<b>Liabilities</b>				
Accounts payable and accrued liabilities	\$ 12,434	\$ 3,790	\$ -	\$ 16,224
Intra-company liability	-	1,944	(1,944)	-
Deferred revenue	611	145,318	-	145,929
<b>Total liabilities</b>	<b>13,045</b>	<b>151,052</b>	<b>(1,944)</b>	<b>162,153</b>
Unrestricted net assets	134,495	58,614	-	193,109
<b>Total liabilities and net assets</b>	<b>\$ 147,540</b>	<b>\$ 209,666</b>	<b>\$ (1,944)</b>	<b>\$ 355,262</b>

## Notes to Financial Statement

continued

The segregated statement of financial position at June 30, 2013:

June 30, 2013 (restated)	ICANN	NgTLD	Elimination	Total
<b>Assets</b>				
Cash and cash equivalents	\$ 17,340	\$ 47,547	\$ -	\$ 64,887
Accounts receivable, net	25,138	-	-	25,138
Investments	55,685	239,189	-	294,874
Prepaid expenses	927	2,687	-	3,614
Other assets	2,416	-	-	2,416
Intra-company asset	30,880	-	(30,880)	-
Capital assets, net	8,518	-	-	8,518
<b>Total assets</b>	<b>\$ 140,904</b>	<b>\$ 289,423</b>	<b>\$ (30,880)</b>	<b>\$ 399,447</b>
<b>Liabilities and Net Assets</b>				
<b>Liabilities</b>				
Accounts payable and accrued liabilities	\$ 11,529	\$ 13,320	\$ -	\$ 24,849
Intra-company liabilities	-	30,880	(30,880)	-
Deferred revenue	599	190,502	-	191,101
<b>Total liabilities</b>	<b>12,128</b>	<b>234,702</b>	<b>(30,880)</b>	<b>215,950</b>
Unrestricted net assets	128,776	54,721	-	183,497
<b>Total liabilities and net assets</b>	<b>\$ 140,904</b>	<b>\$ 289,423</b>	<b>\$ (30,880)</b>	<b>\$ 399,447</b>



## Notes to Financial Statement

continued

The segregated statement of activities for the year ended June 30, 2014:

Year Ended June 30, 2014	ICANN	NgTLD	Elimination	Total
Unrestricted Support and Revenue				
Registry	\$ 47,143	\$ -	\$ -	\$ 47,143
Registrar	34,831	-	-	34,831
R.I.R.	823	-	-	823
ccTLD contribution and fees	2,098	-	-	2,098
New gTLD auction revenue	-	600	-	600
Contributions and other income	1,312	3	-	1,315
Revenue from New gTLD application fees	-	36,574	-	36,574
Total support and revenue	86,207	37,177	-	123,384
Expenses				
Personnel	36,798	8,441	-	45,239
Travel and meetings	19,069	1,860	-	20,929
Professional services	20,562	17,077	-	37,639
Administration	17,153	3,440	-	20,593
Total expenses	93,582	30,818	-	124,400
Other income				
Interest income	3	-	-	3
Investment gain (loss)	8,472	2,153	-	10,625
Total other income (loss)	8,475	2,153	-	10,628
Development costs (reimbursement)	(4,616)	4,616	-	-
Change in net assets	5,716	3,896	-	9,612
Unrestricted net assets (deficit), beginning of year	128,776	54,721	-	183,497
Unrestricted net assets (deficit), end of year	\$ 134,492	\$ 58,617	\$ -	\$ 193,109

## Notes to Financial Statement

continued

The segregated statement of activities for the year ended June 30, 2013:

Year Ended June 30, 2013 (restated)	ICANN	NgTLD	Elimination	Total
Unrestricted Support and Revenue				
Registry	\$ 41,698	\$ -	\$ -	\$ 41,698
Registrar	34,010	-	-	34,010
R.I.R.	823	-	-	823
ccTLD contribution and fee	657	-	-	657
Contributions and other income	1,044	191	-	1,235
Revenue from New gTLD application fees	15,396	158,072	(15,396)	158,072
Total support and revenue	93,628	158,263	(15,396)	236,495
Expenses				
Personnel	25,757	5,700	-	31,457
Travel and meetings	11,768	472	-	12,240
Professional services	18,948	74,237	-	93,185
Administration	12,373	16,503	(15,396)	13,480
Total expenses	68,846	96,912	(15,396)	150,362
Other income (loss)				
Interest income	5	-	-	5
Investment gain (loss)	2,538	(811)	-	1,727
Total other income (loss)	2,543	(811)	-	1,732
Change in net assets	27,325	60,540	-	87,865
Unrestricted net assets (deficit), beginning of year	101,451	(5,819)	-	95,632
Unrestricted net assets (deficit), end of year	\$ 128,776	\$ 54,721	\$ -	\$ 183,497

## Notes to Financial Statement

continued

The segregated statement of cash flows for the year ended June 30, 2014:

Year Ended June 30, 2014	ICANN	NgTLD	Elimination	Total
<b>Cash Flows From Operating Activities</b>				
Change in net assets	\$ 5,716	\$ 3,896	-	\$ 9,612
Adjustments to reconcile change in net assets to cash provided by operating activities:				
Depreciation expense	3,927	-	-	3,927
Bad debt expense	209	-	-	209
Investment gains	(8,072)	(2,553)	-	(10,625)
Loss on disposal of capital assets	777	-	-	777
Changes in operating assets and liabilities				
Accounts receivable	(2,581)	905	-	(1,676)
Prepaid expenses	812	1,397	-	2,209
Other assets	1,583	-	-	1,583
Accounts payable and accrued liabilities	905	(9,530)	-	(8,625)
Intercompany clearing	28,936	(28,936)	-	-
Deferred revenue	13	(45,185)	-	(45,172)
Net cash used in (provided by) operating activities	32,225	(80,006)	-	(47,781)
<b>Cash Flows from Investing Activities</b>				
Purchases of capital assets	(12,926)	-	-	(12,926)
Proceeds from sale of investments	-	41,900	-	41,900
Purchases of investments	(21,469)	-	-	(21,469)
Net cash provided by (used in) investing activities	(34,395)	41,900	-	7,505
Net decrease in Cash and Cash equivalents	(2,170)	(38,106)	-	(40,276)
<b>Cash and Cash Equivalents</b>				
Beginning of year	17,340	47,547	-	64,887
End of year	\$ 15,170	\$ 9,441	-	\$ 24,611

Exhibit 1 - Pg 060

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## Notes to Financial Statement

continued

The segregated statement of cash flows for the year ended June 30, 2013:

Year Ended June 30, 2013 (restated)	ICANN	NgTLD	Elimination	Total
<b>Cash Flows From Operating Activities</b>				
Change in net assets	\$ 27,325	\$ 60,540	-	\$ 87,865
Adjustments to reconcile change in net assets to cash provided by operating activities:				
Depreciation expense	2,140	-	-	2,140
Bad debt expense	1,052	-	-	1,052
Investment (gains) losses	(2,538)	811	-	(1,727)
Changes in operating assets and liabilities				-
Accounts receivable	(7,111)	-	-	(7,111)
Prepaid expenses	(2,007)	1,680	-	(327)
Other assets	(23,992)	24,943	-	951
Accounts payable and accrued liabilities	1,907	10,091	-	11,998
Deferred revenue	(7)	(167,982)	-	(167,989)
Net cash used in operating activities	(3,231)	(69,917)	-	(73,148)
<b>Cash Flows from Investing Activities</b>				
Purchases of capital assets	(4,871)	-	-	(4,871)
Proceeds from sale of investments	53,035	-	-	53,035
Purchases of investments	(53,147)	(240,000)	-	(293,147)
Net cash used in investing activities	(4,983)	(240,000)	-	(244,983)
Net decrease in Cash and Cash equivalents	(8,214)	(309,917)	-	(318,131)
<b>Cash and Cash Equivalents</b>				
Beginning of year	25,554	357,464	-	383,018
End of year	\$ 17,340	\$ 47,547	-	\$ 64,887

Exhibit 1 - Pg 061

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## Notes to Financial Statement

continued

### 5. Concentration of Credit Risk

Financial instruments that potentially subject ICANN to concentrations of credit risk consist primarily of cash and cash equivalents, accounts receivable and investments. ICANN places its cash with major financial institutions. Cash held at these financial institutions may, at times, exceed the amount insured by the Federal Deposit Insurance Corporation. Concentration of credit risk with respect to receivables is mitigated by the diversity of registries/registrar comprising ICANN's registry/registrar base. ICANN places its investments with a major investment broker. Investments held at these investment

brokers may, at times, exceed the amount insured by the Securities Investor Protection Corporation. The investments held are subject to volatility of the market and industries in which they are invested.

Investment securities, in general, are exposed to various risks, such as interest rate risk, credit risk and overall market volatility risk. Due to the level of risk associated with certain investment securities, it is reasonably possible that changes in the values of investment securities will occur in the near term and those changes could materially affect the amounts reported in the statements of financial position.

ICANN had two major registries/registrar totaling approximately \$47,820,000 or 55% of the total support in fiscal year 2014. ICANN had two major registries/registrar totaling approximately \$36,450,000 or 48% of the total support in fiscal year 2013. ICANN had accounts receivable amounting to approximately \$12,046,000 and \$10,439,000 due from these two major registries/registrar at June 30, 2014 and 2013, respectively.

### 6. Accounts Receivable

Accounts receivable is comprised of the following as of June 30:

	2014		2013 Restated	
gTLD registries and registrars	\$	25,377	\$	24,961
IP address registries		823		823
ccTLD and IDN Fast Track		598		362
Other		316		351
		27,144		26,497
Less: allowance for doubtful accounts		(509)		(1,359)
	\$	26,605	\$	25,138

## Notes to Financial Statement

continued

### 7. Investments

Investments consist of the following as of June 30, 2014:

	Level 1	Level 2	Level 3	Total
Collective trusts	\$ -	\$ 85,226	\$ -	\$ 85,226
Corporate bonds	-	94,692	-	94,692
Asset backed bonds	-	19,580	-	19,580
U.S. government bonds	-	20,795	-	20,795
Money market funds	33,769	-	-	33,769
International bonds	-	8,481	-	8,481
Government agencies bonds	-	17,880	-	17,880
Municipal & provincial bonds	-	4,645	-	4,645
Total investments	\$ 33,769	251,299	\$ -	\$ 285,068

Investments consist of the following as of June 30, 2013:

2013 (restated)	Level 1	Level 2	Level 3	Total
Collective trusts	\$ -	\$ 55,685	\$ -	\$ 55,685
Corporate bonds	-	115,584	-	115,584
Asset backed bonds	-	15,108	-	15,108
U.S. government bonds	-	26,487	-	26,487
Money market funds	59,347	-	-	59,347
International bonds	-	2,169	-	2,169
Government agencies bonds	-	18,006	-	18,006
Municipal & provincial bonds	-	2,488	-	2,488
Total investments	\$ 59,347	235,527	\$ -	\$ 294,874

## Notes to Financial Statement

continued

Net investment gain is comprised of the following for the years ended June 30:

	2014	2013 (Restated)
Dividend and interest income	\$ 2,754	\$ 1,665
Realized (losses)/gains	1,675	174
Unrealized (losses)/gains	6,623	-
Management fees and other	(427)	(112)
Total net investment gain	\$ 10,625	\$ 1,727

### 8. Capital Assets

Capital assets consist of the following as of June 30:

	2014	2013 (Restated)
Computer equipment	\$ 9,690	\$ 8,533
Computer software	12,395	3,165
Furniture and fixtures	6	300
Leasehold improvements	4,012	4,514
Construction in progress	1,777	86
	27,880	16,598
Less: accumulated depreciation	(11,140)	(8,080)
	\$ 16,740	\$ 8,518

Depreciation expense for the years ended June 30, 2014 and 2013 was \$3,927,000 and \$2,140,000, respectively.

## Notes to Financial Statement

continued

### 9. Legal Matters

In the ordinary course of business, ICANN is occasionally named as a defendant in lawsuits and may be involved in other alternative dispute resolution proceedings. Management cannot at this time determine the probable outcome or the effect, if any, that these matters may have on the financial position and the ongoing operations of ICANN. Accordingly, the accompanying financial statements do not include a provision for any losses that may result from ICANN's current involvement in legal matters.

### 10. Related Party Transactions

Dr. Bruce Tonkin is a voting member of the Board of Directors. Dr. Tonkin is also Chief Strategy Officer of Melbourne IT, an ICANN accredited registrar, which also owns Netregistry, PlanetDomain TPP Domain and TPP Wholesale, also ICANN accredited registrar, as a result of the acquisition of Netregistry in March 2014. Revenue to ICANN from Melbourne IT and its subsidiaries amounted to \$516,000 and \$590,000 for the years ended June 30, 2014 and 2013, respectively, under the fee structure of the standard Registrar Accreditation Agreement. To avoid any conflict of interest between ICANN and Melbourne IT, Dr. Tonkin abstains from voting on all matters he identifies as potential conflicts of interest that come before the Board.

Mr. Chris Disspain is a voting member of the Board of Directors. Mr. Disspain is also CEO of auDA, the policy authority and industry self-regulatory body for .au domain names. ICANN revenue from auDA amounted to \$590,000 and \$0 for the years ended June 30, 2014 and 2013, respectively, under the structure of the ccTLD agreement.

Additionally, during years ended June 30, 2014 and 2013, the following voting Board members identified that they may have or have had conflicts in accordance with ICANN's Conflicts of Interest Policy: Sébastien Bachollet, Steve Crocker, Bertrand de La Chapelle, Bill Graham, Mike Silber, Judith Vazquez, and Kuo-Wei Wu.

### 11. Commitments

ICANN leases its offices and certain other facilities under operating lease agreements. The lease agreements have various termination clauses requiring three to thirty-four months' rent for early termination. Minimum future payments under operating leases for the future years ending June 30 are approximately:

2015	\$	3,686
2016		3,282
2017		2,890
2018		2,969
2019		3,050
Thereafter		8,828
Total	\$	24,705

Rent expense amounted to approximately \$4,010,000 and \$2,869,000 for the years ended June 30, 2014 and 2013, respectively. ICANN also has pass-through and additional charges from certain sublessors that are not included in the minimum expected payments above. The pass-through and additional charges cannot be reasonably estimated for future periods. There were no pass-through and additional charges for the year ended June 30, 2013.

ICANN's CEO has an employment contract with the Company expiring on June 30, 2017, under which he perceives the following compensation, estimated to \$630,000 plus at risk compensation of \$270,000 dependent upon performance for each future years ending June 30, 2015, 2016 and 2017, respectively.

Since December 2011, the ICANN Board members, who specifically elect for it, receive compensation for their services as directors. The directors are elected for 3-year terms. The aggregated amounts of compensation relative to the directors who have elected to receive compensation are of \$663,000, \$510,000, \$315,000 and \$85,000 for the fiscal years ending June 30, 2015, 2016, 2017 and 2018, respectively.



## Notes to Financial Statement

### 12. Defined Contribution Plan

ICANN's 401(k) Plan (the Plan) is available to all employees in the United States at the first of the month following hire date with ICANN. Subject to legal limitations, ICANN contributes 5% of employee's salary to the Plan regardless of employee contributions. ICANN also matches employee contributions up to 10% of the employee's annual salary, subject to legal limitations. Employer contributions recognized for the years ended June 30, 2014 and 2013 amounted to approximately \$3,201,000 and \$2,578,000, respectively. At June 30, 2014 and 2013, the 401(k) Plan outstanding contributions were \$248,000 and \$166,000, respectively.

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Departing  
Community  
Members

6/Thank You

Exhibit 1 - Pg 067

## Departing Community Members

Who ended terms of service in FY 2014

### Board of Directors

#### Francisco da Silva, *TLG Liaison*

Bertrand de La Chapelle

Thomas Narten, *IETF Liaison*

Judith Duavit Vazquez

### Address Supporting Organization

Hans Petter Holen,

*Address Council member*

Andy Linton, *Address Council member*

### At-Large Advisory Committee

Rinalia Abdul-Rahim, *Member*

Titi Akinsanmi, *Member*

Yaovi Atohoun, *Member*

Natalia Enciso, *Member*

Carlton Samuels, *Member*

Gareth Shearman, *Member*

Salanieta Tamanikawaiwaimaro, *Member*

### RALO Officers

Jose Francisco Arce, *LACRALO Chair*

Abdelaziz Hilili, *AFRALO Secretariat*

Silvia Herlein Leite, *LACRALO Secretariat*

Holly Raiche, *APRALO Chair*

Fatimata Seye Sylla, *AFRALO Chair*

Darlene Thompson, *NARALO Secretariat*

### Country-code

#### Names Supporting Organization

Lesley Cowley, *Chair*

Sokol Haxhiu, *Councilor*

Roelof Meijer, *Councilor*

Mary Wong, *Councilor*

Hong Xue, *Councilor*

### Generic Names

#### Supporting Organization

Lanre Ajaya, *Councilor*

Jon Bing, *Councilor*

Mason Cole, *Vice Chair and Councilor*

Zahid Jamil, *Councilor*

Wolfgang Kleinwächter, *Councilor*

Wolf-Ulrich Knoben,  
*Vice Chair and Councilor*

Joy Liddicoat, *Councilor*

Jeff Neuman, *Councilor*

Wendy Seltzer, *Councilor*

### Government Advisory Committee

Heather Dryden (Canada) *Chair of the GAC*

### Root Server Advisory Committee

Matt Larson, *Co-chair*

### Security &

#### Stability Advisory Committee

Jeremy Hitchcock, *Member*

Vanda Scartezini, *Member*

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# EXHIBIT 2



# ICANN

# FY16 Operating Plan & Budget

25 June 2015

Exhibit 2 - Pg 069

ER-411



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## INTRODUCTION

This document sets forth ICANN's FY16 Operating Plan & Budget (1 July 2015 through 30 June 2016).

The Operating Plan & Budget includes:

- Highlights of the ICANN Operations (excluding the New gTLD Program)
- Highlights of the New gTLD Program
- An overview of ICANN's FY16 Budget, combining ICANN Operations and the New gTLD Program.
- The detailed Operating Plan as per the management system:
- Planned portfolios of activities that support the achievement of the goals and objectives set forth in the ICANN Strategic Plan for fiscal years 2016-2020 and Five-Year Operating Plan, with detailed descriptions.
- Appendix with the detailed list of projects, for each portfolio, with the project-level budgeted costs by category (Appendix 1)

Note: The Supporting Organization and Advisory Committee (SO/AC) additional budget requests were reviewed and approved by the Board on 26 April 2015. The list of the special request decisions adopted can be found at <https://community.icann.org>

This year's version of the Operating Plan & Budget builds on the experience of the past years, thanks to community feedback and input. While last year's version provided information on selected projects, this year's version includes data on ALL projects to be carried out by the organization during FY16, and displays all costs categories for each project. Each project is also mapped to one of the five objectives of the ICANN Strategic Plan for fiscal years 2016-2020, through the hierarchy of portfolios and goals, making the rationale for each project and activity clear and transparent.





This FY16 Operating Plan & Budget was submitted to public comment on 18 March for 44 days (7 weeks earlier than in previous years). All that submitted comments were invited to calls with Staff and Board members to ensure mutual understanding by the community and the staff of the areas commented upon. The ICANN staff has responded to all comments and published such responses on 5 June 2015 (see <https://www.icann.org/en/system/files/files/report-comments-op-budget-fy16-05jun15-en.pdf>).

This final FY16 Operating Plan & Budget incorporates changes resulting from the comments submitted as well as from further staff reviews that occurred during the public comment period. A summary of these changes is available in the Appendix 5.4.

The upcoming FY16 will see, as FY15 has, significant activity on the USG Stewardship transition, including on ICANN's accountability processes. At the time of finalization of this document, there is much work on-going on all aspects, and proposals are being formulated for the future, and have not been adopted as of yet. The expected timing of next steps, including the approval of any new processes stemming from the USG transition initiative and any implementation dates are not yet known.

On this basis, the FY16 Operating Plan and Budget included in this document:

- Contains funding for the continuation of the USG Stewardship transition initiative until completion, and the implementation of the approved post-transition mechanisms. This funding was estimated at a high level, without specific information on timing and nature of activities required and represents a placeholder or envelope. It has been estimated at \$7 million (refer to pages 15/16).
- Does not reflect any assumption on the possible impacts of implementing the approved post-transition mechanisms on ICANN and its Community, which remain unknown at this stage.



ICANN acknowledges that these impacts could be significant on ICANN's operations and resources, and such impacts should be evaluated as soon as sufficient information is available to do so, including possible future changes to the FY16 Operating Plan & Budget included in this document, after it has been approved by the ICANN Board.

## Reference and Notes

1. The ICANN community (Community) encompasses ICANN's stakeholders—including its Supporting Organizations, Advisory Committees, Nominating Committee, the Board of Directors, and staff. ICANN's multistakeholder model, therefore, defines its community.

2. Definition of terms can be found in the [ICANN online glossary](#).

3. ICANN will continue to evolve and refine the metrics / Key Performance Indicators (KPIs) over time as we build out a Dashboard.

The graphic below depicts the five-year planning cycle (FY16-FY20), at a high level. The planning process consists of the ICANN Strategic Plan for fiscal years 2016-2020 and the Five-Year Operating Plan, which provide input and a basis for the annual planning process.

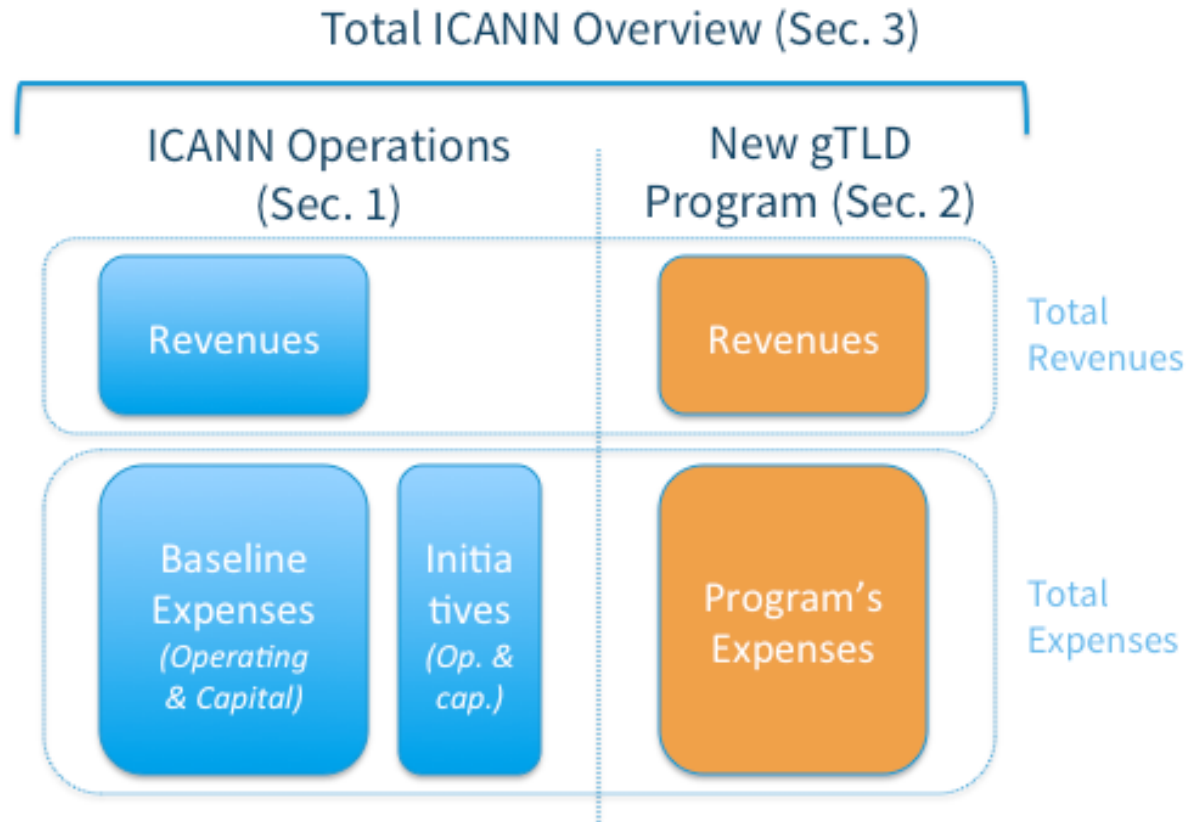


# Planning Process





The structure of the budget data that follows in the rest of this document is displayed below:





# 1 ICANN OPERATIONS

## 1.1 Resource Utilization

in millions, USD	FY16 Budget				FY15 Forecast				+Increase/ -(Decrease)			
	Baseline	Initiatives	Total	Avg HC	Baseline	Initiatives	Total	Avg HC	Baseline	Initiatives	Total	Avg HC
<b>Support &amp; Revenue</b>	<b>\$113.4</b>	<b>\$0.0</b>	<b>\$113.4</b>		<b>\$103.0</b>	<b>\$0.0</b>	<b>\$103.0</b>		<b>\$10.4</b>	<b>\$0.0</b>	<b>\$10.4</b>	
Compliance & Safeguards	5.2	-	5.2	25.0	4.7	-	4.7	23.8	0.4	-	0.4	1.3
Global Domains Division	22.3	0.7	23.0	77.4	16.7	0.7	17.4	56.6	5.6	0.0	5.6	20.8
Strategic Initiatives & Reviews	3.5	3.1	6.7	10.7	2.7	3.6	6.3	10.0	0.8	-0.5	0.4	0.7
Strategic Communications	7.9	1.9	9.7	23.0	7.8	0.9	8.6	21.0	0.1	1.0	1.1	2.0
GSE, Meetings & Gov. Engagement	19.3	0.8	20.1	51.3	19.6	0.8	20.3	44.4	-0.3	0.0	-0.3	6.9
SO/AC Policy and Engagement	10.9	0.3	11.2	29.0	8.3	-	8.3	25.3	2.6	0.3	2.9	3.7
Public Responsibility	0.4	2.5	2.9	6.3	1.9	-	1.9	4.5	-1.5	2.5	1.0	1.8
Governance support	9.7	1.0	10.6	20.3	9.1	1.0	10.1	17.7	0.5	0.0	0.5	2.7
Operations	16.7	0.1	16.8	52.3	16.1	0.1	16.1	50.3	0.6	0.0	0.6	1.9
IT & Cyber Security	13.3	1.7	15.0	52.7	13.2	-	13.2	42.8	0.2	1.7	1.9	9.9
Other	-5.5	-	-5.5	4.0	-5.3	-	-5.3	4.0	-0.2	-	-0.2	-
Contingency	2.9	-	2.9	-	1.2	-	1.2	-	1.7	-	1.7	-
<b>Cash Operating Expenses</b>	<b>\$106.6</b>	<b>\$12.0</b>	<b>\$118.5</b>	<b>352.0</b>	<b>\$96.0</b>	<b>\$6.9</b>	<b>\$103.0</b>	<b>300.3</b>	<b>\$10.5</b>	<b>\$5.1</b>	<b>\$15.6</b>	<b>51.7</b>
Capital Expenses	6.8	0.8	7.6		7.0	-	7.0		-0.2	0.8	0.6	
<b>Total Cash Expenses</b>	<b>\$113.4</b>	<b>\$12.8</b>	<b>\$126.2</b>		<b>\$103.0</b>	<b>\$6.9</b>	<b>\$110.0</b>		<b>\$10.4</b>	<b>\$5.9</b>	<b>\$16.3</b>	
<b>Change in Net Assets/ Contribution to Reserve Fund</b>	<b>\$0.0</b>	<b>-\$12.8</b>	<b>-\$12.8</b>		<b>\$0.0</b>	<b>-\$6.9</b>	<b>-\$6.9</b>		<b>\$0.0</b>	<b>-\$5.9</b>	<b>-\$5.9</b>	



## 1.2 Revenues

This section provides an overview of ICANN's revenue, starting with the assumptions that are underlying to the FY16 estimates (Tables 1 and 2). The best estimate corresponds to the retained FY16 revenue for the purpose of this budget. The High and Low estimates provide for a sensitivity analysis of some of the revenue items and are the result of variations of the best estimate.



Table 1

	Revenue type	Best estimate	High estimate	Low estimate
Registrar Accreditation	Application fees	Assumes 60 new applicants (low end of historical trend), times existing 1-time application fee.	Same as Best estimate	Same as Best estimate
	Accreditation fees	Adds 60 new registrars (15 per calendar quarter) to existing base as end of FY15 of 1490, times the existing annual accreditation fee.	Same as Best estimate (1490+60)	Assumes 300 de-accreditations (1190+60)
	Per registrar var. fee	Constant in total at \$3.4m	Same as Best estimate	Same as Best estimate
Legacy TLDs*	Transaction-based fee	Assumes growth of registration volume of 2.2% as per historical average.	Faster growth at 2.5%	Slower growth at 1.8%
New TLDs	Fixed Fee	1/7/15: 602 TLDs delegated Q1: +56 / Q2: +156 / Q3: +119 / Q4: +16 30/6/16: 945 TLDs delegated Estimated delegation date per TLD based on application status and perceived eagerness to proceed to delegation (early adopters / average / late adopters)	Assumes faster delegation in Q4 FY15 and Q1 FY16: average TLD number in FY16 +50 vs baseline.	FY16 delegations lower than Baseline by 15%



Table 2

Revenue type		Best estimate	High estimate	Low estimate
New TLDs	Transaction-based fee	<p>New registrations estimated using the per-TLD average number of registrations per month since delegation (average registrations during month 1, month 2,...).</p> <p>An average registration renewal rate of 50% was applied to the registrations occurring during the same month 1 year before, except for TLDs that provided free registrations, where renewal rate was estimated at 25%.</p> <p>Approximately 60% of the total FY16 transactions are estimated to be billable to Registries (actual is 42% until December 2014, concentrated on 3% of the gTLDs, or 17 out of 497).</p> <p>Resulting number of transactions billable for FY16 is 12.5 million for registrars and 8 million for registries.</p>	Same as Best estimate	Average registration renewal rate at 35% (instead of 50% for Best estimate)
New gTLD program	Application fees revenue	Portion of application fees recognized in revenues ratably based on evaluation expenses incurred vs total evaluation expenses forecasted.	No sensitivity analysis	





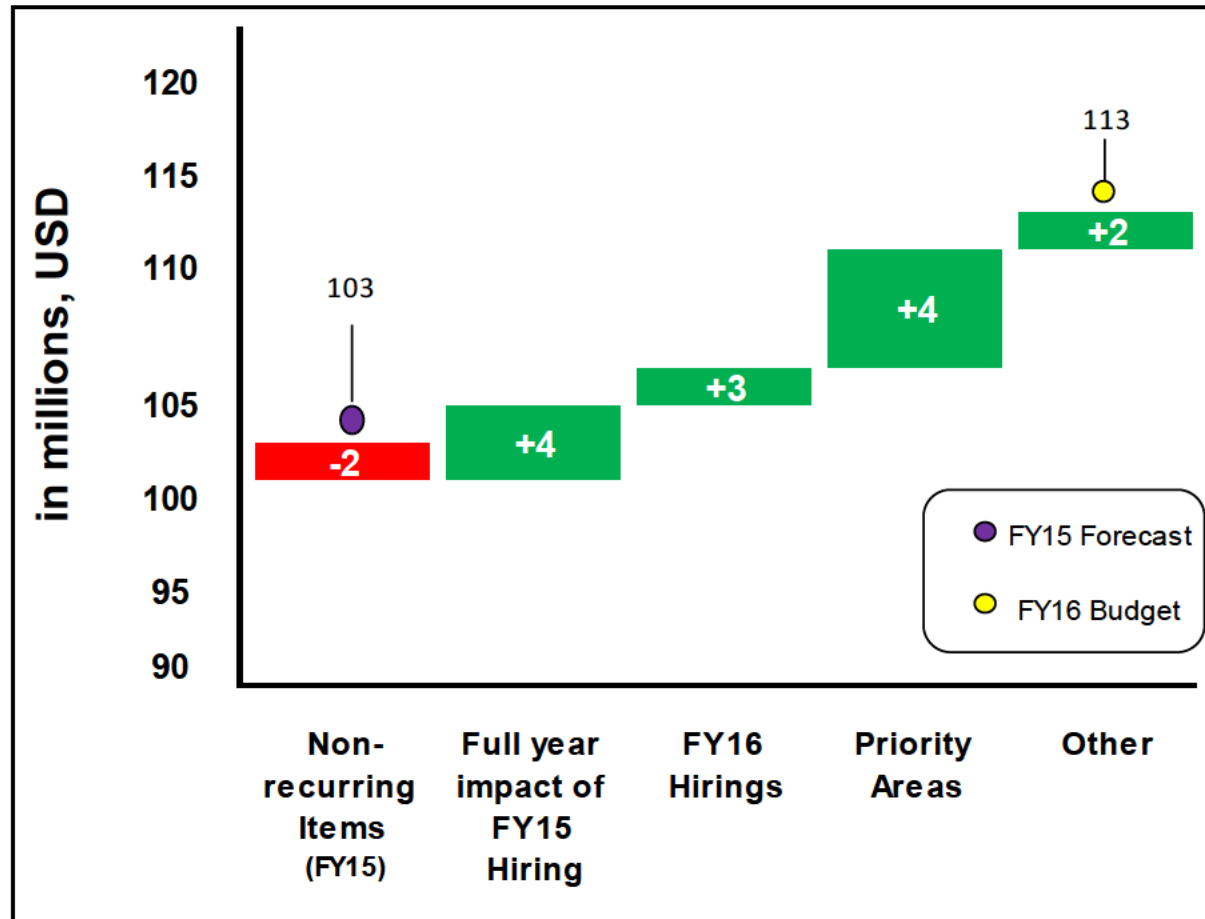
The following table (Table 3) provides the revenues of ICANN by source and type, comparing for each the best estimate for the FY16 budgeted year and for the FY15 current year.

Table 3

In Millions, US dollars	FY16 Best Estimate	FY15 Forecast	+ Incr./ - Decr.	%	FY16 Estimates	
					High	Low
<b>Registrars accreditation</b>						
Application fees	0.2	1.7	-1.5	-88%	0.2	0.2
Accreditation fees	6.1	5.6	0.5	10%	6.1	4.9
Per-registrar variable fees	3.4	3.4	0.0	0%	3.4	3.4
<b>Sub-total</b>	<b>9.7</b>	<b>10.7</b>	<b>-1.0</b>	<b>-9%</b>	<b>9.7</b>	<b>8.5</b>
<b>Legacy gTLD</b>						
Registry - transaction fees	47.0	46.1	0.9	2%	47.2	46.8
Registrar - transaction fees	28.2	27.7	0.5	2%	28.3	28.0
<b>Sub-total</b>	<b>75.1</b>	<b>73.7</b>	<b>1.4</b>	<b>2%</b>	<b>75.5</b>	<b>74.8</b>
<b>New gTLD</b>						
Registry - fixed fees	19.9	12.7	7.2	56%	21.4	19.1
Registry - transaction fees	2.0	0.3	1.7	511%	2.4	1.9
Registrar - transaction fees	2.3	1.1	1.1	102%	2.7	2.1
<b>Sub-total</b>	<b>24.1</b>	<b>14.1</b>	<b>10.0</b>	<b>71%</b>	<b>26.5</b>	<b>23.1</b>
<b>Contributions</b>						
RIR	0.8	0.8	0.0	0%	0.8	0.8
ccTLD	2.1	2.1	0.0	0%	2.1	2.1
Meeting Sponsorships/other	1.5	1.5	0.0	0%	1.5	1.5
<b>Sub-total</b>	<b>4.4</b>	<b>4.4</b>	<b>0.0</b>	<b>0%</b>	<b>4.4</b>	<b>4.4</b>
<b>ICANN Ops Revenue</b>	<b>113.4</b>	<b>103.0</b>	<b>10.4</b>	<b>10%</b>	<b>116.2</b>	<b>110.8</b>
<b>New gTLD Application Fees</b>	<b>49.5</b>	<b>40.2</b>	<b>9.4</b>	<b>23%</b>		
<b>Total Support and Revenue</b>	<b>\$162.9</b>	<b>\$143.2</b>	<b>\$19.8</b>	<b>14%</b>		



### 1.3 Operating Expenses (Excludes Initiatives)





The ICANN Operations Baseline operating expenses budget (excluding Initiatives) is \$113M. This represents a \$10M increase from \$103M in FY15.

- Non-recurring items (FY15): FY15 items not recurring in FY16 – including cost impact of the FY15 location change for ICANN 52 (from Marrakech to Singapore), specific legal action costs, and Public Responsibility costs are part of initiatives in FY16.
- Full year impact of FY15 Hiring: Increase in personnel costs due to 33 employees hired in FY15 working a full year in FY16 versus a partial year in FY15, plus personnel costs increases.
- FY16 impact of hirings: average 24 Full Time Equivalentents (FTEs)
- Priority areas: Global Domains Division (GDD) service platform ramp-up and expansion of Contractual Compliance
- Other: Limited growth in all other areas (e.g., inflationary increases)



## 1.4 Capital Expenses

Description	Total	Comments
<b>Real Estate</b>	<b>\$0.6</b>	
Furniture & Fixtures	\$0.2	Includes Singapore office relocation and office construction. (1)
Leasehold Improvements	\$0.4	On-going improvements across all offices.
<b>Strategic</b>	<b>2.3</b>	
Computer Software & Equipment	\$2.3	Includes hardening critical IT Infrastructure Initiative, operation Intranet , Stakeholder support tools, Community tools (Kavi), and ERP.
<b>On-going replacements &amp; improvements</b>	<b>3.1</b>	
Computer Equipment	\$1.2	Includes furniture
Computer Software & Equipment	\$1.7	replacements/additions - LA, security
Furniture & Fixtures	\$0.1	upgrades, ERP system improvements,
Machinery & Equipment (non-computer)	\$0.2	copier purchases, meetings equipment upgrades, Kayako conversion to SFDC
<b>Development &amp; Testing</b>	<b>\$1.7</b>	
Computer Equipment	\$1.7	Includes development & testing outsourcing.
<b>Grand Total</b>	<b>\$7.6</b>	

(1) As a result of the anticipated relocation from temporary space to a long term lease.



## 1.5 Initiatives

Initiatives are projects relating to significant activities not in ICANN's normal/core scope. These projects may be completed upon achievement of the intended outcome, or lead to defining future ongoing activities, which will add to the scope of core operations upon obtaining community consensus. As the operating revenue of ICANN is designed to exclusively support the defined core activities of the organization, the ICANN Reserve Fund typically funds such initiatives.

FY16 Initiative	Cost Category					Total
	Personnel	T&M	Prof Serv	Admin	Capital	
<b>USG Stewardship Transition - pre and post IANA contract</b>	<b>\$2.4</b>	<b>\$1.4</b>	<b>\$3.2</b>	<b>\$0.0</b>	<b>\$0.0</b>	<b>\$7.0</b>
<b>New gTLD - Next Round Assessments &amp; Prep</b>	<b>0.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.5</b>
<b>Hardening Critical IT Infrastructure</b>	<b>1.3</b>	<b>0.1</b>	<b>0.3</b>	<b>0.1</b>	<b>0.8</b>	<b>2.5</b>
<b>Implementation of Reviews Recommendations</b>	<b>0.0</b>	<b>0.1</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.3</b>
<b>Public Responsibility</b>	<b>1.0</b>	<b>0.5</b>	<b>1.0</b>	<b>0.1</b>	<b>0.0</b>	<b>2.5</b>
<b>Grand Total</b>	<b>\$5.2</b>	<b>\$2.0</b>	<b>\$4.6</b>	<b>\$0.2</b>	<b>\$0.8</b>	<b>\$12.8</b>



a. USG Stewardship transition (pre- and post- IANA Functions contract):

- Covers work to occur until completion of the current four tracks, and also encompasses a placeholder for the implementation of the post-USG Stewardship and accountability mechanisms to be determined.
- As specific activities and timeframes are not defined or known, amounts for this initiative were estimated using the experience of the past few months, with resources estimated for 35% of personnel support, 20% of travel and meetings costs, and 45% professional services.

b. New gTLD next round assessment and preparation: Consists mainly of internal personnel time to organize the next round.

c. Hardening critical IT infrastructure:

The ICANN IT-enabled services span the entire spectrum of the ICANN Community. IT-enabled services are a combination of software applications, the database that captures and delivers data, and the hardware on which the applications are extended to the ICANN Community. In many cases, the Community expectation is that these services are “always available”. In order to meet that expectation, the architecture of a range of IT-enabled services has to be reviewed and retrofitted - in terms of software, database configuration and hardware.

d. Implementation of a recommendation from reviews:

- Policy Development Process on Registration Data Services for New gTLDs, as a result of the ATRT2 recommendation.

e. Public Responsibility

- Building on the preliminary work over the past year, which streamlined and formalized ICANN’s approach to public responsibility, this Initiative will serve as a home for new projects and programs, or enhancing



existing projects or programs, aimed at incubating ideas for broadening and supporting the community through specific and measurable tracks. FY16 initial focus areas include: (i) supporting the next generation; (ii) supporting education and academic outreach; and (iii) participation in global Internet cooperation and development. Programs that will be strengthened and built under these focus areas include, but are not limited to: (i) NextGen@ICANN; (ii) remote hubs at ICANN meetings; (iii) Fellowship Program; (iv) Online Learning; (v) collaborations with other actors in the Internet ecosystem; and (vi) the Newcomer program to name a few. For further details, please see 5.3. Focus areas will be reviewed yearly, based on community need and as identified by the regional plans.



## 1.6 Risks and Opportunities

Table 9

Risks		Opportunities	
Revenue: Lower Legacy TLD registrations	Low	Revenue: Legacy TLDs recent growth extends into FY16	Med
Revenue: Slower new gTLDs delegations	Low	Revenue: faster new gTLD delegations (Brands)	Low
Expenses: Uncertainty of USG Transition expenses	High	Expenses: ability to prioritize the activities of the ICANN Community	Low
Expenses: uncertain cyber-security response expenses	Med		
Expenses: general pressure on expenses due to high workload/ activity	High		

\* Risks: defined as the possibility of a lower revenue or higher cost.

\* Opportunities: defined as is the possibility of higher revenue or lower cost.





## 2 NEW GTLD PROGRAM

### 2.1 New gTLD Financial Summary

ICANN (NgTLD)	\$ in Millions
MARCH 2015	FINANCIAL SUMMARY

	FULL PROGRAM		
	Current Estimate (Mar 2015)	Prior Estimate (Apr 2014)	Incr/(Decr)
Total Application Fees	-\$361.5	-\$361.8	
Less: Total Refunds	55.9	51.0	
<b>Net Application Fees</b>	<b>-305.6</b>	<b>-310.8</b>	<b>-5.1</b>
<b>Expenses</b>			
Evaluation Costs	123.9	136.6	-12.7
Overheads	57.9	54.3	3.6
Historical Development Costs	32.5	32.5	0.0
<b>Total Operating Expenses</b>	<b>214.2</b>	<b>223.4</b>	<b>-9.2</b>
<b>Others *</b>	<b>2.1</b>	<b>0.6</b>	<b>1.5</b>
<b>Remaining Balance</b>	<b>-\$89.3</b>	<b>-\$86.8</b>	<b>-\$2.5</b>

\* Includes net investment gains/loss and actual risk costs.

#### VARIANCE EXPLANATIONS

<b>Refunds</b>	<b>\$4.9</b>
Total projected withdrawals 701 vs. 625 budgeted.	
<b>Evaluation Costs</b>	<b>-\$12.7</b>
(i) Program Administration - lower costs due to delay in surveys/reviews/assessment projects and legal professional services fees (-\$2.8M).	
(ii) Initial Evaluation - lower costs incurred due to favorable contract negotiations (-\$2.6M).	
(iii) String Contentions - Auction costs are being offset by proceeds (-\$1.8M).	
(iv) Objection Processes - evaluation costs came in lower than projected (-\$1.6M).	
(v) Quality Control - lower costs incurred due to favorable contract negotiations (-\$1.6M).	
(vi) Pre-delegation - lower costs for legal due to internalization of contracting efforts (-\$1.4M).	
(vii) Extended Evaluations - lower number of applications going through extended evaluation (-\$0.9M).	
<b>Overhead</b>	<b>\$3.6</b>
Additional costs due to timing. Allocation for ICANN staff support (+\$1.1M); New gTLD team (+\$0.7M); Other overhead (+\$1.8M).	
<b>Others</b>	<b>1.5</b>
This includes actual risk costs of (+\$1.8M) and net investment gains (-\$0.3M). Future risk cost through the end of the program cannot be estimated.	



	EXPENSES			REVENUE		
	Current Estimate (Mar 2015)	Prior Estimate (Apr 2014)	+Incr/ (-Decr)	Current Estimate (Mar 2015)	Prior Estimate (Apr 2014)	+Incr/ (-Decr)
FY12	\$5.6	\$5.6	\$0.0	\$0.0	\$0.0	\$0.0
FY13	93.8	93.8	0.0	-157.9	-157.9	0.0
FY14	33.0	43.7	-10.7	-37.2	-58.6	-21.4
FY15	28.7	37.8	-9.1	-40.2	-42.1	-1.9
FY16	33.9	25.6	8.3	-49.5	-35.6	13.9
FY17	14.3	11.9	2.4	-20.8	-16.6	4.3
Beyond FY17	5.0	5.0	0.0	0.0	0.0	0.0
<b>Full Program</b>	<b>\$214.2</b>	<b>\$223.4</b>	<b>-\$9.2</b>	<b>-\$305.6</b>	<b>-\$310.8</b>	<b>-\$5.1</b>

**VARIANCE EXPLANATIONS**

**Expenses \*           -\$9.2**

Evaluation Processing (-\$12.7M) offset by: Other Overhead (+\$1.8M), ICANN Staff Allocation (+\$1.0M); gTLD Team (+\$.7M).

**Revenue               -\$5.1**

Increased projected withdrawals from 625 to 701 applications (-\$4.9M) and application processing costs (-\$0.2M).



## 2.2 New gTLD Program\* Multi-year View

1930 Applications	Statement of Activities by Fiscal Year							Statement of Activities for Full Program (Mar 2015)
	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual/Forecast	FY16 Forecast	FY17 Forecast	Beyond FY17 Forecast	
New gTLD Applicant Fees		(166,846)	(49,119)	(68,557)	(55,891)	(20,844)		(361,034)
ICANN Applicant Support Contributions		-	(138)	-	-	-		(138)
Auction (net of expenses)		-	-	-	-	-		-
Additional Fees		-	-	(364)	-	-		(364)
Refunds		8,936	12,080	28,536	6,360	-		55,913
<b>Revenue (Net of Refunds)</b>	\$ -	\$ (157,909)	\$ (37,177)	\$ (40,163)	\$ (49,531)	\$ (20,844)		\$ (305,624)
Initial Evaluation	3,172	57,491	3,650	26	-	-		64,339
Extended Evaluation	-	-	760	524	-	-		1,284
Quality Control	-	7,100	462	62	-	-		7,624
String Contentions	-	-	5	-	-	-		5
Objection Processes	39	3,550	(1,064)	(23)	-	-		2,503
Pre-delegation	-	124	4,003	4,167	8,240	2,349		18,882
Program Administration	450	2,347	4,800	4,990	8,235	3,447	5,000	29,269
gTLD Team	689	1,827	3,796	3,551	3,277	2,211		15,351
ICANN Staff Allocation	1,137	5,725	9,947	8,389	7,295	2,893		35,386
Other Overhead	107	228	1,991	2,057	1,604	1,157		7,144
<b>Total Operating Expenses</b>	\$ 5,594	\$ 78,394	\$ 28,350	\$ 23,742	\$ 28,651	\$ 12,057	\$ 5,000	\$ 181,788
Investment (Income)/Loss		811	(2,457)	(634)	-	-		(2,280)
Investment Management Fees	-	14	213	342	-	-		569
Historical Development Costs	-	15,396	4,616	4,969	5,260	2,213		32,454
Risk Costs	281	1,068	1,012	1,441	-	-		3,801
<b>Total Other Income/(Expense)</b>	\$ 281	\$ 17,289	\$ 3,384	\$ 6,117	\$ 5,260	\$ 2,213	\$ -	\$ 34,544
<b>Change in Net Remaining Funds</b>	\$ 5,874	\$ (62,227)	\$ (5,442)	\$ (10,304)	\$ (15,620)	\$ (6,573)	\$ 5,000	\$ (89,293)

\* All information is related to the current round of the New gTLD Program (FY12-FY17).



The table above provides for the overview of the fees collected and costs incurred and planned, as well as the remaining funds available of \$89.3m: (i) to pay for the remaining evaluation costs, and (ii) to pay for hard-to-predict costs. The hard-to-predict costs were defined as uncertain costs and costs that are harder to predict, including risks and variations between estimates and actual costs incurred.



### 2.3 New gTLD Program\* – Revenue Variance Analysis

Prior Estimate (April 2014)		
Revenue/Application Fees		-\$310.8
<b>Variances - Incr/(Decr):</b>		
<b>Additional Evaluation Fees</b>	-0.2	RSTEP process no longer going to occur.
<b>Refunds</b>	-4.9	Total projected withdrawals 700 vs. 625.
Current Estimate (March 2015) -\$305.6		

\* All information is related to the current round of the New gTLD Program (FY12-FY17)



## 2.4 New gTLD Program\* – Operating Expenses Variance Analysis

Prior Estimate (April 2014)	
Operating Expenses	\$190.9
<b>Variances - Incr/(Decr):</b>	
<b>Initial Evaluation</b>	Due to favorable contract negotiations. Fin/Tech/Ops Panel (-\$1.8M), Background Screening (-\$0.7M), Registry Services (-\$0.2M), and DNS Stability (-\$0.1M); offset by additional costs incurred due to re-evaluation for Geographic Names (+\$0.2M). -2.6
<b>Extended Evaluation</b>	Lower number of applications going through extended evaluation (-\$0.7M) and RSTEP no longer going to transpire (-\$0.2M). -0.9
<b>Quality Control</b>	Lower costs due to favorable contract negotiations. -1.6
<b>String Contentions</b>	Lower costs due to favorable contract negotiations. -1.8
<b>Objection Processes</b>	Actual costs came in lower than projected. -1.6
<b>Pre-Delegation</b>	Lower professional services costs for contracting due to internalized contracting efforts by New gTLD team. -1.4
<b>Program Administration</b>	Legal Professional Services (-\$2.8M), Contractors Professional Services (-\$2.0M), EBERO (-\$0.3M), and COI Management (-\$0.2M); offset by costs for Universal Acceptance of TLDs (+\$1.4M), Application re-evaluation fees (+\$0.7M) and higher costs for Communications (+\$0.4M), -2.8
<b>gTLD Team</b>	Higher costs due to extended duration of the program to support delays in contracting and delegation processes. 0.7
<b>ICANN Staff Allocation</b>	Allocation for ICANN staff increased due to additional support needed for the New gTLD program. 1.1
<b>Other Overhead</b>	Depreciation (+\$1.5M); All other i.e. travel, etc. (+\$0.3M). 1.8
Current Estimate (March 2015) \$181.8	

\*All information is related to the current round of the New gTLD Program (FY12-FY17).



### 3 TOTAL ICANN OVERVIEW

#### 3.1 Resource Utilization (including Initiatives)

in millions, USD	ICANN Ops			New gTLD Program			Total ICANN		
	FY16 Budget	FY15 Fcst	+Incr/ -(Decr)	FY16 Budget	FY15 Fcst	+Incr/ -(Decr)	FY16 Budget	FY15 Fcst	+Incr/ -(Decr)
<b>TOTAL SUPPORT AND REVENUE</b>	<b>113.4</b>	<b>\$103.0</b>	<b>\$10.4</b>	<b>\$49.5</b>	<b>\$40.2</b>	<b>\$9.4</b>	<b>\$162.9</b>	<b>\$143.2</b>	<b>\$19.8</b>
Personnel	60.8	48.6	12.2	\$7.1	\$8.4	(1.3)	\$67.9	\$57.0	10.9
Travel & Meetings	17.6	14.3	3.3	1.5	1.0	0.5	19.1	15.3	3.8
Professional Services	22.9	22.9	0.0	17.8	11.3	6.5	40.7	34.2	6.5
Administration	14.0	16.1	(2.1)	2.3	3.0	(0.8)	16.2	19.1	(2.8)
Community Support Requests (a)	0.5	-	0.5	-	-	-	0.5	-	0.5
Contingency	2.9	1.2	1.7	-	-	-	2.9	1.2	1.7
<b>CASH OPERATING EXPENSES (b)</b>	<b>118.5</b>	<b>103.0</b>	<b>15.5</b>	<b>28.7</b>	<b>23.7</b>	<b>4.9</b>	<b>147.2</b>	<b>126.8</b>	<b>20.4</b>
Capital Expenses	7.6	7.0	0.6	-	-	-	7.6	7.0	0.6
<b>TOTAL CASH EXPENSES</b>	<b>126.2</b>	<b>110.0</b>	<b>16.1</b>	<b>28.7</b>	<b>23.7</b>	<b>4.9</b>	<b>154.8</b>	<b>133.8</b>	<b>21.1</b>
<b>CONTRIBUTION TO RESERVE (c)</b>	<b>(12.8)</b>	<b>(6.9)</b>		<b>\$20.9</b>	<b>\$16.4</b>		<b>\$8.1</b>	<b>\$9.4</b>	

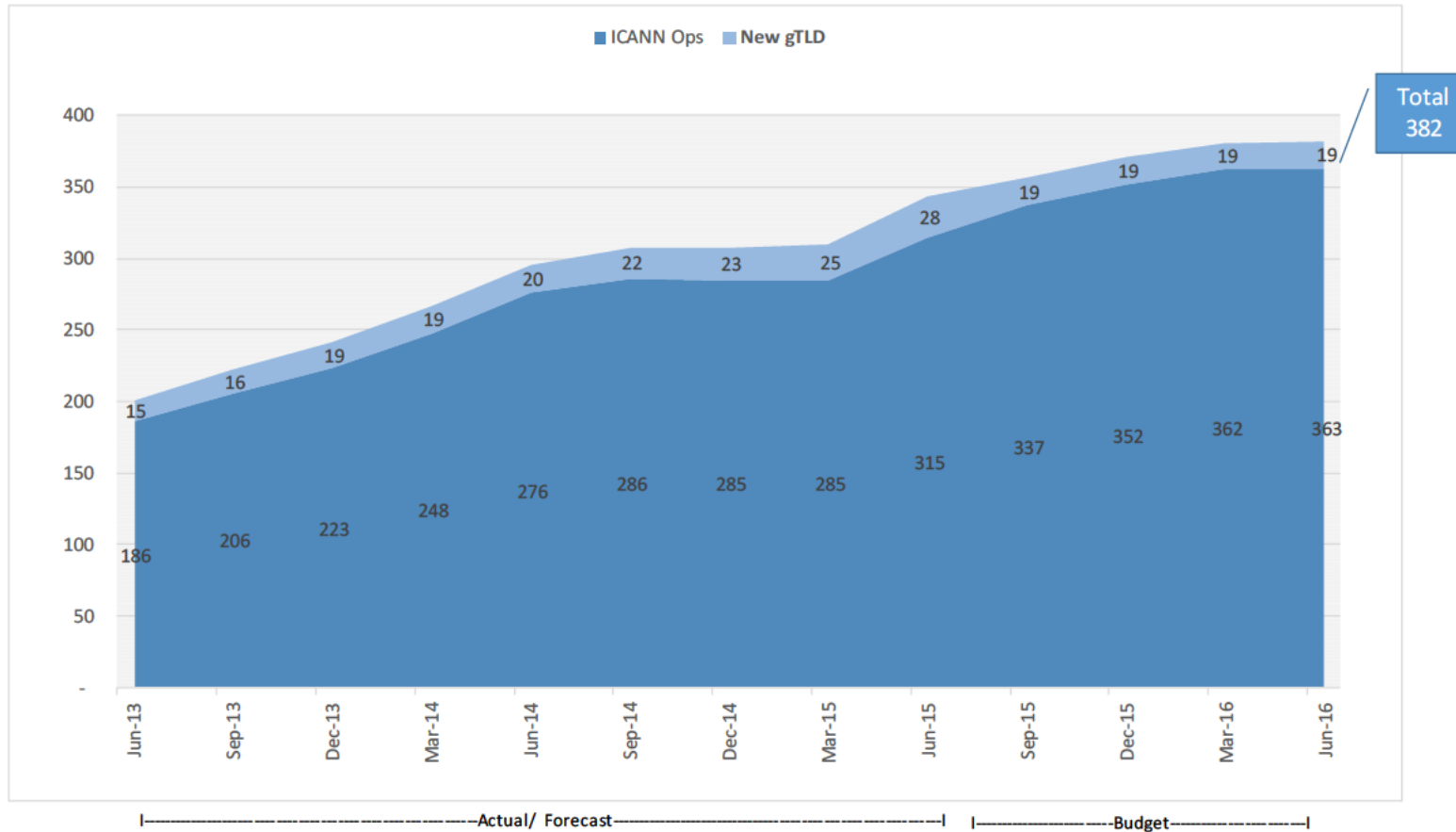
(a) FY15 Community Support Requests have been allocated to the expense categories above based on the nature of the request.

(b) Excludes bad debt and depreciation expenses.

(c) Negative contribution to Reserve Fund corresponds to funding of Initiatives.



### 3.2 Headcount – 3-Year Overview







## 4 FY16 OPERATING PLAN & BUDGET – DESCRIPTION

### Management System

FY16 Operating Plan & Budget is informed by the Five-Year Operating Plan's Phasing and Key Performance Indicators (KPIs) and is organized to align with the ICANN Strategic Plan for fiscal years 2016-2020 and the Five-Year Operating Plan.

This allows us to map all activities and resources back to the five main Strategic Objectives developed by a community driven bottom up process.

- **5 Objectives** – these were reviewed and revised during the development of ICANN Strategic Plan for fiscal years 2016-2020, which was adopted by the Board in October 2014.
- **16 Goals** – owned at the Global Leader (direct report to the CEO) level, the 16 goals also have defined Key Success Factors (KSFs) to help clarify what constitutes progress toward accomplishment of a given goal.
- **58 Portfolios** – within each goal is a set of Portfolios – a means of organizing ICANN's work into groupings of projects. Portfolios also have defined KSFs and we actively measure KPIs on a regular basis
- **More than 300 Projects** – As an operational level mechanism, projects evolve continuously to reflect ongoing work. Budgeting of expenses is done at the Project level. The FY16 ICANN Operating Plan & Budget includes all currently planned projects for FY16, each project appearing within its related Portfolio, Goal and Objective. Each project's associated budget can be found in the Appendix (section 5.1). Please note, the budgeted amounts in this document are inclusive of capital expenditures and initiatives.



## 5 Strategic Objectives | 16 Goals

1. Evolve and further **globalize** ICANN

2. Support a healthy, stable, and resilient **unique identifier ecosystem**

3. Advance **organizational, technological** and **operational excellence**

4. Promote ICANN's role and **multistakeholder** approach

5. Develop and implement a **global public interest** framework bounded by ICANN's mission.



**General Notes:**

As the work of the organization evolves the list of portfolios also evolves and as a result some specific portfolios may not be used any longer, which could cause a break in the number sequence of portfolios.

**4.1 OBJECTIVE 1: EVOLVE AND FURTHER GLOBALIZE ICANN**

In order to meet the needs of the changing global landscape, ICANN will continue to evolve its multistakeholder processes and structures—both face-to-face and online—to enable: broad, inclusive, multilingual, engagement; new forms of participatory, consensus-based decision making; and globalized and regionalized institutional frameworks to support such enhanced functions.

**1.1 GOAL: Further globalize and regionalize ICANN functions.**

Objective	Goal	Portfolios	Total
1-Evolve and further globalize ICANN	1.1-Further globalize and regionalize ICANN functions	1.1.1 Global Stakeholder Engagement Planning	1.5
		1.1.2 Raising Stakeholder Awareness of ICANN Worldwide	3.4
		1.1.3 Languages Services	2.2
	Total	7.0	

For FY16 we will focus on the following activities that work towards further globalizing and regionalizing ICANN functions:



1. Integrate global and regional communications strategies.
2. Develop comprehensive regional engagement plans and strategies covering most ICANN regions and functional community areas.
3. Further distribute ICANN functions at hub offices.

We will measure our success in achieving this goal by:

A. Creating a stakeholder engagement index. Stakeholder engagement depends on several different factors. For the index, we will first establish a baseline of current participation levels in the following programs:

- Fellowship (new/alumni/coach/mentor)
- Language Services
  - ICANN language services - timeliness, effectiveness and efficiency
  - Language Localization – such as the Asia Pacific (APAC) Pilot Program
- Meetings Statistics (current statistics on newcomers, and by stakeholder group)
- Tracking newcomers (we will return to surveying newcomers at the end of each meeting)
- Regional participation in Supporting Organizations/Advisory Committee groups (data provided by Policy team – Governmental Advisory Committee (GAC) data provided by Government and Stakeholder Engagement (GSE))
- Stakeholder Engagement Heat map

Creating such an index, with the metrics identified here and in 1.2 will provide a view into a wide variation of data that we are capable of collecting and in some cases already collecting. This will identify baselines to create outreach plans in the future and identify gaps in current stakeholder outreach plans. The stakeholder



engagement index is a comprehensive measure that covers a range of activity representing global stakeholder engagement as a whole, from the Fellowship Program to Language Services to ICANN Public Meetings, to participation of newcomers and their stakeholder journey into ICANN, to regional participation in SO/AC groups and participation by regional/functional area.

B. Measuring the percentage of ICANN organizational functions performed across ICANN.

### *Portfolios*

#### 1.1.1 Global Stakeholder Engagement Planning

**Description:** This portfolio covers ICANN's Global Stakeholder Engagement (GSE) prioritization and planning, across regions and functional areas. This portfolio is grouped closely with 1.1.2. The planning portfolio covers the organization of GSE and regionalization of ICANN functions and communications.

#### 1.1.2 Raising Stakeholder Awareness of ICANN Worldwide

**Description:** This portfolio pertains to how ICANN communicates with stakeholders around the world to help raise awareness of ICANN's mission, its multistakeholder model and its work. This portfolio is grouped with 1.1.1 above. Metrics to measure ongoing communications activities include active social and traditional media monitoring and measurement, global newsletter open rates and reach of speaking engagements.

#### 1.1.3 Languages Services

**Description:** Facilitate access to ICANN and participation in its work for those who do not speak or are not fluent in English by making information accessible to those who speak other languages in order to enhance participation in, and the effectiveness of, the multistakeholder model.



**1.2 GOAL: Bring ICANN to the world by creating a balanced and proactive approach to regional engagement with stakeholders.**

Objective	Goal	Portfolios	Total
1-Evolve and further globalize ICANN	1.2-Bring ICANN to the world by creating a balanced and proactive approach to regional engagement with stakeholders	1.2.1 Broadcast and Engage with Global Stakeholders	1.2
		1.2.2 Engage Stakeholders Regionally	8.0
	<b>Total</b>		<b>9.2</b>

For FY16 we will focus on the following activities that work towards bringing ICANN to the world by creating a balanced and proactive approach to regional engagement with stakeholders:

1. Implement Global Stakeholder Engagement (GSE) web tools for supporting stakeholder engagement activities at regional and local level.
2. Examine effectiveness of regional strategies launched in FY13-14.

We will measure our success in achieving this goal by:

Measuring the number of regional and functional engagement plans by type and status (e.g., development, implementation and maintenance).



*Portfolios*

1.2.1 Broadcast and Engage with Global Stakeholders

**Description:** Conceptualize and build a set of integrated digital tools to inform and enable engagement and collaboration with ICANN stakeholders.

1.2.2 Engage Stakeholders Regionally

**Description:** This portfolio covers the mechanisms for delivering on ICANN’s regional and functional engagement strategies (including regional and functional area work plans, stakeholder engagement heat map).

**1.3 GOAL: Evolve policy development and governance processes, structures and meetings to be more accountable, inclusive, efficient, effective and responsive.**

Objective	Goal	Portfolios	Total
1-Evolve and further globalize ICANN	1.3-Evolve policy development and governance processes, structures and meetings to be more accountable, inclusive, efficient, effective and responsive	1.3.1 Support Policy Development, Policy Related and Advisory Activities	7.0
		1.3.2 Enable Stakeholder collaboration, communication & engagement	4.0
		1.3.4 Evolving Multistakeholder Model	0.3
	Total	11.3	

For FY16 we will focus on the following activities that work towards evolving policy development and governance processes, structures and meetings to be more accountable, inclusive, efficient, effective and responsive:



To ensure that the policy development and decision-making processes are open, transparent, inclusive and legitimate, direct ongoing efforts at: (i) greater inclusion by diverse global stakeholders; (ii) additional online tools and mechanisms for participation; and (iii) evolving SO/AC structures to increase Community efficiencies and effectiveness in ICANN processes and activities

We will measure our success in achieving this goal by:

- A. Measuring the number of participants in the policy development and governance processes by type, status and location – including, as part of this analysis, consideration of the five main "pillars" of community including participation, representation, activity, productivity and impact. Percentages as well as absolute numbers will be an important component of metrics and benchmarks that will help the entire community gauge what active and robust participation looks like in the multistakeholder process at ICANN.
- B. Creating a quality of service index (e.g., measuring factors such as "active" participants in policy development calls and meetings; # of publication subscribers/readers in "print" and on web; # of public comments submitted in ICANN Public Forums; Twitter Subscribers & Tweets; etc.). ICANN is considering the use of annual survey instruments to track community views of service quality.

### *Portfolios*

#### 1.3.1 Support Policy Development, Policy Related and Advisory Activities

**Description:** Optimize efficiency and effectiveness of Community policy development and advice efforts.





### 1.3.2 Enable Stakeholder collaboration, communication & engagement

**Description:** To optimize collaboration and engagement of ICANN SOs and ACs, and increase and measure the number of exchanges (meetings and correspondence) that take place between various SOs and ACs (and the Board as appropriate) as they consult and discuss strategic and policy issues/matters.

### 1.3.4 Evolving Multistakeholder Model

**Description:**

- Advance planning and implementation of ICANN’s online education platform to support increased, informed, global involvement in ICANN.
- Advance planning for evolving ICANN’s multistakeholder model and facilitate the development and publication of academic research on the multistakeholder model for domain name system (DNS) coordination, Internet policy development and governance.

## 4.2 OBJECTIVE 2: SUPPORT A HEALTHY, STABLE, AND RESILIENT UNIQUE IDENTIFIER ECOSYSTEM

The growing and evolving unique ecosystem is operating within a changing landscape. ICANN will engage stakeholders to help support and plan for the ecosystem evolution and empower a global and responsible ecosystem that fosters growth and innovation.



## 2.1 GOAL: Foster and coordinate a healthy, secure, stable, and resilient identifier ecosystem.

Objective	Goal	Portfolios	Total
2-Support a healthy, stable and resilient unique identifier ecosystem	2.1-Foster and coordinate a healthy, secure, stable, and resilient identifier ecosystem	2.1.1 IANA Department Operations	2.3
		2.1.2 Contractual Compliance Functions	4.1
		2.1.3 Advice Registry Management	0.1
		2.1.4 Global Domain Division (GDD) Operations	4.8
		2.1.5 Global Domains Division (GDD) Customer Service	1.7
		2.1.6 Global Domain Division (GDD) Online Services Product Management	0.5
	Total	13.4	

For FY16 we will focus on the following activities that work towards fostering and coordinating a healthy, secure, stable, and resilient identifier ecosystem:

1. Ensure that the IANA Department remains fully staffed.
2. Draft Technology Roadmap developed.
3. Enhance relationships with protocol/technology development organizations.
4. Base line ratio of registered domain names to active IP addresses.
5. Base line ratio of registered domain names to Internet users regionally and globally.

To measure progress towards this goal, we will be measuring and reporting on the consistency of service delivery against Service Level Targets. The metric to be reported on will be:



- % of Service Level Targets met across multiple departments including but not limited to IANA, Compliance GDD Operations, and Customer Service departments.

### *Portfolios*

#### 2.1.1 IANA Department Operations

**Description:** Operational responsibilities for maintaining registries for protocol parameters, IP addresses, Autonomous System Numbers, and Root Zone changes. Maintenance of relationship with Internet Engineering Task Force (IETF), Internet Architecture Board (IAB), five Regional Internet Registries (RIRs), and TLD operators.

#### 2.1.2 Contractual Compliance Functions

**Description:** Day-to-day activities to ensure compliance by Registrars and Registries with their contractual obligations to ICANN and to report back to the community.

#### 2.1.3 Advice Registry Management

**Description:** Development of processes and software used to track the acceptance, implementation, and resolution of advice provided to ICANN via supporting organizations, advisory committees, review teams, and others.

#### 2.1.4 Global Domains Division (GDD) Operations

**Description:** Projects related to the service implementation and ongoing delivery of services to contracted parties by the GDD.



2.1.5 Global Domains Division (GDD) Customer Service

**Description:** Projects related to the development, implementation and ongoing operations of the ICANN Customer Service Center.

2.1.6 Global Domain Division (GDD) Online Services Product Management

**Description:** Projects for the development, support and implementation of systems for the GDD.

**2.2 GOAL: Proactively plan for changes in the use of unique identifiers and develop technology roadmaps to help guide ICANN activities.**

Objective	Goal	Portfolios	Total
2-Support a healthy, stable and resilient unique identifier ecosystem	2.2-Proactively plan for changes in the use of unique identifiers, and develop technology roadmaps to help guide ICANN activities	2.2.1 WHOIS Core Function/ Service & Improvements	1.4
		2.2.2 Identifier Evolution	0.6
		2.2.3 Technical Experts Group	0.1
		2.2.4 IANA Product Evolution	0.5
		2.2.5 Root Server System Evolution	0.1
		2.2.6 Security, Stability and Resiliency of Internet Identifiers	3.3
	<b>Total</b>	<b>5.9</b>	

For FY16 we will focus on the following activities that work towards proactively planning for changes in the use of unique identifiers and develop technology roadmaps to help guide ICANN activities:

1. Develop and achieve community approval of all DNS /Unique Identifiers health metrics.
2. Develop and achieve community approval of the Stability and Resiliency Exercises specified.
3. Develop and achieve community approval of the Identifier registration data access/update system requirements specified



To demonstrate our progress in achieving this goal we will be developing a Technical Reputation Index which is intended to reflect ICANN's technical stature across the ICANN community as well as the broader internet community.

C. This index will include measurements of several key dimensions such as:

- Engagement w/ W3C
- Number of documents published
- Number of technical sessions @ ICANN meetings
- Number of global training sessions conducted
- Number of presentations at global technical for a
- Occurrences and participation in technical sessions
- Number of leadership roles in standards organizations or program committees
- Rate of increases in perception of stature of ICANN technology team as determined via survey

### *Portfolios*

#### 2.2.1 WHOIS Core Function/ Service & Improvements

**Description:** To promote trust and confidence in the Internet for all stakeholders, ICANN is committed to enforcing its current WHOIS policy, to identify improvements to the accuracy and reliability of the WHOIS system, and to determine whether there is a better system for providing information about gTLD domain names, consistent with applicable data protection and privacy laws.



#### 2.2.2 Identifier Evolution

**Description:** Track and support the evolution of the Internet's system of unique identifiers through venues such as the IETF, DNS-OARC, W3C, the RIRs, and other relevant bodies.

#### 2.2.3 Technical Experts Group

**Description:** Support and enhance the Technical Expert Group, facilitating its activities related to exploration of technical issues and opportunities facing ICANN.

#### 2.2.4 IANA Product Evolution

**Description:** Software enhancements, tool development, and other discrete projects to improve delivery of the IANA services.

#### 2.2.5 Root Server System Evolution

**Description:** Facilitating the continued evolution of the root server system to ensure its ongoing security, stability, and resiliency as DNS technology and operations change over time. Maintenance of relationships with the root server operators, Root Server System Advisory Committee (RSSAC), and related stakeholders.

#### 2.2.6 Security, Stability and Resiliency of Internet Identifiers

**Description:** Work to observe, assess and improve the security, stability, and resiliency (SSR) of the Internet's Identifier systems in close collaboration with other ICANN departments and the community at large. This will be achieved through a range of activities including risk awareness and preparedness, measurement and analysis of



identifier system behaviors or performance, and cooperative outreach that emphasizes coordination, capability building, and knowledge transfer.

### 2.3 GOAL: Support the evolution of domain name marketplace to be robust, stable and trusted.

Objective	Goal	Portfolios	Total
2-Support a healthy, stable and resilient unique identifier ecosystem	2.3-Support the evolution of domain name marketplace to be robust, stable and trusted	2.3.2 Domain Name Services	0.8
		2.3.3 Contractual Compliance & Consumer Safeguard	0.7
		2.3.4 Internationalized Domain Names	1.5
		2.3.5 New gTLD Program	24.8
		2.3.6 Next gTLD Round Planning	4.1
		2.3.7 Contractual Compliance Initiatives & Improvements	0.5
		2.3.8 Registry Services	1.1
		2.3.9 Registrar Services	0.7
		2.3.10 GDD Technical Services	2.0
		2.3.11 Outreach and Relationship Management with Existing and new Registry, Registrar Community	1.4
	<b>Total</b>		<b>37.6</b>

For FY16 we will focus on the following activities that work towards supporting the evolution of the domain name marketplace to be robust, stable and trusted:

6. Complete Multistakeholder Satisfaction Survey baseline.



7. Define baseline of Domain Name industry segments.

We will measure progress towards achieving this goal by developing a Technical Reputation Index. This Index is intended to reflect the trust and confidence of the Internet community in the Domain Name Marketplace.

A. This index will include measurements of several key dimensions such as:

- 8. Number net new domain registrations (legacy TLDs; ccTLDs; New gTLDs)
- 9. Rate of SLD renewals
- 10. Number of Registrants impacted by Registrar Termination vs total Registrations
- 11. Number Abuse incidents per MM registrations (across all TLDs)

2.3.1 GDD Strategic Programs

**Description:** Support community efforts to address public policy issues arising from ICANN contracts with registries and registrars; coordinate implementation of improvements to WHOIS.

2.3.2 Domain Name Services

**Description:** Domain Name Services ongoing operations and Industry Engagement.

2.3.3 Contractual Compliance & Consumer Safeguard

**Description:** Projects relating to: (1) outreach to ICANN constituents regarding contractual compliance; (2) development of an analytic and nuanced approach to complex contractual compliance issues; and (3) cooperation and coordination on consumer safeguards that are beyond the scope of pure contract compliance.





#### 2.3.4 Internationalized Domain Names

**Description:** Support the introduction and universal acceptance and adoption of Internationalized Domain Names (IDNs).

#### 2.3.5 New gTLD Program

**Description:** Projects and ongoing activities in support of the New gTLD Program.

#### 2.3.6 Next gTLD Round Planning

**Description:** Projects to design plan and operationally prepare for the next application round of the New gTLD Program.

#### 2.3.7 Contractual Compliance Initiatives & Improvements

**Description:** This portfolio comprises a series of projects focused on the continuous improvement of contractual compliance operations and systems. This includes addressing contractual compliance interpretation issues and working with the ICANN stakeholders to define relevant metrics to improve transparency and reporting of contractual compliance.

#### 2.3.8 Registry Services

**Description:** Projects related to managing the contracts, defining new services, and building a strong relationship with current and future registry operators.

#### 2.3.9 Registrar Services



**Description:** Projects related to managing the contracts, defining new services, and building a strong relationship with current and future registrars.

#### 2.3.10 GDD Technical Services

**Description:** Projects to enhance systems, services and technical subject matter expertise related to a safe, secure, and reliable operation of the DNS.

#### 2.3.11 Outreach and Relationship Management with Existing and new Registry, Registrar Community

**Description:** Create outreach and engagement strategies for registry and registrar operators to promote and cultivate a positive and constructive relationship among ICANN staff, registries, registrars and other participants in the domain name industry value chain. Activities include having dedicated account managers, conducting workshops, webinars, and inter-sessional meetings, as well as attending ICANN meetings.



### 4.3 OBJECTIVE 3: ADVANCE ORGANIZATIONAL, TECHNOLOGICAL AND OPERATIONAL EXCELLENCE.

ICANN seeks to mature our organization—to improve the skillsets, processes, and technologies through which we operate to deliver services to the ICANN community and the public. We seek to develop a greater ability to meet the speed and scale of innovation happening around us and deliver with excellence in everything we do.

#### 3.1 GOAL: Ensure ICANN’s long-term financial accountability, stability and sustainability

Objective	Goal	Portfolios	Total
3-Advance organizational, technological and operational excellence	3.1-Ensure ICANN’s long-term financial accountability, stability and sustainability	3.1.1 Strategic and Operating Planning	0.6
		3.1.2 Business Excellence and Business Intelligence	0.7
		3.1.3 Finance and Procurement	3.4
		3.1.4 Enterprise Risk Management	1.1
		3.1.5 Support Operations	22.6
		<b>Total</b>	<b>28.3</b>

For FY16 we will focus on the following activities that work towards ICANN’s long-term financial accountability, stability and sustainability:

1. Complete first internal EFQM (European Foundation of Quality Management) radar evaluation and assessment of key areas of focus, identify gaps and developed mitigation/ improvement roadmap.
2. Refine the operational excellence model, including financial framework, roadmap, targets and metrics, based upon findings and recommendations of the EFQM assessment.
3. Align with budget availability and IT system implementation roadmap.



4. Review and obtain input from Community.

We will measure our success in achieving these goals by:

Developing and posting an on-time delivery index of the ICANN Operations (includes: Budget performance, internal controls and % project completion verses plan)

*Portfolios*

3.1.1 Strategic and Operating Planning

**Description:** Review of the Five-Year Strategic and Operating Plan implementation, and the development of FY17 Operating Plan & Budget.

3.1.2 Business Excellence and Business Intelligence

**Description:** Assessment, evaluation, reporting, and guidance to advance organizational, technological and operational excellence.

3.1.3 Finance and Procurement

**Description:** All finance and procurement activities for the entire organization, in all locations. Includes accounting (including accounts payable and billing), reporting and analysis, planning, tax, audit, procurement (PO processing, approval), and sourcing.

3.1.4 Enterprise Risk Management



**Description:** Continue the focus on planning, assessing risk, evaluating mitigation, monitoring and progress reporting to minimize the effects of risks to the organization.

3.1.5 Support Operations

**Description:** Various programs and projects that support functional operations.

**3.2 GOAL: Ensure structured coordination of ICANN’s technical resources.**

Objective	Goal	Portfolios	Total
3-Advance organizational, technological and operational excellence	3.2-Ensure structured coordination of ICANN’s technical resources	3.2.1 IT Infrastructure Maintenance	1.5
		3.2.2 IT Infrastructure and Service Scaling	20.2
		3.2.3 Root Systems Operations	0.7
	Total	22.4	

**For FY16 we will focus on the following activities that work towards ensuring structured coordination of ICANN’s technical resources:**

1. Develop and socialize a suite of uptime metrics for IT Services.
2. Define, divide and socialize IT services into a three-tier classification.
3. Define, socialize and adopt a baseline Lean Process Capability metric for IANA functions.
4. Measure and record a baseline for the IANA functions.

We will measure our success in achieving this goal by:



Documenting the current infrastructure and different tiers of service reflective of the above.

*Portfolios*

3.2.1 IT Infrastructure Maintenance

**Description:** All ongoing infrastructure projects and services to maintain adequate performance of the systems supporting all ICANN Operations.

3.2.2 IT Infrastructure and Service Scaling

**Description:** Work towards a top-tier global IT infrastructure performing at 99.999% uptime and have ICANN recognized by the global community as having technical excellence and thought leadership.

3.2.3 Root Systems Operations

**Description:** Facilitating the continued evolution of the root server system to ensure its ongoing security, stability, and resiliency as DNS technology and operations change over time; maintenance of relationships with the root server operators, RSSAC, and related stakeholders.

**3.3 GOAL: Develop a globally diverse culture of knowledge and expertise available to ICANN’s Board, staff, and stakeholders.**

Objective	Goal	Portfolios	Total
3-Advance organizational, technological and operational excellence	3.3 - Develop a globally diverse culture of knowledge and expertise available to	3.3.1 Talent Management	1.2
		3.3.2 ICANN Technical University	0.1
	Total	1.3	



**For FY16 we will focus on the following activities that work towards developing a globally diverse culture of knowledge and expertise available to ICANN's Board, staff, and stakeholders:**

1. Build on the FY15 achievements related to this goal KSFs (outcome).
2. Identify benchmark organizations and derive key benchmarking metrics.

We will measure our success in achieving these goals by:

Measuring the % achievement of globally diverse culture of knowledge and expertise of staff against good-practice benchmarks and roadmaps

### *Portfolios*

#### 3.3.1 Talent Management

**Description:** Establishing and developing the right mix of skills to accomplish critical business needs at both leadership and staff level. This includes focus on areas such as talent acquisition, leadership development, team effectiveness, learning and skill development.

#### 3.3.2 ICANN Technical University

**Description:** Providing a mechanism to improve the technical understanding of the technology ICANN coordinates.

Other related portfolios contain various projects that contribute to developing a globally diverse culture of knowledge and expertise available to ICANN's Community.



#### 4.4 OBJECTIVE 4: PROMOTE ICANN’S ROLE AND MULTISTAKEHOLDER APPROACH.

We strive to clarify the linkages and frameworks that underlie ICANN’s responsibilities in the current Internet ecosystem. We commit to developing ways to maintain and enhance ICANN’s stewardship in an evolving ecosystem. We pledge to cultivate thought leadership on ways in which ICANN can serve a complex set of Internet constituencies. We also commit to strengthening relationships with members of this evolving ecosystem to achieve our shared goals and serve the public interest.

By extension of this effort, and without seeking to expand our role and mandate, ICANN commits to contributing to creating greater role clarity for the entire Internet governance ecosystem. We see opportunity for the ecosystem to be stronger together through greater cooperation and coordination. In this, we pledge open, transparent communications to foster a single, open, global Internet for worldwide benefit.

##### 4.1 GOAL: Encourage engagement with the existing Internet governance ecosystem at national, regional and international levels.

Objective	Goal	Portfolios	Total
4-Promote ICANN’s role and multistakeholder approach	4.1-Empower engagement with the existing Internet governance ecosystem at national, regional and international levels	4.1.1 Coordination of ICANN participation in Internet Governance	0.7
	Total		0.7

For FY16 we will focus on the following activities that work towards encouraging engagement with the existing Internet governance ecosystem at national, regional and international levels:





1. Increase % participation rates in the existing Internet governance ecosystem from documented baseline of entities and organizations established in FY 2015.
2. Increase # national Internet governance multistakeholder approaches over baseline established in 2015.

We will measure our success in achieving this goal by:

Measuring the nature and level of engagements with entities in the Internet governance ecosystem reflecting recognition of ICANN’s role and the multistakeholder model.

*Portfolios*

4.1.1 Coordination of ICANN Participation in Internet Governance

**Description:** This portfolio includes those projects that coordinate ICANN’s support for and participation in the Internet governance ecosystem as well as collaboration with other entities in the ecosystem on projects and initiatives of shared interest.

**4.2 GOAL: Clarify the role of governments in ICANN and work with them to strengthen their commitment to supporting the global Internet ecosystem.**

Objective	Goal	Portfolios	Total
4-Promote ICANN’s role and multistakeholder approach	4.2-Clarify the role of governments in ICANN and work with them to their commitment to supporting the global	4.2.1 Support GAC Engagement	0.2
		4.2.2 Engagement with Governments and International Governmental Organizations (IGOs)	2.3
	Total		



**For FY16 we will focus on the following activities that work towards clarifying the role of governments in ICANN and work with them to strengthen their commitment to supporting the global Internet ecosystem:**

1. Increase in # of communities (government, private sector and civil society) willing to have a national multistakeholder distributed Internet Governance approach over baseline established in FY 2015.
2. Complete baseline determination to map existing entities within the Internet Governance ecosystem and their posture toward ICANN and the multistakeholder approach to Internet Governance

We will measure our success in achieving this goal by:

Measuring the increase in the number of GAC members (level of actual active participation and level of representation at ICANN meetings; total membership and participation as a percentage of membership within a region).

### *Portfolios*

#### 4.2.1 Support Governmental Advisory Committee (GAC) Engagement

**Description:** This portfolio includes those projects supporting the activities of the GAC and those that facilitate outreach to increase participation in the work of the GAC.

#### 4.2.2 Engagement with Governments and International Governmental Organizations (IGOs)

**Description:** This portfolio includes those projects supporting and coordinating outreach and engagement with governments and IGOs nationally, regionally and internationally to increase governments knowledge of and participation in the global Internet Governance ecosystem.



**4.3 GOAL: Participate in the evolution of a global, trusted, inclusive multistakeholder Internet Governance ecosystem that addresses Internet issues.**

Objective	Goal	Portfolios	Total
4-Promote ICANN’s role and multistakeholder approach	4.3-Participate in the evolution of a global, trusted, inclusive multistakeholder Internet governance ecosystem that addresses Internet issues	4.3.1. Support Internet Governance Ecosystem Advancement	0.1
	<b>Total</b>		<b>0.1</b>

**For FY16 we will focus on the following activities that work towards participating in the evolution of a global, trusted, inclusive multistakeholder Internet Governance ecosystem that addresses Internet issues:**

Increase in # of partnerships and agreements with respective Internet organizations and regional and national multistakeholder Internet Governance approaches over baseline established in FY 2015.

We will measure our success in achieving this goal by:

Measuring the number of governments and other stakeholders willing to have a national multistakeholder distributed Internet Governance approach.



*Portfolios*

4.3.1. Support Internet Governance Ecosystem Advancement

**Description:** The portfolio encompasses the collaborative work within the Internet Governance ecosystem to support evolution of multistakeholder distributed approaches.

**4.4 GOAL: Promote role clarity and establish mechanisms to increase trust within the ecosystem rooted in the public interest.**

Objective	Goal	Portfolios	Total
4-Promote ICANN’s role and multistakeholder approach	4.4-Promote role clarity and establish mechanisms to increase trust within ecosystem rooted in the public interest	4.4.1 Strategic Initiatives	0.3
	<b>Total</b>		<b>0.3</b>

**For FY16 we will focus on the following activities that work towards promoting role clarity and establish mechanisms to increase trust within the ecosystem rooted in the public interest:**

1. Assess current practices and documentation.
2. Identify and propose best practices.
3. Propose measurements and benchmarks.

We will measure our success in achieving this goal by:

- B. Developing a framework that generates institutional confidence in ICANN and builds trust over time.



- C. Implementing "Institutional Confidence Index" as a means of measuring long-range progress.
- D. Assembling and refine Accountability-related KPIs, in line with Accountability Framework proposed by One World Trust in response to recommendations of Accountability and Transparency Review Teams to implement a means of measuring ICANN's accountability.

### *Portfolios*

#### 4.4.1 Strategic Initiatives

**Description:** Consider and formulate Institutional Confidence Index (long-range) while assembling and refining Accountability-related KPIs, in line with the Accountability Framework proposed by One World Trust (short-range). This will include establishing benchmarks and targets as well as piloting the usefulness and relevance of KPIs.

## **4.5 OBJECTIVE 5: DEVELOP AND IMPLEMENT A GLOBAL PUBLIC INTEREST FRAMEWORK BOUNDED BY ICANN'S MISSION**

ICANN seeks to develop a public interest framework for promoting the global public interest in the coordination of the Internet's Unique Identifier systems and in furtherance of ICANN's mission. The framework will clarify ICANN's roles, objectives and milestones in promoting the public interest through capacity building, and increasing the base of internationally diverse, knowledgeable, and engaged ICANN stakeholders. Subsequent financial years will have additional focus areas as determined by staff and community through FY16 work.



### 5.1 GOAL: Act as a steward of the public interest.

Objective	Goal	Portfolios	Total
5-Develop and implement a global public interest framework bounded by ICANN's mission	5.1-Act as a steward of the public interest	5.1.1 Legal Advisory Function	0.7
		5.1.3 Legal Internal Support	2.4
		5.1.4 Support ICANN Board	4.1
	Total	7.2	

For FY16 we will focus on the following activities that work towards acting as a steward of the public interest:

In order to ensure that ICANN is acting within its global public interest mandate, ICANN will seek to create framework to assist the decision-makers, policy-making bodies and advisory committees to align their work to the global public interest purpose.

We will measure our success in achieving this goal by:

Defining common consensus based definition of public interest.

#### *Portfolios*

##### 5.1.1 Legal Advisory Function

**Description:** Provide legal advice to all functions at ICANN.

##### 5.1.3 Legal Internal Support

**Description:** Provide legal support to all internal service and operational functions at ICANN.



5.1.4 Support ICANN Board

**Description:** Provide staff support to the ICANN Board of Directors.

**5.2 GOAL: Promote ethics, transparency and accountability across the ICANN community.**

Objective	Goal	Portfolios	Total
5-Develop and implement a global public interest framework bounded by ICANN's mission	5.2-Promote ethics, transparency and accountability across the ICANN community	5.2.1 AoC Review: Accountability & Transparency	0.0
		5.2.3 AoC Review: SSR	0.4
		5.2.5 Accountability and Transparency Mechanisms	0.4
		5.2.6 Conflicts of Interest and Organizational Ethics	0.1
		5.2.7 IANA Functions Stewardship Transition & Enhancing ICANN Accountability	7.0
		5.2.8 AoC and Organizational Reviews	1.8
	<b>Total</b>	<b>9.7</b>	
Objective	Goal	Portfolios	Total

For FY16 we will focus on the following activities that work towards promoting ethics, transparency and accountability across the ICANN community:

In order to ensure that ICANN is acting within its global public interest mandate, ICANN will seek to create and publish revised Accountability and Ethical Framework and develop baseline metrics to measure to demonstrate impact on organization.

We will measure our success in achieving this goal by:

Developing a public interest framework index currently including:



1. # of requests received pursuant to ICANN's Document Information Disclosure Policy (DIDP) and % of responses responded to and posted on-time.
2. # of Conflict of Interest Disclosure Forms completed and % of compliance.

As the ongoing processes for enhancing ICANN's accountability reach conclusion and are implemented, ICANN expects that the resulting enhancements will provide additional new frameworks from which new metrics can be identified and developed into KPIs.

### *Portfolios*

#### 5.2.1 AoC Review: Accountability & Transparency (see footnote 1)

**Description:** Oversee timely and effective implementation of recommendations from the Second Accountability and Transparency Review (ATRT<sub>2</sub>) and coordinate a predictable schedule of consistent implementation updates.

#### 5.2.3 AoC Review: SSR (see footnote 1)

**Description:** Prepare for and conduct the second review under the Affirmation of Commitments (AoC) regarding SSR, and complete implementation of the recommendations from the first SSR Review Team.

#### 5.2.5 Accountability and Transparency Mechanisms

**Description:** Supporting compliance with ICANN's Accountability and Transparency Mechanisms framework.

#### 5.2.6 Conflicts of Interest and Organizational Ethics

**Description:** Supporting compliance with ICANN's conflict of interest and organizational ethics policy and framework.





### 5.2.7 IANA Functions Stewardship Transition & Enhancing ICANN Accountability

**Description:** (1) ICANN achieves its objectives in securing the IANA stewardship transition by supporting the three operational communities (names, numbers and protocol parameters) and achieving broad community support for a proposal that satisfies the four principles in NTIA transition proposal; and (2) the CCWG-Accountability is able to produce recommendations that provide assurance that ICANN is accountable in the absence of its historical contractual relationship with the U.S. Government.

### 5.2.8 AoC and Organizational Reviews (see footnote <sup>1</sup>)

**Description:** Conduct regularly scheduled reviews of ICANN entities to support their effectiveness and ongoing improvement; support Board assessment and development of plans to maximize improvements to each entity and benefits to ICANN as a whole.

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<sup>1</sup> Based on the Affirmation of Commitments (AoC) and the ICANN Bylaws, a total of seven reviews are scheduled to take place in FY16: AoC Reviews — Competition, Consumer Choice & Consumer Trust (CCT), WHOIS Policy Review (WHOIS<sub>2</sub>), and Security, Stability and Resiliency Review (SSR<sub>2</sub>); and Organizational Reviews — At Large<sub>2</sub>, NomCom<sub>2</sub>, SSAC<sub>2</sub>, and RSSAC<sub>2</sub>. There is concern that the large number of overlapping reviews may have significant impact on the ICANN communities' capacity and ICANN resources. Discussions with the Community, are underway to determine the appropriate timing and schedule of these AoC and Organizational Reviews to ensure that ICANN's accountability and transparency commitments are fulfilled and appropriately integrated into the Communities' workload and ICANN's operations and budget. Until final decisions are reached, a total of \$1.1 million has been included for these Reviews, and the FY16 Operating Plan & Budget includes a corresponding placeholder portfolio entitled "AoC & Organizational Reviews." After the review schedule is established, the Reviews occurring in FY16 will all be fully funded to ensure a quality and timely outcome. Detailed budgets will be allocated to each Review (each portfolio and project) for ongoing tracking of activities and costs.



**5.3 GOAL: Empower current and new stakeholders to fully participate in ICANN activities.**

Objective	Goal	Portfolios	Total
5-Develop and implement a global public interest framework bounded by ICANN's mission	5.3-Encourage current and new stakeholders to fully participate in ICANN activities	5.3.1 Strengthening Development and Public Responsibility Department (DRPD)	1.0
		5.3.2 Participation in Global Internet Cooperation and Development	0.9
		5.3.3 Supporting Education and Academic Outreach	0.3
		5.3.4 Supporting the Next Generation	0.7
	<b>Total</b>	<b>2.8</b>	

For FY16 we will focus on the following activities that work towards empowering current and new stakeholders to fully participate in ICANN activities:

Create the tools to facilitate engagement and participation with focus on areas defined by regional needs through specific and measurable public responsibility programs.

We will measure our success in achieving this goal by:

Measuring the number of stakeholders participating in public responsibility programs.

*Portfolios*

5.3.1 Strengthening Development and Public Responsibility Department (DRPD)



**Description:** In line with the recommendations of the Strategy Panel on the Public Responsibility Framework, strengthen the DPRD and programming through specific and measurable tracks.

#### 5.3.2 Participation in Global Internet Cooperation and Development

**Description:** In line with the recommendations of the Strategy Panel of the Public Responsibility Framework, the DPRD will continue work to streamline and formalize ICANN's approach to development and public responsibility through collaborations with regional VPs, other ICANN departments, external organizations, and through engagement with governments, ccTLD administrators, and GAC members in developing and underdeveloped countries that serve as key entry points to these regions. The purpose will be to assist in strengthening Internet Governance structures leading to enhanced relationships with SO/ACs and the wider community.

#### 5.3.3 Supporting Education and Academic Outreach

**Description:** Supporting and broadening the global public's knowledge of ICANN and the greater Internet ecosystem by supporting educational programs, training, panel discussions, and online services including the Online Learning Platform, ICANN Learn.

#### 5.3.4 Supporting the Next Generation

**Description:** As part of ICANN's responsibility to increase accessibility to ICANN and the Internet governance ecosystem, this portfolio will: (1) raise awareness and encourage participation amongst the Next Generation of the community- that is to say those who are not currently not engaged or who are at the start of their relationship with ICANN and the Internet ecosystem; and (2) build on the success of the Fellowship and Newcomers programs, along



with the NextGen@ICANN program by focusing on raising awareness and encouraging participation of those not currently involved in ICANN and the Internet Governance ecosystem.



## 5 APPENDIX

### 5.1 FY16 Budget by project

Refer to the following documents on [ICANN.org](http://ICANN.org) that include the detail of the costs by category for each project, and the full time equivalent number of allocated staff:

- FY16 Budget by Project 1506015.pdf
- FY16 Budget by Portfolio 1506015.pdf



## 5.2 Statement of Activities – Total ICANN

in millions, USD	ICANN Ops				New gTLD Program				Total			
	FY 16 Budget	FY15 Fcast	+Incr/ -(Decr)	%	FY 16 Budget	FY15 Fcast	+Incr/ -(Decr)	%	FY 16 Budget	FY15 Fcast	+Incr/ -(Decr)	%
<b>TOTAL SUPPORT AND REVENUE</b>	<b>113.4</b>	<b>103.0</b>	<b>10.4</b>	<b>10.1%</b>	<b>49.5</b>	<b>40.2</b>	<b>9.4</b>	<b>23.3%</b>	<b>162.9</b>	<b>143.2</b>	<b>19.8</b>	<b>13.8%</b>
<b>OPERATING EXPENSES</b>												
Personnel	60.8	48.6	12.2	25.2%	7.1	8.4	(1.3)	-15.5%	67.9	57.0	10.9	19.2%
Travel & Meetings	17.6	14.3	3.3	23.1%	1.5	1.0	0.5	48.0%	19.1	15.3	3.8	24.8%
Professional Services	22.9	24.1	(1.2)	-5.0%	17.8	11.3	6.5	57.5%	40.7	35.4	5.3	14.9%
Administration	14.0	16.1	(2.1)	-12.9%	2.3	3.0	(0.8)	-25.4%	16.2	19.1	(2.8)	-14.9%
Bad Debt Expenses	0.0	0.0	0.0	0.0%	0.0	0.0	0.0	0.0%	0.0	0.0	0.0	0.0%
Depreciation Expenses	6.8	7.1	(0.3)	-3.6%	0.0	0.0	0.0	0.0%	6.8	7.1	(0.3)	-3.6%
Community Support Requests	0.5	0.0	0.5	0.0%	0.0	0.0	0.0	0.0%	0.5	0.0	0.5	0.0%
Contingency	2.9	0.0	2.9	0.0%	0.0	0.0	0.0	0.0%	2.9	0.0	2.9	0.0%
<b>Operating Expenses</b>	<b>125.5</b>	<b>110.1</b>	<b>15.4</b>	<b>14.0%</b>	<b>28.7</b>	<b>23.7</b>	<b>4.9</b>	<b>20.7%</b>	<b>154.1</b>	<b>133.8</b>	<b>20.3</b>	<b>15.2%</b>
<b>CHANGE IN NET ASSETS DUE TO OPERATING ACTIVITIES</b>	<b>(12.1)</b>	<b>(7.1)</b>	<b>(5.0)</b>	<b>70.8%</b>	<b>20.9</b>	<b>16.4</b>	<b>4.5</b>	<b>27.1%</b>	<b>8.8</b>	<b>9.3</b>	<b>(0.6)</b>	<b>5.9%</b>
Historical Development Costs	5.3	5.0	0.3	5.9%	(5.3)	(5.0)	(0.3)	5.9%	0.0	0.0	0.0	0.0%
<b>CHANGE IN NET ASSETS</b>	<b>(\$6.8)</b>	<b>(\$2.1)</b>	<b>(\$4.7)</b>	<b>223.8%</b>	<b>\$15.6</b>	<b>\$11.5</b>	<b>\$4.2</b>	<b>\$0.0</b>	<b>\$8.8</b>	<b>\$9.3</b>	<b>(\$0.6)</b>	<b>5.9%</b>



### 5.3 Registrar Fees

The Registrar fees are to be approved by the Board before submission to voting by the Registrars.

Approximately 1,500 registrars are currently accredited by ICANN. This relationship is governed by the Registrar Accreditation Agreement (RAA), of which the most recent version was approved in June 2013. The two versions of the agreement currently in use were approved in 2009 and 2013. The RAA is a five-year agreement that provides for the following types of fees:

- Application fees
- Annual accreditation fees
- Variable accreditation fees
- Per registrar variable fees
- Transaction based fees

In addition, since 2009, the budget has assumed an Add Grace Period (AGP) excess deletion fee to eliminate domain tasting. The amount for AGP deletion fees was assumed to be zero in past budgets and is also assumed to be zero for the FY16 budget.

Application fees are paid one time by prospective registrars at the time of application. For FY16, the application fees are estimated to be \$210,000 based upon a volume of 60 applications and a per application fee of \$3,500 per application.

Annual accreditation fees are fees that all registrars are required to pay annually to maintain accreditation. The fee is \$4,000 per year. Registrars have the option of paying the annual \$4,000 accreditation fee in quarterly installments of



\$1,000. For FY16, the annual accreditation fees are estimated at \$6.1 million, based on an estimate of a total of 1,500 registrars renewing and being newly accredited.

Variable accreditation fees are determined based on the transaction type and volume of each registrar. There are two types of fees associated with the variable accreditation fees:

- Per registrar variable fee
- Transaction based fee

Per registrar variable fees are based on a validated concept that ICANN often expends the same quantum of effort in providing services to a registrar regardless of size. However, provided that the registrar is considerably smaller in size and in activity, some registrars will continue to be eligible for “forgiveness” of two-thirds of the standard per-registrar variable fee. To be eligible for forgiveness, the registrar must have: (1) less than 350,000 gTLD names under its management; and (2) no more than 200 attempted adds per successful net add in any TLD. Forgiveness will be granted each quarter to all registrars that qualify.

The amount per registrar is calculated each quarter by dividing \$950 thousand (one-fourth of \$3.8 million) equally among all registrars that have at least been accredited for one full quarter or have made at least one transaction, taking into consideration the forgiveness factor.

In addition, a discount of 10 percent is granted to all registrars operating under the 2009 and 2013 RAA.

Transaction based fees are assessed on each annual increment of an add, renew or a transfer transaction that has survived a related add or auto-renew grace period. This fee will be billed at \$0.18 per transaction for registrars operating under the 2009 or 2013 RAA (resulting from a \$0.20 base fee, discounted by 10% to \$0.18).





Add-grace period excess deletion fees are assessed on each domain name deleted, in excess of the threshold, during an add-grace period. The threshold is the larger of 50 or 10% of total adds, per month, per TLD. The rate per excess deletion is \$0.20.

Below is a summary of the estimated Registrar fees for FY16 by fee type.

In Millions, US dollars	FY16 Budget	FY15 Forecast	Fav/ (Unfav)	%
<b>Existing TLDs</b>				
Application Fees	\$0.2	\$1.7	-\$1.5	-88%
Accreditation Fees	6.1	5.6	0.5	10%
Per Registrar Variable Fees	3.4	3.4	0.0	0%
Transaction Fees	30.4	28.8	1.6	6%
<b>Total Registrar Revenue</b>	<b>40.2</b>	<b>39.5</b>	<b>0.7</b>	<b>2%</b>



## 5.4 Summary of changes

Below is a summary of modifications to FY16 Operating Plan & Budget resulting from public comments received on the Draft FY16 Operating Plan & Budget published on 18-March-2015 as well as continued review and refinement of the draft plan by ICANN staff.

Section/Topic	Submitter	Public Comments / Rationale for Change	Actions
Introduction	ccNSO SOP WG	Recommend inclusion of Acronym Index	Added "Reference and Notes" section with a link to ICANN glossary
	CWG-Stewardship	Explanation of impact of the USG Stewardship transition initiative	Added text on USG Stewardship transition impact
ICANN OPERATIONS 1.5 Initiatives	CWG-Stewardship	Additional clarity on costs of the USG Stewardship transition initiative	Added additional explanation of estimated costs
	IPC	Explanation of Public Responsibility vs Public Interest	Added clarifying language on definition of the Public Responsibility Initiative
FY16 DRAFT Operating Plan & BUDGET - Objective 1	ccNSO SOP WG	Clarity of scope on Goal 1.1 - Further globalize and regionalize ICANN functions verses Goal 1.2 - Bring ICANN to the world by creating a balanced and proactive approach to regional engagement with stakeholders	Revised language on alignment of measurements both Goal 1.1 and 1.2 as both are key components of the Stakeholder Engagement Index
	ccNSO SOP WG	Additional details of Stakeholder Engagement Index	Revised description of Portfolios 1.1.1 - Global Stakeholder Engagement Planning and 1.1.2 - Raising Stakeholder Awareness of ICANN Worldwide
	ccNSO SOP WG, IPC	Clarity on measures of success - Goal 1.3 - Evolve policy development and governance	Added additional language - Measuring the number of participants in the policy development and governance processes by type, status and location...
	ccNSO SOP WG, IPC	Additional explanation of Quality of service index	Expanded 1.3 Quality of service index elements, including possibility of annual survey instruments to track community views of service quality



Section/ Topic	Submitter	Public Comments / Rationale for Change	Actions
FY16 DRAFT Operating Plan & BUDGET - Objective 3	ccNSO SOP WG	Explain EFQM acronym to improve the text readability	Added EFQM definition - European Foundation of Quality Management
	RySG	Additional details on activities that work towards Goal 3.1 ICANN's long-term financial accountability, stability and sustainability	Modified language on 3.1 measures - on-time delivery index of the ICANN Operations (includes: Budget performance, internal controls and % project completion verses plan)
FY16 DRAFT Operating Plan & BUDGET - Objective 4	IPC of the GNSO	Recommend wording adjustment "structure" to "approach" for Goal 4.1 - Encourage engagement with the existing Internet governance ecosystem at national, regional and international levels	Modified Section 4.1 text to include "approach"
	IPC of the GNSO	Clarity to KPI for 4.1 - Encourage engagement with the existing Internet governance ecosystem at national, regional and international level	Adjusted KPI: Increase % participation rates in the existing Internet governance ecosystem from documented baseline of entities and organizations established in FY 2015
	IPC of the GNSO	Additional details on KPI for 4.2 - Clarify the role of governments in ICANN and work with them to strengthen their commitment to supporting the global Internet ecosystem.	Revised Metric: Measure the increase in the number of GAC members (level of actual active participation and level of representation at ICANN meetings; total membership and participation as a percentage of membership within a region)
FY16 DRAFT Operating Plan & BUDGET - Objective 5	IPC	Clarity on public interest framework funding	Added text - Subsequent financial years will have additional focus areas as determined by staff and community through FY16 work.
	ccNSO SOP WG	Additional details on public interest KPI - what is measured, when and by whom	Added clarifying language - As the ongoing processes for enhancing ICANN's accountability reach conclusion and are implemented, ICANN expects that the resulting enhancements will provide additional new frameworks from which new metrics can be identified and developed into KPIs.
Policy Support	ALAC; GNSO Council	Additional resources needed for planned activities such as the Purpose of gTLD Registration Policy Development Process (PDP) and work on new gTLD Subsequent Rounds.	Added 2 FTEs to the Policy budget and funded for professional services during FY16.



Section/Topic	Submitter	Public Comments / Rationale for Change	Actions
Language Services	N/A	Budgeted amount could potentially hinder the work of the staff and community and jeopardize the transparency of the work of ICANN by preventing ICANN from delivering more comprehensive and inclusive multilingual materials	Added additional funding for translations, transcriptions, interpretations, etc.
Miscellaneous	N/A	Continued work by ICANN staff to improve the Draft FY16 Operating Plan and Budget.	Made miscellaneous adjustments to headcount resulting in a net increase in 16.4 FTEs and a reduction to professional services.



End of Document

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# EXHIBIT 3



The .ZA Central Registry (NPC)

Previously UniForum SA

Company Number 1988/004299/08

COZA House, Gazelle Close, Corporate Park, Midrand 1685

P.O. Box 4620, Halfway House 1685

Tel: +27 11 314 0077 \* Fax: +27 11 314 0088

[www.registry.net.za](http://www.registry.net.za)

Date: 15 July 2015

To: Mr. Steve Crocker (chairperson)  
Internet Corporation for Assigned Names and Numbers (ICANN)  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA, USA  
[Steve.crocker@icann.org](mailto:Steve.crocker@icann.org)

Dear Mr Crocker,

**ZACR RESPONSE ON THE INDEPENDENT REVIEW PROCESS (IRP) FINAL DECLARATION**

With reference to the correspondence dated 13 July 2015, received from Mr Akram Atallah (President Global Domains, ICANN), inviting us to submit our views on the IRP Declaration:

1. We would like to thank the Board for treating this matter with the urgency and priority that it deserves, and for convening a special board meeting on Thursday (16 July 2015) to consider this issue. We hope that our views, as outlined below, will assist you in your deliberations.
2. We received news of the final IRP Declaration with mixed feelings. On the one hand we are very concerned that the Declaration appears to undermine, or contradict, some of the fundamental principles underpinning the Applicant Guidebook. On the other, we are relieved that this runaway process has now finally been concluded. Attention can now be focused on the real issues facing the DotConnectAfrica Trust (DCA) application, namely government opposition.
3. Contrary to what DCA has proclaimed in the media, we confirm that the Declaration did not comment on, and cannot agree to, DCA's request for an 18-month extension on the evaluation of their application, nor did it agree to DCA's request for ZACR's application to be removed from the process altogether.
4. For the record, to avoid any doubt, we confirm that our Registry Operator (RO) agreement, concluded with ICANN on the 24<sup>th</sup> of March 2014, is not conditional and remains in full force and effect. Apart from the IRP Panel's "recommendation" that ICANN continue to refrain from delegating the gTLD, which recommendation is surely not binding on ICANN, now that the IRP has been concluded, there is a binding obligation on ICANN to proceed with the delegation of the .AFRICA TLD to the ZACR. In addition, the Interim Protection Measures imposed during the IRP have lapsed.

Directors: L Jones (Chair), ML Masilela (CEO), CS Browne, Dr H Gajjar, Dr DH Martin, A Brooks, X Kakana, B Mabuza  
HR: S Maasdorp | Legal: S Budhu | Admin: L Els | Finance: J Labuschagne CA(SA)  
dotAfrica: M El Bashir (Sudan), A Munyua (Kenya)  
CTA: Domain Name Services (Pty) Ltd



5. It is our understanding that should ICANN elect to follow the recommendations of the Declaration, DCA's application [1-1165-42560], as submitted during the application window, will be reinstated and referred back to the evaluation panels for review.
6. If any such request is made, we would strongly oppose any consideration to grant DCA an extension in order to supplement their application, as this would constitute a deviation from the Applicant Guidebook and is extremely prejudicial to us, and the broader African Internet community. We have already experienced significant delays in this process, all of which have resulted in unforeseen costs and lost opportunities for the .AFRICA project as administered by the ZACR. As ICANN will appreciate, we have incurred considerable expenses, and continue to incur such expenses, without there having been any prospect of us being able to exercise our rights under the Registry Agreement until the Final Declaration was issued. Further delays will increase our prejudice. The DCA dispute was submitted to the IRP on 24 October 2013, the ICANN bylaws stipulate that the IRP Panel should strive to issue its written declaration no later than six months after the filing of the request for independent review, it is now 21 months since the submission to the IRP.
7. We urge ICANN to ensure that, should the DCA application be referred to evaluation, all concerned parties are informed of the urgency and priority of this matter and that they be requested to complete their assessments and tasks within the shortest permissible timeframe. Where possible time periods should be expedited as much as possible to avoid any further delays.
8. Further, it appears to us that one of the critical conclusions resulting in the IRP Panel's Final Declaration was based on the evidence that the GAC did not identify a rationale for the government objections. Whilst we are not privy to all the evidence that was led, we believe that the AUC and the governments put up a properly motivated basis for their objections. Accordingly, if any further evaluation of DCA's application is to take place, we urge the GAC and ICANN to ensure that no such criticism could (rightly or wrongly) again be levelled at them. Summarising aspects of 1.1.2.7 of Module 1, ICANN's website<sup>1</sup> states that (the underlining is ours for emphasis):

*"If GAC Advice is based on a consensus of the GAC, it will create a strong presumption that the application should not be approved. If the ICANN Board does not act in accordance with this type of advice, it must provide rationale for doing so.*

*If the GAC advises that there are concerns about a particular application, the ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns and provide rationale for its decision.*

*If the GAC advises that an application should not proceed unless remediated, this will create a strong presumption that the application should not proceed unless there is a remediation method available in the Applicant Guidebook (such as securing the approval of one or more governments) that is implemented by the applicant. If the issue identified by the GAC is not remediated, the ICANN Board is expected to provide a rationale for its decision if it does not follow GAC advice."*

#### **The Applicant Guidebook:**

9. The principles underlying the protection of geographic names are clearly outlined in the Applicant Guidebook. It deals with the requirement for substantive government support and also outlines the processes through which the community and governments can raise objections and concerns to a particular application.

<sup>1</sup> <http://newgtlds.icann.org/en/applicants/gac-advice>

<sup>2</sup> <https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/5452>



10. The Applicant Guidebook was developed and adopted in a broad-based, consensus driven, multi-stakeholder process to regulate, without fear or favour, the implementation of the new gTLD program. In its own right, it is the epitome of a process that is open, transparent and fair. Even before the application window opened, all prospective applicants and affected stakeholders would have been familiar with the processes, requirements and consequences relating to the new gTLD program.
11. As a participant in the new gTLD program ourselves, we were acutely aware of the criteria we had to satisfy in order to successfully apply for the .AFRICA TLD. We were also aware of the consequences that we would face if we were not able to meet these criteria. Furthermore, we also took it upon ourselves to understand the relevant protection mechanisms available to affected communities, including governments. Any reasonable applicant in our position would have done the same.
12. To be clear, we appreciated from the very start of the new gTLD program that the Applicant Guidebook contained pivotal protection mechanisms for geographic names. This included the requirement for substantive government support and the mechanisms through which governments could raise their concerns and objections to our application. Early Warnings and GAC Advice were key elements of the new gTLD program and were described in detail in the Applicant Guidebook. There is simply no excuse for DCA not to have known about these processes and factored them into their application strategy.
13. The IRP Declaration raises serious concerns about the effectiveness and reliability of government protection mechanisms as outlined in the Applicant Guidebook. This is however a matter for ICANN and the GAC to deal with.

#### **GAC Advice**

14. According to section 1.1.2.7 (Module 1 of the Applicant Guidebook): The procedure for GAC Advice on new gTLDs is described in Module 3 of the Applicant Guidebook. To be considered by the Board during the evaluation process, the GAC Advice on new gTLDs must be submitted by the close of the objection-filing period. If the Board receives GAC Advice on new gTLDs stating that it is the consensus of the GAC that a particular application should not precede, this will create a strong presumption for the ICANN Board that the application should not be approved.
15. Due to the fact that GAC Advice had to be submitted before the end of the objection filing period and that it is dealt with under Module 3 of the Applicant Guidebook, relating to objection procedures, any reasonable person would have concluded that GAC Advice is essentially the apex of the government objection process.
16. The GAC Advice process was designed in such a way that it created a clear and indisputable channel through which governments could raise their concerns and objections to a particular application.
17. At the very least the consensus GAC Advice on the DCA application (the Beijing Communiqué) should be regarded as a form of substantive objection against the DCA application by relevant governments.
18. Following the submission of Public Comments, the issuance of Early Warnings and the delivery of consensus GAC Advice (all of which have been outlined in detail in the Applicant Guidebook) the relevant governments had taken every reasonable step expected of them to ensure transparency and fairness in raising their concerns and objections against the DCA application.

### Geographic Names Panel (GNP), Evaluating Government Support

19. Module 2 of the Applicant Guidebook outlines the evaluation process for new gTLD applications, including those that incorporate geographic domains.
20. According to section 2.2 (Module 2 of the Applicant Guidebook), the Initial Evaluation (IE) process is divided into two parts. In the first part, in relation to a geographic TLD application, consideration is given to whether the applicant has the requisite government support. In the second part the technical and operational aspects of the applicant's offering are considered.
21. The evaluation procedures applicable to a geographic TLD application, are dealt with under section 2.2.1.4 (Module 2).
22. It is now an accepted fact that the application for the .AFRICA gTLD is regarded as an application for a geographic domain name and therefore requires government support in terms of section 2.2.1.4.2.
23. Part 4 of the above section reads - "*An application for a string listed as a UNESCO region or appearing on the composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings*" list will be considered to represent a geographic name and will therefore require: "documentation of support... from at least 60% of the respective national governments in the region, and there may be no more than one written statement of objection to the application from relevant governments in the region and/or public authorities associated with the continent or the region."
24. The fact that an application may not be subject to more than one written statement of objection from governments is an important consideration that we will deal with in more detail below. Let us first consider the aspects relating to the evaluation of government support.
25. In relation to the .AFRICA gTLD, the Geographic Names Panel (GNP) has already agreed, as per the ZACR's successful application, that the AUC is to be regarded as the "relevant government authority" for purposes of determining government support. The AUC has been mandated by African governments, through the Abuja Declaration, to "*set up the structure and modalities for the implementation of the dotAfrica Project.*" ICANN has itself acknowledged this fact as is clearly evident in its arguments to the IRP panel (see paragraph 25 of ICANN's submission quoted at paragraph 88 of the Final IRP Declaration).
26. Section 2.2.1.4.3 (Module 2) regulates the type of documentation required to indicate government support. In this regard it is important to note that the letter of support must "*... demonstrate the government's or public authority's understanding that the string is being sought through the gTLD application process and that the applicant is willing to accept the conditions under which the string will be available*".
27. Section 2.2.1.4.4 (Module 2) deals with the review procedures for geographic name applications. According to this section the Geographic Names Panel (GNP) will "*... verify the relevance and authenticity of all the supporting documentation when necessary*".
28. Furthermore, "*... the GNP will confirm that the applicant has provided the required documentation from the relevant governments or public authorities, and that the communication from the government or public authority is legitimate and contains the required content*".

29. *"In cases where an applicant has not provided the required documentation, the applicant will be contacted and notified of the requirement, and given a limited time frame to provide the documentation."*

30. If DCA is not able to produce the required documentation by the end of the Initial Evaluation (IE) period, which in our view is likely, the Applicant Guidebook provides that it should be afforded additional time in which to do so. This additional time must be at least 90 calendar days from the date of notice (see section 2.3.1 of Module 2). Only after this additional period has expired and the documentary support remains insufficient will the application be considered incomplete and therefore ineligible for further review. It is our understanding that no board action or intervention will be required in this process.

**31. Government Opposition (objection) in the GNP Evaluation**

32. Much attention has been focused on the need for minimum government support (the 60% margin), but very little attention has been placed on the consequences of direct government objection. As indicated above, section 2.2.1.4.2 (Module 2) requires that whilst the applicant must have a minimum of 60% government support, there cannot be more than one written objection from relevant governments against its application.

33. Our understanding of this important provision is that the existence of more than one written statement of objection by relevant governments defeats an application, so that it must fail the IE process, regardless of the level of alternative government support the applicant is able to garner.

34. We turn now to the various channels through which governments (and other stakeholders) are able to communicate their objections and the manner in which these channels have been used in relation to DCA's application, to emphasise the depth and breadth of the government objections thereto.

**a. Comment Period:**

i. According to section 1.1.2.3 (Module 1 of the Applicant Guidebook), *"Governments may provide a notification using the application comment forum to communicate concerns relating to national laws. However, a government's notification of concern will not in itself be deemed to be a formal objection. A notification by a government does not constitute grounds for rejection of a gTLD application. A government may elect to use this comment mechanism to provide such a notification, in addition to or as an alternative to the GAC Early Warning procedure described in subsection 1.1.2.4 below."*

ii. Over 16 comments were submitted against the DCA application by a variety of different African community stakeholders, including governments. Included are these important comments submitted by African government organisations, available at the links below:

- AUC<sup>2</sup> (the African Union Commission)
- UNECA<sup>3</sup> (the United Nations Economic Commission for Africa)

<sup>2</sup> <https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/5452>

<sup>3</sup> <https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/6481>

- ii. Although we understand that public comments are not to be regarded as formal objections, the number of public comments made in opposition to the DCA application is noteworthy.

b. ***The Independent Objector (IO)***

- i. Section 3.2.5 of Module 3: Acting solely in the best interests of global Internet users, the Independent Objector (IO) can lodge objections in cases where no other objection has been filed.
- ii. The IO is limited to filing objections on the following grounds:
  - Limited Public Interest: The applied-for gTLD string contradicts generally accepted legal norms of morality and public order recognized under principles of international law; and/or
  - Community objection: There is substantial opposition to the gTLD application from a significant portion of the community that the gTLD string is targeting.
- iii. The IO did consider filing an objection against the DCA application and made the following comments in his final assessment:
  - *"... it is the public policy of the IO not to make an objection when a single established institution representing and associated with the community having an interest in an objection can lodge such an objection directly."*
  - *"This does not exclude that the IO deems it nevertheless appropriate to file a community objection in particular circumstances, e.g. if the established institution representing and associated with the community has compelling reasons not to do so, or if several communities are in the same interest and an application could raise issues of priority or in respect to the modalities of the objection."*
  - *"In the present case, the IO is of the opinion that the African Union is an established institution representing and associated with a significant part of the targeted community. The African Union Commission is already fully aware of the controversial issues and is better placed than the IO to file an objection, if it deems it appropriate. For these reasons the IO, who is primarily acting as a "safety net", does not in principle intend to file an objection on the community ground."*
- iv. Without saying as much, the IO seemed to indicate that the AUC, having access to the GAC Advice objection process, was in a far better position to appreciate and counter the controversial application submitted by DCA.
- v. The IO also concluded that it would be appropriate for him to file an independent objection against the DCA application on community grounds, but that this would not be necessary as the AUC was better placed to do so through the government objection processes.

c. ***GAC Early Warnings:***

- i. According to section 1.1.2.4 (Module 1 of the Applicant Guidebook) *"Concurrent with the 60-day comment period, ICANN's Governmental Advisory Committee (GAC)*

*may issue a GAC Early Warning notice concerning an application. This provides the applicant with an indication that the application is seen as potentially sensitive or problematic by one or more governments. The GAC Early Warning is a notice only. It is not a formal objection, nor does it directly lead to a process that can result in rejection of the application. However, a GAC Early Warning should be taken seriously as it raises the likelihood that the application could be the subject of GAC Advice on New gTLDs (see subsection 1.1.2.7) or of a formal objection (see subsection 1.1.2.6) at a later stage in the process”.*

- ii. Whilst GAC Early Warnings can be issued for “any reason” according to the Applicant Guidebook. The AUC and African governments did in fact provide DCA with a number of substantive reasons when they lodged an unprecedented 16 (sixteen) Early Warning notices with the GAC relating to the DCA application. The AUC provided a good example of one of these Early Warning notices, which can be accessed at the following link ([AUC](#))<sup>4</sup>.
- iii. Again, we understand that Early Warnings do not constitute formal objections, however, these notices do provide a strong indication of governmental opposition to a particular application.

d. **GAC Advice:**

- i. We refer to paragraphs 14 and 15 above.
- ii. It is common knowledge, that the GAC did indeed issue consensus GAC Advice against the DCA application. According to the Applicant Guidebook the ICANN Board therefore predictably should have rejected the DCA application, which it did.

35. The relevant governments and government organisations have made use of the opportunity to make Public Comments and to issue Early Warnings to raise their concerns and objections. In addition, consensus GAC Advice in opposition to the DCA application was delivered. It is thus clear that there are strong and compelling governmental objections to the DCA application.

36. Through its recommendations, the IRP Panel has effectively indicated that ICANN should go against the strong presumption, created by the delivery of the GAC Advice, that the DCA application should not proceed. The evidence of governmental opposition to the DCA application outlined above provides a convincing reason not to follow the recommendation in the Final Declaration. The strong evidence of government objection to the DCA application and the consensus GAC Advice, which constitutes government’s formal objection process, shows that even if the DCA application should proceed to Initial Evaluation (IE) it should fail.

37. The IRP Declaration does not negate the fact that governments, through the issuance of consensus GAC Advice, have objected to the DCA application.

38. In the event that ICANN elects to refer the DCA application to the Geographic Names Panel (GNP) for evaluation we must insist that, at the very minimum, the GAC Advice should be regarded as an objection, by relevant governments, against the DCA application. The effect of this would be that the priority of the GNP would not be to only gauge the level of government support for the DCA application, but also what effect the government objection has on its survival.

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<sup>4</sup> <https://gacweb.icann.org> - Africa-AUC-42560.pdf

39. If the ICANN Board and/or the GNP is not prepared to consider the GAC Advice as a formal objection from the relevant governments against the DCA application, then ICANN must provide substantive reasons for its refusal to do so, together with an expedited process through which the relevant governments, the community and the Independent Objector (IO) can raise and prosecute their objections. We anticipate that in this instance, there may be African governments wishing to file formal objections to the DCA application, in which case we would also request that this process be expedited.

40. The Applicant Guidebook, as it currently stands, does not adequately provide for this scenario. As outlined in the Applicant Guidebook, consensus GAC advice would ordinarily have constituted the "*coup de grâce*" for DCA's application. If the GAC Advice does not stand up as an objection from relevant governments then ICANN will almost certainly need to provide a reasonable and urgent alternative to deal with government objection against the DCA application.

Assuring you of our continued support and participation in this matter,

Yours sincerely,



Lucky Masilela  
CEO, ZA Central Registry (NPC)

**Copy:**

- Mr. Fadi Chehade (President and CEO, ICANN)  
[fadi.chehade@icann.org](mailto:fadi.chehade@icann.org)
- Mr. Akram Atallah (President, Global Domains Division, ICANN)  
[donna.mason@icann.org](mailto:donna.mason@icann.org)
- Mr. Tarek Kamel (Sen Advisor to the ICANN CEO, Global Stakeholder Engagement, ICANN)  
[tarek.kamel@icann.org](mailto:tarek.kamel@icann.org)
- Mr. Cyrus Namazi (Vice President, Global Domains Division, ICANN)  
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- Ms. Amy Stathos (Deputy General Counsel, ICANN)  
[amy.stathos@icann.org](mailto:amy.stathos@icann.org)
- Mr. John Jeffrey (General Counsel and Secretary, ICANN)  
[john.jeffrey@icann.org](mailto:john.jeffrey@icann.org)
- Dr. (Mrs.) Elham M.A Ibrahim (Commissioner, Infrastructure and Energy, AUC)  
Contact Information Redacted
- Mr. Moctar Yedaly (Head of Division, Dept. of Infrastructure and Energy, AUC)  
Contact Information Redacted

- Mr. Mohamed El Bashir (Chair, dotAfrica Steering Committee)  
Contact Information Redacted

1 Ethan J. Brown (SBN 218814)  
 2 *ethan@bnsllawgroup.com*  
 3 Sara C. Colón (SBN 281514)  
 4 *sara@bnsllawgroup.com*  
 5 **BROWN NERI & SMITH LLP**  
 11766 Wilshire Boulevard, Suite 1670  
 Los Angeles, California 90025  
 Telephone: (310) 593-9890  
 Facsimile: (310) 593-9980

6 *Attorneys for Plaintiff*  
 7 DOT CONNECT AFRICA TRUST

8  
 9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

11  
 12 DOTCONNECT AFRICA TRUST

13 Plaintiff,

14 v.

15  
 16 INTERNET CORPORATION FOR  
 17 ASSIGNED NAMES AND NUMBERS,  
 18 a California corporation; ZA Central  
 19 Registry, a South African non-profit  
 company; and DOES 1 through 50,  
 inclusive,

20 Defendants.

Case No. 2:16-cv-00862-RGK (JCx)

21 **SUPPLEMENTAL**  
 22 **DECLARATION OF SOPHIA**  
 23 **BEKELE ESHETE**

24 Date: April 4, 2016  
 25 Hearing: 9:00 a.m.  
 26 Courtroom: 850

27 [Filed concurrently: Reply in Support  
 28 of Motion for Preliminary Injunction;  
 Declaration of Sara C. Colón;  
 Evidentiary Objections to the  
 Declarations of Christine Willet,  
 Moctar Yedaly, Jeffrey LeVee, Kevin  
 Espinola, & Akram Atallah]

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**CERTIFICATE OF SERVICE**

I, Ethan J. Brown, hereby declare under penalty of perjury as follows:

I am a partner at the law firm of Brown, Neri & Smith LLP, with offices at 11766 Wilshire Blvd., Los Angeles, California 90025. On March 21, 2016, I caused the foregoing **SUPPLEMENTAL DECLARATION OF SOPHIA BEKELE ESHETE** to be electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

Executed on March 21, 2016

/s/ Ethan J. Brown

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# EXHIBIT 1

## NOTE ON ENDORSEMENT

**What follows is the answer to Question No. 21 (“Is the application for a geographic name? If geographic, documents of support required)**

**Yes, the application is for DotAfrica, a geographic TLD.**

The applied-for DotAfrica gTLD string is not for a country or territory. However, the guidebook expressly stipulates that the geographical regions are defined by UNESCO, and Africa is clearly stated as one of the UNESCO regions (see <http://www.unesco.org/new/en/unesco/worldwide/>); that is, a name listed as a UNESCO region or appearing on the “Composition of macro geographic(continental) or regions, geographic subregions, and selected economic and other groupings” list, and as such is a geographic name that requires government support. On the basis of this, we understand that DotAfrica is a geographic TLD and is not a Community-based TLD.

In recognition of the centrality of this requirement, we had undertaken early efforts to obtain an unequivocal endorsement for our DotAfrica proposal from the relevant United Nations body for Africa which is the **regional economic grouping**, namely the United Nations Economic Commission for Africa (UNECA). (Please see attached document signed by the Executive-Secretary of UNECA and United-Nations Under-Secretary-General, H.E. Abdoulie Janneh)

DCA had worked closely with UNECA leaders and presented the DotAfrica initiative for their endorsement and support.

The UNECA is a public diplomatic authority that was founded in 1958 and preceded the establishment of the Organization of African Unity (OAU) that was formed in 1963; and is similar to other UN regional economic groupings covering different regions of the globe such as the UN Economic Commission for Europe (ECE), the UN Economic Commission for Asia (UN-ASIA), and the UN Economic Commission for Latin America (UNECLA).

The List of countries under Africa as defined by UNESCO (located at <http://www.unesco.org/new/en/unesco/worldwide/africa/>) is as follows:

### **Africa**

The Africa region presented here follows the specific UNESCO definition, as required by the ICANN new gTLD Guidebook, and the countries within this region of UNESCO activities comprising the Africa region are:

1.	Algeria
2.	Angola
3.	Benin
4.	Botswana
5.	Burkina Faso
6.	Burundi

7.	Cameroon
8.	Cape Verde
9.	Central African Republic
10.	Chad
11.	Comoros
12.	Congo
13.	Côte d'Ivoire
14.	Democratic Republic of the Congo
15.	Djibouti
16.	Egypt
17.	Equatorial Guinea
18.	Eritrea
19.	Ethiopia
20.	Gabon
21.	Gambia
22.	Ghana
23.	Guinea
24.	Guinea-Bissau
25.	Kenya
26.	Lesotho
27.	Liberia
28.	Libya
29.	Madagascar
30.	Malawi
31.	Mali
32.	Mauritania
33.	Mauritius
34.	Morroco
35.	Mozambique

36.	Namibia
37.	Niger
38.	Nigeria
39.	Rwanda
40.	Sao Tome and Principe
41.	Senegal
42.	Seychelles
43.	Sierra Leone
44.	Somalia
45.	South Africa
46.	South Sudan
47.	Sudan
48.	Swaziland
49.	Togo
50.	Tunisia
51.	Uganda
52.	United Republic of Tanzania
53.	Zambia
54.	Zimbabwe

## **ECA Member States**

Similarly, the List of Members of the UNECA (located at <http://www.uneca.org/>) organized into English-speaking and French-speaking countries are:

### **English-Speaking**

1. Botswana
2. Cameroon (also French)
3. Egypt (also French and Arabic)
4. Eritrea
5. Ethiopia
6. Gambia
7. Ghana
8. Kenya
9. Lesotho
10. Liberia
11. Libyan Arab Jamahiriya (also Arabic)
12. Malawi
13. Mauritius
14. Mozambique
15. Namibia
16. Nigeria
17. Seychelles
18. Sierra Leone
19. Somalia
20. South Africa
21. Sudan (also Arabic)
22. South Sudan
23. Swaziland
24. Uganda
25. Tanzania
26. Zambia
27. Zimbabwe

### **French-Speaking**

28. Algérie (also Arabic)
29. Angola (Portugese)
30. Bénin
31. Burkina Faso
32. Burundi
33. Cap-Vert
34. Comores
35. Rep. du Congo
36. Dem. Rep. du Congo
37. Niger
38. Côte d'Ivoire
39. Djibouti
40. Gabon
41. Guinée
42. Guinée-Bissau
43. Guinée équatoriale
44. Madagascar
45. Mali
46. Maroc (also Arabic)
47. Mauritanie
48. Rép. Centrafricaine
49. Rwanda
50. Sao Tomé-et-Principe
51. Sénégal
52. Tchad
53. Togo
54. Tunisie (also Arabic)

By these two separate List of countries presented above, we believe that the UNECA endorsement of DCA's DotAfrica proposal covers about 100 per cent of the countries of Africa as defined by UNESCO, and is representative of the regional economic group - UNECA- that is responsible for the development of Africa to the global United Nations (UN) body. Also, kindly note that Morroco is a country on the UNESCO and UNECA Lists and geographically located within the African Continent,



but is presently not a member of the African Union (AU) at this time. Therefore, the UNECA presently covers more countries in Africa than the AU, and also continues to support the programmes of the AU in terms of capacity building and knowledge sharing and management.

In addition to the UNECA endorsement, we have also obtained an early endorsement from the African Union Commission in 2009. **(See copy of letter signed by H.E. Mr. Erastus D. Mwencha, Deputy-Chairperson of the African Union Commission on behalf of Monsieur Jean Ping, Chairperson of the African Union Commission).**

DCA had worked closely with the AU officials and introduced the initiative and made many technical and operational clarifications regarding the project with a view to aiding the understanding of officials, and explaining the overall desirability and imperatives of DotAfrica as an Internet gTLD initiative that is good for the African continent and its people. **To the best of our knowledge, the endorsement that DCA received from AU was valid at the time it was issued to us, and we believe that it is still valid, since the attempt to invalidate it was based on a forged, unstamped letter;** what we believe is a work of sabotage coupled with other unethical practices to prevent DCA from submitting an application to ICANN for the DotAfrica gTLD. If the issue is contentious, it could be resolved at the Dispute Resolution Service Provider; however, we believe that the UNECA endorsement is sufficient for the purpose of the Geographic Names Evaluation Panel and satisfies this particular application requirement.

Also, note that DCA Trust had started approaching individual African governments to provide it with their respective endorsements to demonstrate support on a country-by-country case. On the basis of this initial effort, DCA Trust obtained important endorsements from some countries such as Ethiopia, South Africa, and the Kingdom of Lesotho. **Even though we had achieved some initial successes in this regard (as attested to by the attached letters), our efforts were thwarted by our detractors in the AU DotAfrica Task Force who tried to discourage African countries and the sub-regional economic blocs and other organizations, not to provide any more endorsements to DCA.** Even an organization such as the Corporate Council on Africa which had originally provided DCA an endorsement was prevailed upon to withdraw its endorsement. In a nutshell, our efforts of getting the letters from different African countries were also sabotaged.

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# EXHIBIT 2

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**From:** Trang Nguyen  
**Sent:** Tuesday, June 25, 2013 11:37 AM  
**To:** Mark McFadden  
**Cc:** Cheri Bolen  
**Subject:** AU template letter for Uniforum  
**Attachments:** AU template letter.docx  
**Signed By:** Contact Information Redacted

Hi Mark,

Per our conversation this morning, attached is the letter that I drafted based on the template in the AGB. We will forward the official letter from the AUC as soon as we receive it. The goal is to have results for this application published on 12 July 2013.

Warm regards,

Trang

[This letter should be provided on official letterhead]

ICANN  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA USA  
90094-2536

**Attention:** New gTLD Evaluation Process

**Subject:** Letter for support for .Africa

This letter is to confirm that the African Union Commission fully supports the application for .Africa submitted to ICANN by UniForum SA (NPC) trading as Registry.Africa in the New gTLD Program. As the Commissioner I confirm that I have the authority of the African Union Commission to be writing to you on this matter. The African Union Commission is the Secretariat of the Union entrusted with executive functions. The structure represents the Union and protects its interest under the auspices of the Assembly of Heads of State and Government as well as the Executive Committee. The African Union Commission is made up of Portfolios. They are: Peace and Security; Political Affairs; Trade and Industry; Infrastructure and Energy; Social Affairs; Rural Economy and Agriculture; Human Resource, Science and Technology; and Economic Affairs.

The primary objective of the gTLD is summarised as follows: "To establish a world class domain name registry operation for the .Africa Top Level Domain (TLD) by engaging and utilising African technology, know-how and funding; for the benefit and pride of Africans; in partnership with African governments and other ICT stakeholder groups".

Our mission is to establish the .Africa TLD as a proud identifier of Africa's online identity, fairly reflecting the continent's rich cultural, social and economic diversity and potential. In essence we will strive to develop and position the .Africa TLD as the preferred option for individuals and businesses either based in Africa or with strong associations with the continent and its people.

The .Africa TLD represents a unique opportunity for Africa to develop and enhance its domain name and Internet eco-systems and communities by collaborating with each other to:

- identify, engage and develop African-based specialist skills and resources;
- share knowledge and develop DNS thought-leadership; and
- implement world class registry standards and contribute towards their continued development.

The African Union Commission has worked closely with the applicant in the development of this proposal.

The African Union Commission supports this application, and in doing so, understands that in the event that the application is successful, UniForum SA (NPC) trading as Registry.Africa will be required to enter into a Registry Agreement with ICANN. In doing so, they will be required to pay fees to ICANN and comply with consensus policies developed through the ICANN multi-stakeholder policy processes.

The African Union Commission further understands that, in the event of a dispute between the African Union Commission and the applicant, ICANN will comply with a legally binding order from a court in the jurisdiction of the African Union Commission.

The African Union Commission understands that the Geographic Names Panel engaged by ICANN, will, among other things, conduct due diligence on the authenticity of this documentation. I would request that if additional information is required during this process, to contact my office in the first instance.

Thank you for the opportunity to support this application.

Yours sincerely,

[signature/seal from the African Union Commission signatory]

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# EXHIBIT 3



**CARLOS LOPES**  
Executive Secretary

Date: 22 September 2015  
Ref: OES/15/09/0157

Dear Dr. Ibrahim, *ister*

**Request for Support to (dotAfrica) Project**

I am writing to acknowledge receipt of your letter dated 4 August 2015, Ref. No. CIE/L/20/292.15, regarding the issue of dotAfrica.

After internal review of the issue, which is of a legal nature, I have requested the Secretary of the Commission, Ms. Sandra Baffoe-Bonnie to write to you and provide you with the Economic Commission for Africa's position.

The Secretary of the Commission can be contacted for any clarification of this matter at Contact Information Redacted

A handwritten signature in black ink, appearing to read "Carlos Lopes", is located on the right side of the page.

**Dr. Elham M.A. Ibrahim**  
**Commissioner**  
**Infrastructure and Energy**  
**Africa Union**  
**Addis Ababa,**  
**Ethiopia**



United Nations  
Economic Commission for Africa

Date: 21 September 2015

Ref: OES/15/09/0157

Dear Dr. Ibrahim

**Re: Request for Support to Dot Africa Project**

I am writing in connection with the request made to the Executive Secretary, Dr. Lopes for his support to the African Union's (AU) efforts in getting the regional identifier top level domain "dotAfrica" delegated to ZA Central Registry ("ZACR"), the entity we understand is authorized by the AU to apply for and administer the DotAfrica top level domain.

I understand from your letter that, in addition to ZACR, another competing entity, DotConnectAfrica ("DCA") has submitted an application to obtain the same delegation as ZACR, and that DCA is purporting to use a letter of support obtained from ECA in 2008 as an endorsement from ECA for its application.

We also note that in September 2011, ECA wrote to you in response to a letter you sent regarding the setting up of the structure and modalities for the implementation of the DotAfrica project and in that letter, ECA reaffirmed its continued commitment and support to the AU in the management of Internet-based resources in Africa.

As you are aware, one of ICANN's requirement for the application for delegation for geographic Top Level Domain ("gTLD") as detailed in ICANN's 2012 Applicant Guidebook, is a minimum of 60% support from *relevant governments or public authorities*, with no more than one government objection from any country from the region.

ECA as a United Nations entity is neither a government nor a public authority and therefore is not qualified to issue a letter of support for a prospective applicant in support of their application. In addition, ECA does not have a mandate to represent the views or convey the support or otherwise of African governments in matters relating to application for delegation of the gTLD.

Dr. Elham M.A. Ibrahim  
Commissioner  
Infrastructure and Energy  
African Union  
Addis Ababa

P.O. Box 3001, Addis Ababa, Ethiopia Tel: (251-11) 551 72 00 Fax: (251-11) 551 4416





United Nations  
Economic Commission for Africa

In this regard, the August 2008 letter referenced above is merely an expression of a view in relation to the entity's initiatives and efforts regarding internet governance, including efforts to obtain gTLD for Africa. It is ECA's position that the August 2008 letter to Ms Bekele cannot be properly considered as a "letter of support or endorsement" within the context of ICANN's requirements and cannot be used as such.

I hope this clarifies ECA's position on the matter. Please feel free to contact me if you need any further clarification on tel: **Contact Information Redacted**

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sandra Baffoe-Bonnie'.

Sandra Baffoe-Bonnie  
Secretary of the Commission and Legal Advisor

Cc: Ms Sophia Bekele, DotConnectAfrica

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*Attorneys for Plaintiff*  
DOTCONNECTAFRICA TRUST

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

DOTCONNECTAFRICA TRUST, a  
Mauritius Charitable Trust,

Plaintiff,

v.

INTERNET CORPORATION FOR  
ASSIGNED NAMES AND  
NUMBERS, a California corporation;  
ZA Central Registry, a South African  
non-profit company, nd DOES 1  
through 50, inclusive,

Defendants.

Case No. 2:16-cv-00862-RGK (JCx)

**UNREDACTED EXHIBITS 19 &  
23-25 TO SOPHIA BEKELE  
ESHETE DECLARATION IN  
SUPPORT OF MOTION FOR  
PRELIMINARY INJUCTION**

Date: April 4, 2016  
Hearing: 9:00 a.m.  
Courtroom: 850

[Previously filed redacted pursuant to  
Application for Leave to File Under  
Seal]

Case 2:16-cv-00862-RGK-JC Document 42-1 Filed 03/17/16 Page 1 of 7 Page ID #:2333

# EXHIBIT 19

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**From:** Mark McFadden Contact Information Redacted  
**Sent:** Friday, March 15, 2013 5:56 PM  
**To:** Larisa B. Gurnick  
**Cc:** Emily Taylor  
**Subject:** .AFRICA  
**Attachments:** Expression of Interest for the Dot Africa -ENG-3.pdf; Notes on the African Union.docx; 2013 03 14 - GEONAM - Evaluation Worksheet - AFRICA.2.xls

**Importance:** High

Larissa:

Our panel has reconsidered the additional letters of support for .africa as ICANN has requested. The files attached to this message should help ICANN's management team make progress on the Geographic Names issues related to both applications for the .africa gTLD.

Our panel attaches a spreadsheet which contains the additional analysis according to the Guidebook which was requested by ICANN. It sets out the documents provided by the applicants in date order. From this, our panel observes that there are letters from the African Union supporting both .AFRICA applications. Two dating back to 2008-9 appear to support the DotAfrica Project application; the two more recent letters refer to the African Union's own application.

We have prepared a short note on the African Union itself, and this contains an analysis of the two declarations of ICT Ministers that were provided. These instruct the executive (Commission) to pursue the DotAfrica project, and in our independent opinion, provide suitable evidence of support from relevant governments or public authorities.

In brief, the African Union is closely modeled on the European Union. It has the power to bind member states, and has an executive arm, the Commission. It has 53 member states. In the independent opinion of the Geographic Names panel, we believe that it is a relevant public authority in the guidebook's terms.

The attached "expression of Internet" document refers to additional statements (explored in the note on the African Union) which would be helpful - but not necessary - to see.

In summary, we make the following recommendations to ICANN: the Geographic Names panel should be directed to take into account declarations made by ICT Ministers of the African Union, contrary to explicit previous guidance by ICANN; also, ICANN should work with the Geographic Names panel to re-fashion separate CQs for each of the applicants with the intent to discover whether the African Union Declarations support both .africa applications, or clarify which of the two applications the African Union now intends to support.

We stand ready to take immediate action in regards to further work on .africa.

mark

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AFRICAN UNION  
الاتحاد الأفريقي



UNION AFRICAINE  
UNIÃO AFRICANA

**EXPRESSION OF INTEREST FOR THE OPERATION OF THE DOTAFRICA**

In their Olivier Tambo Declaration adopted at their extraordinary Conference held in Johannesburg, South Africa, 2-5 November 2009, the African Union Ministers in charge of Communication and Information Technologies (CITMC) acknowledge the necessity to *"Establish DotAfrica as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet agencies"*.

And in their Abuja 2010 Declaration adopted at their Third Ordinary Conference (CITMC-3) held in Abuja, Nigeria, from 6 – 7 August 2010, the Ministers requested the African Union Commission (AUC) to *"Set up the structure and modalities for the implementation of the DotAfrica project."*

This decision followed the acknowledgement of the benefit of the DotAfrica domain name to Africa, by the African Union Heads of State and Governments (HoSG) Summit held in February 2010 in Addis Ababa.

DotAfrica (.Africa) is that specific Internet namespace for Africa and which is likely to be endorsed for operation during the next round of new Glds which ICANN will be launching soon.

DotAfrica will be adding value to the namespace as a recognizable phrase which focuses on the African identity. DotAfrica will serve a community which spans over a large portion of region, therefore providing registrants with accrued possibilities for establishing their Internet presence. It is expected that the Africa small and medium size enterprises will greatly benefit from DotAfrica, as they thrive beyond their local markets to invade the regional and continental marketplace. The Internet will therefore become a platform for growth of the Africa business.

The introduction of the DotAfrica will create an attractive regional home for the Pan-African Internet community; this will be the first sponsored registry to be operating from Africa and therefore serving the specific needs of its communities.

Within this background, the African Union Commission is seeking the services of interested entities to operate the DotAfrica gld.

Interested firms or consortium should submit the following documents along with signed and sealed Letter of Expression of Interest:

- i. Detailed company profile indicating verifiable previous experiences within the last three years,
- ii. Copies of registration certificates and business licenses,
- iii. Audited Financial Statement for the past three years

**Communication and Enquiry**

Additional information could be obtained from

**M. Moctar YEDALY,**  
**Head of Information Society Division**  
**African Union Commission, Addis Ababa, Ethiopia**  
Contact Information Redacted

Or

**Hussain Usman, Procurement Unit,**  
Email: Contact Information Redacted

**Submission of Expression of Interest**

One original and three copies of EOIs (in either English or French Language) must be received in one sealed envelope not later than **Friday, 3<sup>rd</sup> of June 2011 at 1530hours local time.** Late bid would be rejected and return unopened.

The address for submission is: **The Chairperson of Tender Board; African Union Commission; Roosevelt Street, Building C, 2<sup>nd</sup> Floor, Room 327, P. O. Box 3243, Addis Ababa, Ethiopia Tel: +251 11-551-7700; Fax: +251 11-551-0430**

Information on the outer envelope should include: on the top left side, boldly written; **Expression of Interest for the Operation of the Dotafrica.**

In the middle of the envelope should be the address.

At the bottom right corner; write **'Do not open, except in the presence of Evaluation Committee'**

All EOIs received would be evaluated based on the company's experience in similar assignment; valid registration certificates and annual turnover

Bidding Document would be sent to short listed companies that met our technical requirements for the final stage of the selection process.

#### Notes on the African Union

It has 53 members. The only country in the continent of Africa which is not a member is Morocco. It left because of disagreement over Western Sahara issues.

The Constitution of the African Union (dated 11 July 2000) can be found at [http://www.africa-union.org/root/au/aboutau/constitutive\\_act\\_en.htm#Article7](http://www.africa-union.org/root/au/aboutau/constitutive_act_en.htm#Article7)

Its objectives include greater unity and solidarity between African countries, promotion of peace, security and stability, providing sustainable development at the economic, social and cultural levels as well as *integration of African economies*, coordination and harmonisation of policies between Regional Economic Communities.

African countries have the right to request intervention from the Union to restore peace and security.

The organs of the Union include:

The **Assembly** of the Union – takes decisions by consensus or two-thirds majority on a vote.

Its powers include “determine the common policies of the Union”; “receive, consider and *take decisions* on reports and recommendations from the other organs of the Union”; “monitor implementation of policies and decisions of the Union as well as *ensure compliance by all Member States.*”

The Assembly may impose sanctions on Member States.

The African Union’s constitution also provides for the establishment of a Pan-African Parliament, Court of Justice, and central banks.

The **Commission** is the executive wing of the African Union, whose structure, functions and regulations are determined by the Assembly.

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#### Observations –

The AU is closely modelled on the EU. Its constitution provides for binding determinations and decisions to be made by the Assembly. The withdrawal of Morocco is significant, because it indicates that Member States do not feel that continued participation in the AU is compatible with ignoring or opposing its decisions.

There are two Declarations relevant to the .AFRICA gTLD application(s).

2009 – Oliver Tambo

2010 – Abuja Declaration

Both are declarations of African Union Ministers in Charge of Communication and Information Technologies – the relevant portfolio for domain name policy.

The 2009 Declaration commits to working together to promote the use of ccTLDs as critical national resources, and ensure that the technical and administrative operations are at international standards to foster trust and use of African Domain Names. It also recommends to the AU Assembly to direct Ministers of Finance to work in close cooperation with ICT Ministers to *identify innovative*

*funding mechanisms to enable Member States to contribute to the African Union Communication and Information Technologies Fund.*

NB the Expression of Interest for the Operation of Dot Africa states that the Oliver Tambo Declaration refers to DotAfrica. I have been unable to find the quoted phrase in the copy I have, and (while this is not necessary given the 2010 declaration) it would be helpful if the applicants could provide further documentation containing the quoted phrase if possible.

The 2010 Declaration requests the AU Commission to "set up the structure and modalities for the implementation of the DotAfrica project." This is a clear instruction by ICT Ministers from the African Region to its executive wing.

NB The Expression of Interest also mentions that the African Union Heads of State and Governments in their Summit (Addis Ababa 2010) acknowledged the benefit of DotAfrica. I was unable to locate this in the Addis Ababa decisions document. Again, while this is not not necessary given the 2010 Declaration, it would be helpful to see the documentation supporting this statement.

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DATE	Application	LETTER OF REPORT FROM	NOT ADDRESSEE	Q1: Letters signed?	Q2: Relevant authorities?	Q3: Support or non-objection?	Q4: Understanding of the string?	Q5: Understanding of extended one?	Q6: Understanding of ETD app. process?	Q7: Registry agreement with ICANN?	Q8: Compliance with ICANN policies?	Q9: Government body exists?	Q10: Signatory holds role on app. date?	Q11: Government body reference?	Q12: Documentation in Arabic?	Q13: Payment of fees?	Q14: UNESCO Region/Composition - Int?	Q15: 60% support?	Q16: No of objections?	Q17: Sufficient documentation?	Q18: Documentation valid?	Status of Evaluation	Note
8-Aug-09	AFRICA	UNICA	Ms Sophie Belds, Dir Africa Project Initiative	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y							
27-Aug-09	AFRICA	African Union	Ms. Sophia Belds, Dir Africa Project Initiative	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y							
16-Sep-11	AFRICA	Other Tombok Declaration	SEE SEPARATE NOTE																				
16-Sep-11	AFRICA	Abuja Declaration	SEE SEPARATE NOTE																				
4-Aug-12	AFRICA	African Union	Uniform SADR/CN	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y							

Note  
 Calls the string "africa" and "Africa". The string has been amended to AFRICA therefore I have shaded this as "Y". UNICA is made up of 52 member states, and its mandate includes ICT issues for the region.  
 There are 53 member states of the African Union. The Commission is the secretariat of the African Union.  
 One of the powers of the Assembly is stated as "monitor the implementation of policies and decisions of the Union as well as ensure compliance by all Member States", suggesting a power to bind the member states on relevant decisions.  
 UNICA referred to in Abuja Declaration to assist Commission in implementation of other legislation harmonization. Refers to terms and conditions (not seen) setting out the agreement between the parties.

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# EXHIBIT 23

**From:** Mark McFadden Contact Information Redacted  
**Sent:** Thursday, October 25, 2012 9:31 AM  
**To:** Larisa Gurnick  
**Cc:** Ann H. Yamashita; Russ Weinstein  
**Subject:** RE: .africa  
**Attachments:** IN CONFIDENCE - GEONAM - Preliminary Evaluation Worksheet .africa.xls

**Importance:** High

Larisa,

Here is a preliminary matrix that documents the problem with .africa. Note that we were advised by Kurt to cease working on .dotafrica until the executive team had made a decision about how to proceed.

There are 44 letters of support for .africa. Of these, 4 are from either the UN or the AUC and ICANN has already advised us that these will not count toward the 60% regional rule in the AGB. As you can see in the matrix, under the previous reading of the criteria in the AGB many of these letters will result in CQ's. The problem is that the governments supporting .africa were given a template letter that fails many of the tests of the AGB – and they used that template in writing their letter of support.

There are only six letters of support for the former .dotAfrica. However, one of the letters is from the AU and there is clear intent that this “represents” the member states of the AU. In a note on the endorsement the applicant writes the following:

The applicant for DOTAFRICA is applying to use the country code territory for Africa. However, the guidelines expressly state that the geographical regions are defined by UNESCO, and Africa is clearly stated as one of the UNESCO regions (see <http://www.unesco.org/unesco/worldwide/worldwide/11.html>). It is a name listed as a UNESCO region of Africa that on the “Connection of trade geographical indications, geographical indications and related economic and other intellectual” list, and as such is a geographical name that requires government approval. On the basis of this, we understand that the Africa is a geographical name that requires government approval.

In recognition of the centrality of this requirement, we had undertaken early efforts to obtain an unequivocal endorsement for our DotAfrica proposal from the relevant United Nations body for Africa which is the regional economic grouping, namely the United Nations Economic Commission for Africa (UNECA). (Please see attached document signed by the Executive Secretary of UNECA and United Nations Under-Secretary-General, H.E. Abdoulaye Jannah)

DCA had worked closely with UNECA leaders and presented the DotAfrica Initiative for their endorsement and support.

The UNCTAD is a technical cooperation center that was founded in 1966 and preceded the establishment of the Organization of African Unity (OAU) that was formed in 1975. It is similar to other UN regional economic commissions (including different regions of the world such as the UN Economic Commission for Europe (ECE), the UN Economic Commission for Asia and the Pacific (ECAAP), and the UN Economic Commission for Latin America (UNECLA).

Quite obviously, if the 60% rule is taken seriously, then the former .dotAfrica applications has no chance as a geographic name application unless ICANN directs us to view the letter from the AU as a letter from a treaty organization which represents the wishes of all of its members.

mark

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**From:** Larisa Gurnick [<mailto:larisa.gurnick@icann.org>]

**Sent:** Thursday, October 25, 2012 5:07 PM

**To:** Mark McFadden

**Cc:** Ann H. Yamashita; Russ Weinstein

**Subject:** .africa

**Importance:** High

Mark,

I just learned from Ann that there is a meeting taking place today at the executive level to discuss .africa. We need your matrix for this meeting. Can you also please let us know how many letters of support there are for .africa and .dot africa – I believe that this was the original intention of the matrix that you were putting together. Please copy all when you send your response.

Thank you,

**Larisa B. Gurnick**

Consultant

Internet Corporation for Assigned Names and Numbers (ICANN)

[larisa.gurnick@icann.org](mailto:larisa.gurnick@icann.org)

**Redacted**

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Country	Application	Applicant	MDP	TD	Q1: Letters signed?	Q2: Polvere authorities?	Q3: Support or non-objection?	Q4: Understanding of the string?	Q5: Understanding of extended use?	Q6: Registry agreement with ICANN?	Q7: Compliance with consensus policies	Q8: Government body exists?	Q9: Government body role on app. date?	Q10: Government body relevant?	Q11: Documentation authentic?	Q12: Payment of fees	Q13: UNESCO ratify/contribution... Est	Q14: 60% support?	Q15: No of objections	Q16: Sufficient documentation?	Q17: Documentation valid?	Q18: Documentation valid?	Notes
Central African Republic		Uniform CA (AFR)																					UNESCO ratify state 54 countries, required support of 60% is 33 countries.
Kenya					Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Mauritania					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Senegal					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Sierra Leone					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
South Africa					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Sudan					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Swaziland					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Tanzania					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Togo					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Tunisia					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Uganda					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
UNIRCA					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Zambia					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Algeria					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Benin					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Burkina Faso					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Burundi					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Cameroon					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Cote d'Ivoire					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Chad					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Comoros					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Congo					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Cote d'Ivoire					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
DRC					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Egypt					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Gabon					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Ghana					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Guinea					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Ivory Coast					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Kenya					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Liberia					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Mali					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Mauritania					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Mauritius					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Morocco					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Mozambique					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Niger					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Nigeria					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Senegal					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Sierra Leone					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
South Africa					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Sudan					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Swaziland					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Tanzania					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Togo					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Tunisia					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Uganda					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
UNIRCA					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA
Zambia					Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	REFERS TO DOT AFRICA

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# EXHIBIT 25

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**From:** Katundu , Michael .Contact Information Redacted  
**Sent:** April-10-13 2:16 AM  
**To:** Dryden, Heather: SPS  
**Cc:** gac@gac.icann.org  
**Subject:** FW: Change of Kenya's GAC Advisor

Dear Heather;  
My colleague Sammy Buruchara says that the email below bounced. He has requested me to forward it to you.

Regards,  
Michael

---

**From:** Sammy Buruchara Contact Information Redacted **On Behalf Of** Sammy Buruchara  
**Sent:** Tuesday, April 09, 2013 10:32 PM  
**To:** GAC Secretariat  
**Cc:** fadi.chehade@icann.org; Katundu , Michael  
**Subject:** Re: Change of Kenya's GAC Advisor

Dear Heather,

As the newly appointed Kenyan Government advisor to the GAC, I wish to Inform you that I was not able to attend the Beijing meeting due to an unforeseen personal circumstance.

It has come to my attention that Alice Munyua has introduced herself as the Kenya's gov representative to the GAC.

This is inform you that Kenya does not stand by what Alice states in the GAC since she ceased to be the Kenyan Government advisor for GAC on the day of my appointment.

Further, should the situation arise, Kenya does not wish to have a GAC advise on DotConnect Africa Application for .africa delegation.

Regarda  
Sammy Buruchara  
GAC Advisor

1 Jeffrey A. LeVee (State Bar No. 125863)  
 jlevee@jonesday.com  
 2 Kate Wallace (State Bar No. 234949)  
 kwallace@jonesday.com  
 3 Rachel H. Zernik (State Bar No. 281222)  
 rzernik@jonesday.com  
 4 JONES DAY  
 5 555 South Flower Street  
 Fiftieth Floor  
 Los Angeles, CA 90071.2300  
 6 Telephone: +1.213.489.3939  
 Facsimile: +1.213.243.2539  
 7

8 Attorneys for Defendant  
 INTERNET CORPORATION FOR  
 ASSIGNED NAMES AND NUMBERS  
 9

10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA  
 12 WESTERN DIVISION  
 13

14 DOTCONNECTAFRICA TRUST,  
 15 Plaintiff,

16 v.

17 INTERNET CORPORATION FOR  
 ASSIGNED NAMES AND  
 18 NUMBERS,

19 Defendant.  
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Case No. CV 16-00862-RGK

Assigned for all purposes to the  
 Honorable R. Gary Klausner

**DECLARATION OF MOCTAR  
 YEDALY IN SUPPORT OF  
 ICANN'S OPPOSITION TO  
 PLAINTIFF'S MOTION FOR  
 PRELIMINARY INJUNCTION**

Hearing Date: April 4, 2016  
 Hearing Time: 9:00 a.m.  
 Hearing Location: Courtroom 850

YEDALY DECL. ISO OPPOSITION  
 TO MOTION FOR PRELIMINARY INJUNCTION  
 CV16-00862-RGK



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I, Moctar Yedaly, declare the following:

1. I am the Head of Information Society Division, within the Infrastructure and Energy Department at the African Union Commission (“AUC”), a position I have held since 2007. The AUC has authorized me to submit this declaration in support of ICANN’s Opposition to DotConnectAfrica Trust’s (“Plaintiff’s” or “DCA’s”) Application for Preliminary Injunction. I have personal and first-hand knowledge of the matters set forth herein and I am competent to testify as to those matters if called as a witness.

2. The AUC is the secretariat of the African Union (“AU”), entrusted with the union’s executive functions. As noted on the AU’s website—<http://www.au.int/en/about/nutshell>—the vision of the AU is: “An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in [the] global arena.” The objectives of the AU include the promotion of sustainable development at the economic, social and cultural levels as well as the integration of African economies, and the advancement of the development of the continent by promoting research in all fields, in particular in science and technology.

3. The AU has 54 member states, all from the African continent: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d’Ivoire, DR Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sahrawi Republic, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Togo, Tunisia, Uganda, UR of Tanzania, Zambia, and Zimbabwe. The only country in Africa that is not a member

YEDALY DECL. ISO OPPOSITION  
TO MOTION FOR PRELIMINARY INJUNCTION  
CV16-00862-RGK

1 of the AU is Morocco. Notwithstanding this, the Government of Morocco provided  
2 its letter of support for ZACR's application for the .AFRICA TLD.

3 4. The AUC is the key organ playing a central role in the day-to-day  
4 management of the African Union. The AUC represents the Union and defends its  
5 interests; elaborates draft common positions of the Union; prepares strategic plans  
6 and studies for the consideration of the Executive Council i.e., Council of Ministers  
7 of Foreign Affairs of the Union's Member States; elaborates, promotes, coordinates  
8 and harmonizes the programs and policies of the Union with those of the Regional  
9 Economic Communities; and ensures the mainstreaming of gender in all programs  
10 and activities of the Union.

11 5. A primary mission of the AUC is to help drive the African integration  
12 and development process in close collaboration with African Union Member States,  
13 the Regional Economic Communities and African citizens. In my position at the  
14 AUC, I am in charge of the development of Policies and Regulations and  
15 implementation of projects in the field of information and communication  
16 technologies for the entire African Continent.

17 6. I have been integrally involved in the AUC's efforts to support the  
18 delegation of a .AFRICA top level domain for the African continent. This initiative  
19 is fully endorsed by the African Union and has widespread support across the  
20 continent. The launch of the .AFRICA domain is of historic significance to the  
21 African continent. With the goal of establishing "Africa in One Space", .AFRICA  
22 will provide secure, world-class technical infrastructure to leverage the continent's  
23 socio-economic capacity and potential. Built on a consensus-driven framework of  
24 best practices and open standards, the .Africa Registry will place special emphasis  
25 on securing the rights of intellectual property owners, Internet users and the broader  
26 African community. The .AFRICA gTLD will enable governments, business and  
27 civil society to build brands, promote development and establish long-term  
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relationships with this market. The .AFRICA gTLD will also help governments, the private sector, organizations and individuals associate their services, products and information with the continent.

7. On August 7, 2010, African ministers in charge of Information and Communication Technologies (“ICT”) for their respective countries signed the “Abuja Declaration.” In that declaration, the ministers requested that the AUC coordinate various projects aimed at promoting ICT projects on the African continent. Among those projects was “set[ting] up the structure and modalities for the [i]mplementation of the DotAfrica Project.” Attached hereto as Exhibit A is a true and correct copy of the Abuja Declaration.

8. Pursuant to that mandate, the AUC issued a public request for expressions of interest, followed by a request for proposals, (“RFP Process”) seeking applications from private organizations (including DCA interested in operating the .AFRICA gTLD).

9. On April 16, 2010, the AUC sent DCA a letter informing it that “following consultations with relevant stakeholders . . . [it] no longer endorse[d] individual initiatives [for .AFRICA].” Instead, “in coordination with the Member States . . . the [AUC] w[ould] go through [an] open [selection] process.” This letter is attached as Exhibit 7 to the Declaration of Sophia Bekele Eshete (ECF No. 17-7). One of the purposes of this letter was to advise DCA that the AUC was withdrawing any previous support the AUC had announced for DCA now that the AUC was more fully engaged and had determined to conduct an open selection process to identify the registry operator that the AUC would endorse.

10. DCA chose not to participate in the RFP Process. ZA Central Registry (“ZACR”) prevailed in the RFP Process, and ZACR submitted an application to ICANN for the .AFRICA gTLD with the full support of the AUC and with more than 60% support from individual African Governments as required by the new

1 gTLD Applicants' Guidebook. The AUC did not support DCA's application  
2 for .AFRICA at the time DCA submitted it to ICANN in 2012, and it does not  
3 support DCA's application now. In addition, 17 (seventeen) GAC Early Warning  
4 Notices and Consensus advice was issued against DCA's application for .Africa.  
5 Attached hereto as Exhibit B and C are true and correct copies of the  
6 aforementioned documents.

7  
8 11. On June 2, 2014—almost two years ago—the AUC sent a letter to  
9 ICANN explaining "DotAfrica is an extremely important initiative for Africa's  
10 participation and contribution to the Internet economy and to the broader Internet  
11 governance ecosystem," and that it was "with great concern that we are faced with [  
12 delay in delegating this important regional TLD." Our letter continued: "[I]t is  
13 becoming increasingly difficult for the AUC to explain to not only its member  
14 states but also other African stakeholders, why the African geographic TLD  
15 application has become so challenging for ICANN to expedite despite the various  
16 statements made towards the need to support developing regions." A true and  
17 correct copy of this letter is attached to this declaration as Exhibit D.

18 12. ZACR has signed a registry agreement with ICANN and is fully  
19 prepared to proceed once ICANN is able to complete the delegation. I am aware  
20 that ZACR has incurred considerable expenses, and will continue to incur such  
21 expenses, without being able to proceed with the delegation of .AFRICA. Further  
22 delays will increase this prejudice.

23 13. In addition, all surplus funds generated through the administration of  
24 the .AFRICA TLD will be channeled into a Development Fund, which will be  
25 applied towards African developmental projects and initiatives. The Development  
26 Fund will be administered by the dotAfrica Foundation, which will ensure that  
27 dotAfrica's core developmental objectives are addressed. The continued delay in  
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the delegation of the .AFRICA gTLD to ZACR has impeded this goal and prejudices the AUC's member states and the African community.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration was signed on 10 March 2016 at Marrakech, Morocco.



*[Handwritten signature]*

Moctar Yedaly

*[Handwritten signature]*

# **EXHIBIT A**

Case 2:16-cv-00862-RGK-JC Document 40-1 Filed 03/14/16 Page 2 of 6 Page ID #:2229

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

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Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: [www.africa-union.org](http://www.africa-union.org)

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**THIRD CONFERENCE OF AFRICAN MINISTERS  
IN CHARGE OF COMMUNICATION AND  
INFORMATION TECHNOLOGIES**

**03 - 07 August 2010**

**Abuja, Nigeria**

**AU/CITMC-3/MIN/Decl.(III)**

**2010 ABUJA DECLARATION**

## **2010 ABUJA DECLARATION**

### **PREAMBLE**

**WE**, African Ministers in charge of Communication and Information Technologies meeting at the Third Ordinary Session of the African Union Conference of Ministers in charge of Communication and Information Technologies in Abuja, Federal Republic of Nigeria, from 6 – 7 August 2010;

**Guided by** the Constitutive Act of the African Union and the Vision of the African Union (AU);

**Recalling** the Executive Council Decision (EX.CL/Dec./238. (VII)) on establishment of the Communication and Information Technologies Ministerial Conference (CITMC);

**Bearing in mind** the 14<sup>th</sup> Assembly of Heads of State and Government Declaration on Information and Communication Technologies in Africa: Challenges and Prospects for Development, Doc. Assembly/AU/11(XIV), held in Addis Ababa, Ethiopia, from 1 to 2 February 2010;

**Re-affirming** that Information and Communication Technologies are key to Africa's development and economic competitiveness in the attainment of the African Union Vision and the Millennium Development Goals (MDGs);

**Taking into account** the African Regional Action Plan on the Knowledge Economy (ARAPKE) adopted by the Executive Council of the African Union Decision EX.CL/Dec./261 (IX) in Khartoum, The Sudan in 2006;

**Considering** the African Heads of State and Government Declaration Assembly/AU/9(XII), on supporting the Programme for Infrastructure Development in Africa (PIDA), adopted in Addis Ababa, Ethiopia, in 2009;

**Considering also** the Oliver Tambo Declaration adopted in Johannesburg in November 2009;

**Recalling** the Decision EX.CL/Dec./434(XIII) of the 13<sup>th</sup> Ordinary Session of the Executive Council held in Sharm El-Sheikh, Egypt, in July 2008;



**Welcoming** the various initiatives on the development of the Information and Communication Technologies sector in Africa, including:

- The Reference Framework for Harmonization of Telecom/ICT Policy and Regulations In Africa;
- African Regional Action Plan for the Knowledge Economy;
- Action Plan for the Development of Postal Sector in Africa;
- EU-Africa Partnership on Infrastructure (ICT component);
- EU-Africa Partnership on Science, Information Society and Space;
- NEPAD Planning and Coordination Agency (NPCA) ICT programmes.
- Connect Africa Summit, and
- The Pan-African e-Network for Tele-Medicine and Tele-Education.

**Taking note** of the Report of the Experts Meeting held in Abuja, Federal Republic of Nigeria, from 3 to 5 of August 2010.

**HEREBY COMMIT OURSELVES TO:**

1. **INTEGRATE** Information and Communication Technologies into our respective National Indicative Programmes;
2. **PROMOTE** the mainstreaming of ICT policies in other sectors at national, regional and continental levels;
3. **WORK TOGETHER** to contribute to the implementation of the Programme for Infrastructure Development in Africa (PIDA), notably its ICT component;
4. **PROMOTE** the transition from Analog to Digital terrestrial Broadcasting and to set up National Multi-Disciplinary Committee (Telecoms/ICT experts and regulators, broadcasting experts and regulators and policy makers) on the Analog Switch-Off with the mission, among others, to oversee the national strategy and to coordinate with similar committees at regional and continental levels;
5. **ENCOURAGE** the African private sector to invest in ICT networks projects;
6. **SET UP** national structure to promote the use of ICT in education to enable the rollout and scaling up of the NEPAD e-School initiative;
7. **PROMOTE** the implementation of the e-Post programme as part of the National e-strategies taking into account coordination at the regional level;

8. **SECURE** the orbital/spectrum resources required to accommodate continental satellites including applying as a block to secure allocation of unused ITSO orbital resources to Africa as priority;
9. **SUPPORT** the implementation of the 'Connect Africa' commitment to promote human and institutional capacity building through interconnected network of ICT Centres of Excellence;
10. **SUPPORT** the creation of an African Centre of Excellence with continental coverage, in the field of ICT;
11. **SUPPORT** the decision to integrate the Ministerial Conference and the Executive Committee of the NEPAD e-Africa Commission into the African Union CIT Ministerial Conference (CITMC);
12. **ENCOURAGE** the RECs to strengthen their capacity through the provision of Postal Experts for an optimum implementation of the Action Plan for the Development of the Postal Sector in Africa;
13. **INCLUDE** postal entities in our strategies and programmes for the development of the ICT universal access in accordance with the Declaration of the 14<sup>th</sup> Assembly of the African Union held in Addis Ababa, Ethiopia, in February 2010.

**HEREBY REQUEST THE AU COMMISSION TO:**

- 1) **Work with** the ITU and with all the development partners to continue activities on harmonisation of policy and regulations in Africa based on the platform created by HIPSSA project in order to implement the remaining components of the Reference Framework adopted by the CITMC-2;
- 2) **Jointly finalize with** the United Nations Economic Commission for Africa, within the framework of the African Information Society Initiative (AISI), the Draft Convention on Cyber Legislation and support its implementation in Member States by 2012;
- 3) **Set up** the structure and modalities for the Implementation of the DotAfrica project;
- 4) **Conduct** a feasibility study for the establishment of the African Space Agency taking into account existing initiatives, and develop an African Space Policy in cooperation with the RECs, UNECA and ITU;

**AU/CITMC/MIN/Decl.(III) Rev.1  
Page 4**

- 5) **Implement** the integration of the NEPAD e-Africa Commission governance into the governance of the CITMC;
  - 6) **Provide** support to Member States in implementing the e-Post programme in cooperation with the stakeholders;
  - 7) **Enhance** organizational and institutional capacity building for better programmes and initiatives coordination, and for an appropriate and consolidated mechanism for reporting to the CITMC.
  - 8) **Develop** an action plan and a monitoring mechanism for implementation of CITMC decisions
  - 9) **Strengthen** the capacity of the Departments in charge of Communications and Information Technologies within the African Union Commission as to allow an optimum implementation of this Declaration
14. **APPRECIATE** the role of African institutions, UN Agencies, African and international development partners and the private sector in supporting the AU efforts to develop the ICT sector in the continent;
  15. **EXPRESS** our gratitude to His Excellency President **Dr. Goodluck Ebele Jonathan**, the Government and People of the Federal Republic of Nigeria for their warm hospitality and excellent organization of this conference.

**Abuja, Nigeria, 7 August 2010**

# **EXHIBIT B**

**GAC Early Warning – Submittal Africa-AUC-42560**

<b>Application ID:</b>	1-1165-42560
<b>Entity/Applicant Name:</b>	Dot Connect Africa
<b>String:</b>	dotAfrica
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:**

The African Union Commission wishes to express its objection to the application submitted by Dot Connect Africa (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) has the mandate of African governments to ‘establish dotAfrica as a continental (geographic) To-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies’ and ‘to set up the structures and modalities for the implementation of dotAfrica project’ as provided for in the Abuja Declaration. In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed as the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community for the benefit of the African region.

The application fails to meet the minimum requirements prescribed by ICANN in the gTLD Applicant Guidebook concerning geographic names.

- It is a geographic string application that does not have the requisite minimum support from African governments.
- DCA's application constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Its application does not adequately and substantively differentiate itself from the AUC's officially endorsed application for the dotAfrica (.Africa) geographic string and as such will likely result in public confusion with ensuing adverse affects on the goodwill and effectiveness of the African TLD space.
- Post-amendment, DCA's applied for string Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments that have submitted letters of support per the Applicants' Guide Book (Ref # 1-1234-89583).

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## GAC Early Warning – Submittal Africa-AUC-42560

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### Reason/Rationale for the Warning – This will be posted publicly:

- **DCA’s Application lacks the requisite Government Support**
  - Paragraph 2.2.1.4.2 (section 2-16) of the Applicants’ Guidebook prescribes that certain applied-for-strings may qualify as “Geographic Names” and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
  - Africa is a clearly designated geographic region as defined in the UNESCO “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The AUC is confident that the “geographic evaluation process” that this application is subject to provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
  - The issue as to whether DCA’s application for the .dotAfrica string (1-1165-42560) will constitute a geographic name as outlined in the Applicant’s Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a “geographic name”.
  - According to the Applicant’s Guidebook (section 2-17) *“Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process.”*
  - DCA’s amended application is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. It must consequently be subjected to the criteria and rules applicable to the evaluation of geographic names, including government support.
  - In particular we contend that the DCA’s amended .Africa application does not sufficiently differentiate it from the AUC’s endorsed dotAfrica (.Africa) geographic string application and will therefore confuse the public.
  - Being a Union of 54 (fifty four) African states and specifically being mandated by these states to *“Set up the structure and modalities for the Implementation of the dotAfrica (.Africa) project”* the AUC is in an authoritative position to declare African government support or opposition to any “Africa” geographic string application.
  - In contrast to the DCA application, the AUC’s officially endorsed dotAfrica (.Africa) geographic application (1-1234-89583) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.
- **Unwarranted Interference and Intrusion**
  - DCA’s application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA’s persistent interference in this process is likely

**GAC Early Warning – Submittal Africa-AUC-42560**

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to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA’s applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA’s application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which we clearly do not.

- In particular, we contend that the amended DCA’s .Africa application does not sufficiently differentiate it from the AUC’s endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

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## **GAC Early Warning – Submittal Africa-AUC-42560**

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### **INFORMATION FOR APPLICANTS**

#### **About GAC Early Warning**

The GAC Early Warning is a notice only. It is not a formal objection, nor does it directly lead to a process that can result in rejection of the application. However, a GAC Early Warning should be taken seriously as it raises the likelihood that the application could be the subject of GAC Advice on New gTLDs or of a formal objection at a later stage in the process. Refer to section 1.1.2.4 of the Applicant Guidebook (<http://newgtlds.icann.org/en/applicants/agb>) for more information on GAC Early Warning.

#### **Instructions if you receive the Early Warning**

**ICANN strongly encourages you work with relevant parties as soon as possible to address the concerns voiced in the GAC Early Warning.**

#### **Asking questions about your GAC Early Warning**

If you have questions or need clarification about your GAC Early Warning, please contact [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). As highlighted above, ICANN strongly encourages you to contact [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org) as soon as practicable regarding the issues identified in the Early Warning.

#### **Continuing with your application**

If you choose to continue with the application, then the “Applicant’s Response” section below should be completed. In this section, you should notify the GAC of intended actions, including the expected completion date. This completed form should then be sent to [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). If your remediation steps involve submitting requests for changes to your application, see the change request process at <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>.

In the absence of a response, ICANN will continue to process the application as submitted.

#### **Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

<b>For questions please contact: <a href="mailto:gacearlywarning@gac.icann.org">gacearlywarning@gac.icann.org</a></b>
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**GAC Early Warning – Submittal Africa-AUC-42560**

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**Applicant Response:**

**GAC Early Warning – Submittal Africa-BF-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of **BURKINA FASO** wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (**Ref # 1-1243-89583**).

**Reason/Rationale for the Warning – This will be posted publicly:**

## GAC Early Warning – Submittal Africa-BF-42560

### GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Egypt therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

#### 1. DCA's Application lacks the requisite Government Support

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

#### 2. Unwarranted Interference and Intrusion

- DCA's application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for Communication and

**GAC Early Warning – Submittal Africa-BF-42560**

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Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-BF-42560**

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**INFORMATION FOR APPLICANTS**

**About GAC Early Warning**

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**Instructions if you receive the Early Warning**

**ICANN strongly encourages you work with relevant parties as soon as possible to address the concerns voiced in the GAC Early Warning.**

**Asking questions about your GAC Early Warning**

If you have questions or need clarification about your GAC Early Warning, please contact [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). As highlighted above, ICANN strongly encourages you to contact [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org) as soon as practicable regarding the issues identified in the Early Warning.

**Continuing with your application**

If you choose to continue with the application, then the “Applicant’s Response” section below should be completed. In this section, you should notify the GAC of intended actions, including the expected completion date. This completed form should then be sent to [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). If your remediation steps involve submitting requests for changes to your application, see the change request process at <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>.

In the absence of a response, ICANN will continue to process the application as submitted.

**Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

**For questions please contact: [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org)**

**GAC Early Warning – Submittal Africa-BF-42560**

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**Applicant Response:**

**GAC Early Warning – Submittal Africa-BJ-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of Bénin wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (Ref # 1-1243-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-BJ-42560**

**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Bénin therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for Communication and



**GAC Early Warning – Submittal Africa-BJ-42560**

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Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-BJ-42560**

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**INFORMATION FOR APPLICANTS**

**About GAC Early Warning**

The GAC Early Warning is a notice only. It is not a formal objection, nor does it directly lead to a process that can result in rejection of the application. However, a GAC Early Warning should be taken seriously as it raises the likelihood that the application could be the subject of GAC Advice on New gTLDs or of a formal objection at a later stage in the process. Refer to section 1.1.2.4 of the Applicant Guidebook (<http://newgtlds.icann.org/en/applicants/agb>) for more information on GAC Early Warning.

**Instructions if you receive the Early Warning**

**ICANN strongly encourages you work with relevant parties as soon as possible to address the concerns voiced in the GAC Early Warning.**

**Asking questions about your GAC Early Warning**

If you have questions or need clarification about your GAC Early Warning, please contact [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). As highlighted above, ICANN strongly encourages you to contact [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org) as soon as practicable regarding the issues identified in the Early Warning.

**Continuing with your application**

If you choose to continue with the application, then the “Applicant’s Response” section below should be completed. In this section, you should notify the GAC of intended actions, including the expected completion date. This completed form should then be sent to [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). If your remediation steps involve submitting requests for changes to your application, see the change request process at <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>.

In the absence of a response, ICANN will continue to process the application as submitted.

**Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

**For questions please contact: [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org)**

**GAC Early Warning – Submittal Africa-BJ-42560**

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**Applicant Response:**

**GAC Early Warning – Submittal Africa-CD-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of DR of CONGO wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and

Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (**Ref # 1-1243-89583**).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-CD-42560**

**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of DR of CONGO therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for

**GAC Early Warning – Submittal Africa-CD-42560**

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Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.

In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant for the string tries to address the concerns raised by the Early Warning
- The applicant should withdraw their application based on the information provided above

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-CD-42560**

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**INFORMATION FOR APPLICANTS**

**About GAC Early Warning**

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**Instructions if you receive the Early Warning**

**ICANN strongly encourages you work with relevant parties as soon as possible to address the concerns voiced in the GAC Early Warning.**

**Asking questions about your GAC Early Warning**

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**Continuing with your application**

If you choose to continue with the application, then the “Applicant’s Response” section below should be completed. In this section, you should notify the GAC of intended actions, including the expected completion date. This completed form should then be sent to [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). If your remediation steps involve submitting requests for changes to your application, see the change request process at <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>.

In the absence of a response, ICANN will continue to process the application as submitted.

**GAC Early Warning – Submittal Africa-CD-42560**

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**Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

**For questions please contact: [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org)**

**Applicant Response:**



**GAC Early Warning – Submittal Africa-CM-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of Cameroon wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (Ref # 1-1243-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-CM-42560**

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**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Egypt therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for Communication and

**GAC Early Warning – Submittal Africa-CM-42560**

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Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-CM-42560**

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**INFORMATION FOR APPLICANTS**

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In the absence of a response, ICANN will continue to process the application as submitted.

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**GAC Early Warning – Submittal Africa-CM-42560**

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**Applicant Response:**

**GAC Early Warning – Submittal – Africa-EG-1-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of Egypt wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (Ref # 1-1243-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal – Africa-EG-1-42560**

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**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Egypt therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate

**GAC Early Warning – Submittal – Africa-EG-1-42560**

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given to the AUC by African Head of States and African Ministers responsible for Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**



**GAC Early Warning – Submittal Africa-GA-42560**

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Application ID:	(Ref# 1-1165-42560) 1-1165-42560
Entity/Applicant Name:	Dot Connect Africa (DCA)
String:	.Africa
Early Warning Issue Date:	20 November 2012

**Early Warning Description - This will be posted publicly:**

The Government of the Republic of Gabon wishes to express its objection to the application submitted by Dot Connect Africa (DCA) for the gTLD .Africa.

The DotConnectAfrica application as revised, does not meet the requirements for support from African governments as described in the new gTLD Applicant Guidebook.

This domain should be managed by the African Union Commission (AUC) as a geographic gTLD for the benefit of the Africa region as the administrative organ of the African Union, a union of all but one African government. The African Union Commission (AUC) has the mandate of African governments to ‘establish dotAfrica as a continental To-Level Domain for use by African stakeholders including organisations, businesses, individuals and others with guidance from African Internet Agencies’ and ‘to set up the structures and modalities for the implementation of dotAfrica project’ as provided for in the 2010 Abuja Declaration.

The DotConnectAfrica .Africa application (1-1165-42560) fails to meet the minimum requirements prescribed by ICANN in the gTLD Applicant Guidebook concerning geographic names. It is a geographic string application that does not have the requisite minimum support from African governments.

**GAC Early Warning – Submittal Africa-GA-42560**

Reason/Rationale for the Warning - This will be posted publicly:

GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.

1. DCA’s Application lacks the requisite Government Support

- a. Paragraph 2.2.1.4.2 (section 2-16) of the Applicants’ Guidebook prescribes that certain applied-for-strings may qualify as “Geographic Names” and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- b. Africa is a clearly designated geographic region as defined in the UNESCO “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.
- c. Being a Union of 54 (fifty four) African states and specifically being mandated by these states to “Set up the structure and modalities for the Implementation of the dotAfrica (.Africa) project” the AUC is in an authoritative position to declare African government support or opposition to any “Africa” geographic string application.

Supporting GAC Members (Optional):

I agree to include the supporting GAC members in the publication of this Early Warning


Possible Remediation steps for Applicant - This will be posted publicly:

- GAC Member(s) to identify possible remediation steps to be taken by the applicant
- The applicant for the string tries to address the concerns raised by the Early Warning
  - The applicant should withdraw their application based on the information provided above
  - The applicant should apply for another string.
  - The applicant should engage in a discussion with the AUC to agree on how her experience in the Internet field can be utilised to benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**GAC Early Warning – Submittal Africa-GA-42560**

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- The applicant should withdraw their application based on the information provided above.

**Further Notes from GAC Member(s) (Optional) - This will be posted publicly:**

**INFORMATION FOR APPLICANTS**

**About GAC Early Warning**

The GAC Early Warning is a notice only. It is not a formal objection, nor does it directly lead to a process that can result in rejection of the application. However, a GAC Early Warning should be taken seriously as it raises the likelihood that the application could be the subject of GAC Advice on New gTLDs or of a formal objection at a later stage in the process. Refer to section 1.1.2.4 of the Applicant Guidebook (<http://newgtlds.icann.org/en/applicants/agb>) for more information on GAC Early Warning.

**Instructions if you receive the Early Warning**

**ICANN strongly encourages you work with relevant parties as soon as possible to address the concerns voiced in the GAC Early Warning.**

**Asking questions about your GAC Early Warning**

If you have questions or need clarification about your GAC Early Warning, please contact [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). As highlighted above, ICANN strongly encourages you to contact [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org) as soon as practicable regarding the issues identified in the Early Warning.

**Continuing with your application**

If you choose to continue with the application, then the “Applicant’s Response” section below should be completed. In this section, you should notify the GAC of intended actions, including the expected completion date. This completed form should then be sent to [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). If your remediation steps involve submitting requests for changes to your application, see the change request process at <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>.

In the absence of a response, ICANN will continue to process the application as submitted.

**GAC Early Warning – Submittal Africa-GA-42560**

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**Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

For questions please contact: [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org)

**Applicant Response:**

*In case of reply the **number** and  
**date** of this letter should be **quoted***

Tel No: +233-(0)30-266-6465

Fax No: +233-(0)30-266-7114



Republic of Ghana

**MINISTRY OF COMMUNICATIONS**  
**P. O. BOX M.38**  
**ACCRA**

14 November 2012

My Ref. No:

Your Ref. No:

**EARLY WARNING AGAINST DOTCONNECTAFRICA'S (DCA)**  
**APPLICATION FOR (.AFRICA)**

The Ministry of Communications presents its compliments to the Commissioner, Infrastructure and Energy of the African Union Commission and conveys support for the AUC's mandate to apply for the DOTAFRICA (.AFRICA) generic top-level domain, and also the appointment of UniForum SA trading as the ZA Central Registry to manage the dot AFRICA domain registry.

In this regard, the Government of the Republic of Ghana wishes to express its objection to the application submitted by Dot Connect Africa (DCA) for the .Africa geographic Top Level Domain.

The enclosed GAC Early Warning Submittal is therefore being submitted outlining the basis of objection.

The Ministry of Communications avails itself of the opportunity to renew to the Commissioner, Infrastructure and Energy of AUC the assurance of its highest consideration.

A handwritten signature in blue ink, appearing to read 'Haruna Iddrisu', written over a large, stylized blue scribble.

**HARUNA IDDRISU (MP)**  
**MINISTER**

**DR. ELHAM M.A. IBRAHIM (Mrs)**  
**COMMISSIONER**  
**INFRASTRUCTURE AND ENERGY**  
**AFRICAN UNION**  
**P. O. BOX 3243**  
**ADDIS ABABA, ETHIOPIA**

Cc: Issah Yahaya, GAC Representative

**GAC Early Warning Submittal** <sup>#2268</sup> \_\_\_\_\_

<b>Application ID:</b>	1-1165-42560
<b>Entity/Applicant Name:</b>	Dot Connect Africa
<b>String:</b>	dotAfrica
<b>Early Warning Issue Date:</b>	(this box to be filled in by GAC Secretariat only)

**Early Warning Description – This will be posted publicly:**

The Government of the **Republic of GHANA** wishes to express its objection to the application submitted by Dot Connect Africa (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) has the mandate of African governments to “*establish dotAfrica as a continental (geographic) To-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies*” and “*to set up the structures and modalities for the implementation of dotAfrica project*” as provided for in the Abuja Declaration. In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed as the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community for the benefit of the African region.

The Dot Connect Africa (DCA) application fails to meet the minimum requirements prescribed by ICANN in the gTLD Applicant Guidebook concerning geographic names.

- It is a geographic string application that does not have the requisite minimum support from African governments.
- DCA’s application constitutes an unwarranted intrusion and interference on the African Union Commission’s (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Its application does not adequately and substantively differentiate itself from the AUC’s officially endorsed application for the dotAfrica (.Africa) geographic string and as such will likely result in public confusion with ensuing adverse affects on the goodwill and effectiveness of the African TLD space.
- Post-amendment, DCA’s applied for string is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments that have submitted letters of support per the Applicants’ Guide Book (Ref # 1-1234-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**

- **DCA's Application lacks the requisite Government Support**
  - Paragraph 2.2.1.4.2 (section 2-16) of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
    - Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The AUC is confident that the "geographic evaluation process" that this application is subject to provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
      - The issue as to whether DCA's application for the .dotAfrica string (1-1165-42560) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
        - According the Applicant's Guidebook (section 2-17) "Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process."
          - DCA's amended application is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. It must consequently be subjected to the criteria and rules applicable to the evaluation of geographic names, including government support.
            - In particular we contend that the DCA's amended .Africa application does not sufficiently differentiate it from the AUC's endorsed dotAfrica (.Africa) geographic string application and will therefore confuse the public.
              - Being a Union of 54 (fifty four) African states and specifically being mandated by these states to "*Set up the structure and modalities for the implementation of the dotAfrica (.Africa) project*" the AUC is in an authoritative position to declare African government support or opposition to any "Africa" geographic string application.
                - In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (1-1234-89583) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.
- **Unwarranted Interference and Intrusion**
  - DCA's application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely

**GAC Early Warning Submittal** #2270

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to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which we clearly do not.
- In particular, we contend that the amended DCA's .Africa application does not sufficiently differentiate it from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**



**GAC Early Warning – Submittal Africa-KE-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of The Republic of Kenya wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (Ref # 1-1243-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-KE-42560**

**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Kenya therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate

**GAC Early Warning – Submittal Africa-KE-42560**

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given to the AUC by African Head of States and African Ministers responsible for Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-KE-42560**

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**INFORMATION FOR APPLICANTS**

**About GAC Early Warning**

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**Instructions if you receive the Early Warning**

**ICANN strongly encourages you work with relevant parties as soon as possible to address the concerns voiced in the GAC Early Warning.**

**Asking questions about your GAC Early Warning**

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**Continuing with your application**

If you choose to continue with the application, then the “Applicant’s Response” section below should be completed. In this section, you should notify the GAC of intended actions, including the expected completion date. This completed form should then be sent to [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org). If your remediation steps involve submitting requests for changes to your application, see the change request process at <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>.

In the absence of a response, ICANN will continue to process the application as submitted.

**Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

**For questions please contact: [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org)**

**GAC Early Warning – Submittal Africa-KE-42560**

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**Applicant Response:**

**GAC Early Warning – Submittal Africa-KM-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of Comoros wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (**Ref # 1-1243-89583**).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-KM-42560**

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**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Comoros therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate

**GAC Early Warning – Submittal Africa-KM-42560**

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given to the AUC by African Head of States and African Ministers responsible for Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**



**GAC Early Warning – Submittal Africa-KM-42560**

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**INFORMATION FOR APPLICANTS**

**About GAC Early Warning**

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**Instructions if you receive the Early Warning**

**ICANN strongly encourages you work with relevant parties as soon as possible to address the concerns voiced in the GAC Early Warning.**

**Asking questions about your GAC Early Warning**

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**Continuing with your application**

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In the absence of a response, ICANN will continue to process the application as submitted.

**Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

**For questions please contact: [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org)**

**GAC Early Warning – Submittal Africa-KM-42560**

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**Applicant Response:**

**GAC Early Warning – Submittal Africa-MA-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:**

The Government of Kingdom of Morocco wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project". In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (Ref # 1-1243-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-MA-42560**

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The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Kingdom of Morocco therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals

**GAC Early Warning – Submittal Africa-MA-42560**

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with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-MA-42560**

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**INFORMATION FOR APPLICANTS**

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**Continuing with your application**

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In the absence of a response, ICANN will continue to process the application as submitted.

**Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

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**GAC Early Warning – Submittal Africa-MA-42560**

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**Applicant Response:**

**GAC Early Warning – Submittal\_ Africa-ML-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of Mali wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (Ref # 1-1243-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**



**GAC Early Warning – Submittal\_ Africa-ML-42560**

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**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Mali therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for Communication and

**GAC Early Warning – Submittal\_ Africa-ML-42560**

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Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

## **INFORMATION FOR APPLICANTS**

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#### **Continuing with your application**

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In the absence of a response, ICANN will continue to process the application as submitted.

#### **Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

**For questions please contact: [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org)**

GAC Early Warning-Submittal

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Applicant Response:

**GAC Early Warning – Submittal Africa-NG-2-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of The Federal Republic of Nigeria wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (Ref # 1-1243-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-NG-2-42560**

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**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Kenya therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate

**GAC Early Warning – Submittal Africa-NG-2-42560**

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given to the AUC by African Head of States and African Ministers responsible for Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-SN-42560**

<b>Application ID:</b>	Ref# <b>1-1165-42560</b>
<b>Entity/Applicant Name:</b>	<b>DotConnectAfrica (DCA)</b>
<b>String:</b>	<b>.Africa</b>
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of the republic of Senegal wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (Ref # 1-1243-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**



**GAC Early Warning – Submittal \_\_\_\_\_**

**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Senegal therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain **applied-for-strings** may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or **non-objection** from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of **objection**.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical **sub-regions**, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the **pan-African community**.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the **AUC-endorsed** application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for Communication and

**GAC Early Warning – Submittal\_\_\_\_\_**

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Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

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- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal\_\_\_\_\_**

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In the absence of a response, ICANN will continue to process the application as submitted.

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GAC Early Warning-Submittal

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Applicant Response:

**GAC Early Warning – Submittal Africa-TZ-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of Tanzania wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (Ref # 1-1243-89583).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-TZ-42560**

**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Tanzania therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
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- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate given to the AUC by African Head of States and African Ministers responsible for Communication and

**GAC Early Warning – Submittal Africa-TZ-42560**

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Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-TZ-42560**

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**INFORMATION FOR APPLICANTS**

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In the absence of a response, ICANN will continue to process the application as submitted.

**Withdrawing your application**

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

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**GAC Early Warning – Submittal Africa-TZ-42560**

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**Applicant Response:**

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**GAC Early Warning – Submittal Africa-UG-42560**

<b>Application ID:</b>	Ref# 1-1165-42560
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of Uganda wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
- Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
- Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book (**Ref # 1-1243-89583**).

**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-UG-42560**

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**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Uganda ,therefore, hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
- Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.
- The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".
- According to the Applicant's Guidebook (section 2-18) "*Strings that include but do not match a Geographic Name will not be considered geographic names as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.
- In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583**) has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

**2. Unwarranted Interference and Intrusion**

- DCA's application constitutes an unwarranted intrusion and interference with the mandate

**GAC Early Warning – Submittal Africa-UG-42560**

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given to the AUC by African Head of States and African Ministers responsible for Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

**3. Confusing Similarity**

- DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.
- In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

**Possible Remediation steps for Applicant – This will be posted publicly:**

**GAC Member(s) to identify possible remediation steps to be taken by the applicant**

- The applicant should withdraw the application based on the information provided above.
- The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

**Further Notes from GAC Member(s) (Optional) – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-UG-42560**

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**INFORMATION FOR APPLICANTS**

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In the absence of a response, ICANN will continue to process the application as submitted.

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**GAC Early Warning – Submittal Africa-UG-42560**

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**Applicant Response:**

**GAC Early Warning – Submittal Africa-ZA-89583**

<b>Application ID:</b>	Ref# 1-1243-89583
<b>Entity/Applicant Name:</b>	DotConnectAfrica (DCA)
<b>String:</b>	.Africa
<b>Early Warning Issue Date:</b>	20 November 2012

**Early Warning Description – This will be posted publicly:****GAC Member(s) to indicate a description of the Early Warning being filed**

The Government of South Africa wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.

The African Union Commission (AUC) is a Union of 54 (fifty four) African states and [has the mandate](#) of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the [2010 Abuja Declaration](#). In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.

The DotConnectAfrica application as revised,

- Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
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**Reason/Rationale for the Warning – This will be posted publicly:**

**GAC Early Warning – Submittal Africa-ZA-89583**

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**GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.**

The African Union (AU) and several African countries have supported and endorsed the application by UniForum (**Ref # 1-1243-89583**), which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that UniForum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of South Africa therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

**1. DCA's Application lacks the requisite Government Support**

- Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.
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**GAC Early Warning – Submittal Africa-ZA-89583**

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**Applicant Response:**

# **EXHIBIT C**



## **Governmental Advisory Committee**

Beijing, People's Republic of China – 11 April 2013

### **GAC Communiqué – Beijing, People's Republic of China<sup>1</sup>**

#### **I. Introduction**

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Beijing during the week of 4 April 2013. Sixty-one (61) GAC Members participated in the meetings and eight (8) Observers. The GAC expresses warm thanks to the local hosts China Internet Network Information Center (CNNIC), China Organizational Name Administration Center (CONAC), and Internet Society of China for their support.

#### **II. Internal Matters**

##### **1. New Members and Observers**

The GAC welcomes Belarus, Cape Verde, Côte d'Ivoire, Lebanon, and the Republic of the Marshall Islands to the Committee as members, and The World Meteorological Organisation as an Observer.

##### **2. GAC Secretariat**

Following a request for proposals, the GAC received presentations from two organizations and agreed that one such candidate should be providing secretariat services to the GAC, with the aim of becoming operational as soon as possible. Negotiations with such organization will start immediately after the Beijing meeting.

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<sup>1</sup> To access previous GAC advice, whether on the same or other topics, past GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings> and older GAC communiqués are available at: <https://gacweb.icann.org/display/gacweb/GAC+Meetings+Archive>.

### **3. GAC Leadership**

The GAC warmly thanks the outgoing Vice-Chairs, Kenya, Singapore, and Sweden and welcomes the incoming Vice-Chairs, Australia, Switzerland and Trinidad & Tobago.

## **III. Inter-constituencies Activities**

### **1. Meeting with the Accountability and Transparency Review Team 2 (ATRT 2)**

The GAC met with the ATRT 2 and received an update on the current activities of the ATRT 2. The exchange served as an information gathering session for the ATRT 2 in order to hear GAC member views on the Review Team processes and areas of interest for governments. The GAC provided input on governmental processes and the challenges and successes that arose during the first round of reviews, and implementation of the GAC related recommendations of the first Accountability and Transparency Review Team.

### **2. Board/GAC Recommendation Implementation Working Group (BGRI-WG)**

The Board–GAC Recommendation Implementation Working Group (BGRI–WG) met to discuss further developments on ATRT1 recommendations relating to the GAC, namely recommendations 11 and 12. In the context of Recommendation 11, the GAC and the Board have concluded the discussion and agreed on the details of the consultation process mandated per ICANN Bylaws, should the Board decide not to follow a GAC advice. With respect to Recommendation 12, on GAC Early Engagement, the BGRI-WG had a good exchange with the GNSO on mechanisms for the GAC to be early informed and provide early input to the GNSO PDP. The BGRI–WG intends to continue this discussion intersessionally and at its next meeting in Durban.

### **3. Brand Registry Group**

The GAC met with the Brand Registry Group and received information on its origins, values and missions.

### **4. Law Enforcement**

The GAC met with law enforcement representatives and received an update from Europol on the Registrar Accreditation Agreement (RAA).

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The GAC warmly thanks the Accountability and Transparency Review Team 2, the Brand Registry Group, Law Enforcement, and the ICANN Board who jointly met with the GAC as well

as all those among the ICANN community who have contributed to the dialogue with the GAC in Beijing.

#### IV. GAC Advice to the ICANN Board<sup>2</sup>

##### 1. New gTLDs

###### a. GAC Objections to Specific Applications

###### i. The GAC Advises the ICANN Board that:

i. The GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following applications:<sup>3</sup>.

1. The application for .africa (Application number 1-1165-42560)
2. The application for .gcc (application number: 1-1936-2101)

ii. With regard to Module 3.1 part II of the Applicant Guidebook<sup>4</sup>:

1. The GAC recognizes that Religious terms are sensitive issues. Some GAC members have raised sensitivities on the applications that relate to Islamic terms, specifically .islam and .halal. The GAC members concerned have noted that the applications for .islam and .halal lack community involvement and support. It is the view of these GAC members that these applications should not proceed.

###### b. Safeguard Advice for New gTLDs

To reinforce existing processes for raising and addressing concerns the GAC is providing safeguard advice to apply to broad categories of strings (see Annex I).

###### c. Strings for Further GAC Consideration

In addition to this safeguard advice, that GAC has identified certain gTLD strings where further GAC consideration may be warranted, including at the GAC meetings to be held in Durban.

- i. Consequently, **the GAC advises the ICANN Board** to: not proceed beyond Initial Evaluation with the following strings : .shenzhen (IDN in Chinese), .persiangulf, .guangzhou (IDN in Chinese), .amazon (and IDNs in Japanese and Chinese), .patagonia, .date, .spa, .yun, .thai, .zulu, .wine, .vin

<sup>2</sup> To track the history and progress of GAC Advice to the Board, please visit the GAC Advice Online Register available at: <https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings>

<sup>3</sup> Module 3.1: "The GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved.

<sup>4</sup> Module 3.1: "The GAC advises ICANN that there are concerns about a particular application "dot-example." The ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns. The ICANN Board is also expected to provide a rationale for its decision.

**d. The GAC requests:**

- i. a written briefing about the ability of an applicant to change the string applied for in order to address concerns raised by a GAC Member and to identify a mutually acceptable solution.

**e. Community Support for Applications**

**The GAC advises the Board:**

- i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

**f. Singular and plural versions of the same string as a TLD**

The GAC believes that singular and plural versions of the string as a TLD could lead to potential consumer confusion.

**Therefore the GAC advises the ICANN Board to:**

- i. Reconsider its decision to allow singular and plural versions of the same strings.

**g. Protections for Intergovernmental Organisations**

The GAC stresses that the IGOs perform an important global public mission with public funds, they are the creations of government under international law, and their names and acronyms warrant special protection in an expanded DNS. Such protection, which the GAC has previously advised, should be a priority.

This recognizes that IGOs are in an objectively different category to other rights holders, warranting special protection by ICANN in the DNS, while also preserving sufficient flexibility for workable implementation.

The GAC is mindful of outstanding implementation issues and commits to actively working with IGOs, the Board, and ICANN Staff to find a workable and timely way forward.

**Pending the resolution of these implementation issues, the GAC reiterates its advice to the ICANN Board that:**

- i. appropriate preventative initial protection for the IGO names and acronyms on the provided list be in place before any new gTLDs would launch.



## **2. Registrar Accreditation Agreement (RAA)**

Consistent with previous communications to the ICANN Board

### **a. the GAC advises the ICANN Board that:**

- i. the 2013 Registrar Accreditation Agreement should be finalized before any new gTLD contracts are approved.

The GAC also strongly supports the amendment to the new gTLD registry agreement that would require new gTLD registry operators to use only those registrars that have signed the 2013 RAA.

The GAC appreciates the improvements to the RAA that incorporate the 2009 GAC-Law Enforcement Recommendations.

The GAC is also pleased with the progress on providing verification and improving accuracy of registrant data and supports continuing efforts to identify preventative mechanisms that help deter criminal or other illegal activity. Furthermore the GAC urges all stakeholders to accelerate the implementation of accreditation programs for privacy and proxy services for WHOIS.

## **3. WHOIS**

### **The GAC urges the ICANN Board to:**

- a. ensure that the GAC Principles Regarding gTLD WHOIS Services, approved in 2007, are duly taken into account by the recently established Directory Services Expert Working Group.

The GAC stands ready to respond to any questions with regard to the GAC Principles.

The GAC also expects its views to be incorporated into whatever subsequent policy development process might be initiated once the Expert Working Group concludes its efforts.

## **4. International Olympic Committee and Red Cross /Red Crescent**

Consistent with its previous communications, **the GAC advises the ICANN Board to:**

- a. amend the provisions in the new gTLD Registry Agreement pertaining to the IOC/RCRC names to confirm that the protections will be made permanent prior to the delegation of any new gTLDs.

## **5. Public Interest Commitments Specifications**

### **The GAC requests:**

- b. more information on the Public Interest Commitments Specifications on the basis of the questions listed in annex II.

## **V. Next Meeting**

The GAC will meet during the period of the 47<sup>th</sup> ICANN meeting in Durban, South Africa.

## ANNEX I

### Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings. For clarity, this means any application for a relevant string in the current or future rounds, in all languages applied for.

The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.

### Safeguards Applicable to all New gTLDs

**The GAC Advises that** the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. **WHOIS verification and checks** —Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.
2. **Mitigating abusive activity**—Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. **Security checks**— While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. **Documentation**—Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. **Making and Handling Complaints** – Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. **Consequences** – Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

The following safeguards are intended to apply to particular categories of new gTLDs as detailed below.

#### **Category 1**

##### **Consumer Protection, Sensitive Strings, and Regulated Markets:**

##### **The GAC Advises the ICANN Board:**

- Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards should apply to strings that are related to these sectors:
  1. Registry operators will include in its acceptable use policy that registrants comply with all applicable laws, including those that relate to privacy, data collection, consumer protection (including in relation to misleading and deceptive conduct), fair lending, debt collection, organic farming, disclosure of data, and financial disclosures.
  2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.
  3. Registry operators will require that registrants who collect and maintain sensitive health and financial data implement reasonable and appropriate security measures commensurate with the offering of those services, as defined by applicable law and recognized industry standards.
  4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

5. Registrants must be required by the registry operators to notify to them a single point of contact which must be kept up-to-date, for the notification of complaints or reports of registration abuse, as well as the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business.

In the current round the GAC has identified the following non-exhaustive list of strings that the above safeguards should apply to:

- **Children:**
  - .kid, .kids, .kinder, .game, .games, .juegos, .play, .school, .schule, .toys
- **Environmental:**
  - .earth, .eco, .green, .bio, .organic
- **Health and Fitness:**
  - .care, .diet, .fit, .fitness, .health, .healthcare, .heart, .hiv, .hospital,, .med, .medical, .organic, .pharmacy, .rehab, .surgery, .clinic, .healthy (IDN Chinese equivalent), .dental, .dentist .doctor, .dds, .physio
- **Financial:**
  - capital, . cash, .cashbackbonus, .broker, .brokers, .claims, .exchange, .finance, .financial, .fianancialaid, .forex, .fund, .investments, .lease, .loan, .loans, .market, . markets, .money, .pay, .payu, .retirement, .save, .trading, .autoinsurance, .bank, .banque, .carinsurance, .credit, .creditcard, .creditunion, .insurance, .insure, ira, .lifeinsurance, .mortgage, .mutualfunds, .mutuelle, .netbank, .reit, .tax, .travelersinsurance, .vermogensberater, .vermogensberatung and .vesicherung.
- **Gambling:**
  - .bet, .bingo, .lotto, .poker, and .spreadbetting, .casino
- **Charity:**
  - .care, .gives, .giving, .charity (and IDN Chinese equivalent)
- **Education:**
  - degree, .mba, .university
- **Intellectual Property**
  - .audio, .book (and IDN equivalent), .broadway, .film, .game, .games, .juegos, .movie, .music, .software, .song, .tunes, .fashion (and IDN equivalent), .video, .app, .art, .author, .band, .beats, .cloud (and IDN equivalent), .data, .design, .digital, .download, .entertainment, .fan, .fans, .free, .gratis, .discount, .sale, .hiphop, .media, .news, .online, .pictures, .radio, .rip, .show, .theater, .theatre, .tour, .tours, .tvs, .video, .zip
- **Professional Services:**
  - .abogado, .accountant, .accountants, .architect, .associates, .attorney, .broker, .brokers, .cpa, .doctor, .dentist, .dds, .engineer, .lawyer, .legal, .realtor, .realty, .vet
- **Corporate Identifiers:**
  - .corp, .gmbh, .inc, .limited, .llc, .llp, .ltda, .ltd, .sarl, .srl, .sal
- **Generic Geographic Terms:**
  - .town, .city, .capital

- .reise, .reisen<sup>5</sup>
- .weather
- .engineering
- .law
- **Inherently Governmental Functions**
  - .army, .navy, .airforce
- In addition, applicants for the following strings should develop clear policies and processes to minimise the risk of cyber bullying/harassment
  - .fail, .gripe, .sucks, .wtf

**The GAC further advises the Board:**

1. In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors:
  6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.
  7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
  8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements in order to ensure they continue to conform to appropriate regulations and licensing requirements and generally conduct their activities in the interests of the consumers they serve.

**Category 2**

**Restricted Registration Policies**

**The GAC advises the ICANN Board:**

1. **Restricted Access**
  - As an exception to the general rule that the gTLD domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under category 1

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<sup>5</sup> Austria, Germany, and Switzerland support requirements for registry operators to develop registration policies that allow only travel-related entities to register domain names. Second Level Domains should have a connection to travel industries and/or its customers

above. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars or registrants to an undue disadvantage.

## 2. Exclusive Access

- For strings representing generic terms, exclusive registry access should serve a public interest goal.
  
- In the current round, the GAC has identified the following non-exhaustive list of strings that it considers to be generic terms, where the applicant is currently proposing to provide exclusive registry access
  - .antivirus, .app, .autoinsurance, .baby, .beauty, .blog, .book, .broker, .carinsurance, .cars, .cloud, .courses, .cpa, .cruise, .data, .dvr, .financialaid, .flowers, .food, .game, .grocery, .hair, .hotel, .hotels, .insurance, .jewelry, .mail, .makeup, .map, .mobile, .motorcycles, .movie, .music, .news, .phone, .salon, .search, .shop, .show, .skin, .song, .store, .tennis, .theater, .theatre, .tires, .tunes, .video, .watches, .weather, .yachts, .クラウド [cloud], .ストア [store], .セール [sale], .ファッション [fashion], .家電 [consumer electronics], .手表 [watches], .書籍 [book], .珠宝 [jewelry], .通販 [online shopping], .食品 [food]

## ANNEX II

### List of questions related to Public Interest Commitments Specifications

1. Could a third party intervene or object if it thinks that a public interest commitment is not being followed? Will governments be able to raise those sorts of concerns on behalf of their constituents?
2. If an applicant does submit a public interest commitment and it is accepted are they able to later amend it? And if so, is there a process for that?
3. What are ICANN's intentions with regard to maximizing awareness by registry operators of their commitments?
4. Will there be requirements on the operators to maximize the visibility of these commitments so that stakeholders, including governments, can quickly determine what commitments were made?
5. How can we follow up a situation where an operator has not made any commitments? What is the process for amending that situation?
6. Are the commitments enforceable, especially later changes? Are they then going into any contract compliance?
7. How will ICANN decide whether to follow the sanctions recommended by the PIC DRP? Will there be clear and transparent criteria? Based on other Dispute Resolution Procedures what is the expected fee level?
8. If serious damage has been a result of the past registration policy, will there be measures to remediate the harm?



# **EXHIBIT D**

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

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Réf. : CIE/L/20/232.14

Date : 2<sup>nd</sup> June 2014

**Mr. Fadi Chehadé**  
**President & CEO**  
**ICANN**  
Email: [fadi.chehade@icann.org](mailto:fadi.chehade@icann.org)

**Subject: Delay on Dot Africa accreditation**

**Dear Mr. Chehadé,**

I would like to take this opportunity to thank you for the support and consideration through various initiatives and projects aimed at increasing Africa's contribution to ICANN. In particular, we appreciate the professional consideration towards the African Union Commission' (AUC's) sponsored application for Africa's geographic top-level domain, DotAfrica (.Africa).

As you are certainly aware, the DotAfrica gTLD is eagerly awaited by not only African governments and the Internet community, but also African citizens and global Internet users, businesses, civil society and many other stakeholders. DotAfrica is an extremely important initiative for Africa's participation and contribution to the Internet economy and to the broader Internet governance ecosystem. It has been backed up by many decisions adopted by the highest African Union organs including the Heads of States Summit that authorized the AUC to be the sponsoring organisation for DotAfrica. In fulfilling this mandate, the AUC appointed and endorsed the ZA Central Registry (ZACR) to apply for, launch and manage the DotAfrica (.Africa) TLD.

ZACR has complied with, met and exceeded all the stringent rules governing the application process for geographic applications in accordance with the new gTLDs Applicant Guidebook. In addition, the ZACR DotAfrica application passed all the necessary evaluations, reviews and procedures despite various challenges unique to our region. The ZACR application also passed initial evaluation in 2013, and in March 2014 ZACR signed a legally binding and enforceable contract with ICANN. The AUC sponsored ZACR application has clearly met all the criteria of the applicant guidebook; it is the only applicant for the string to have done so.

It is therefore with great concern that we are faced with yet another delay in delegating this important regional TLD due to the recent Independent Review Panel (IRP) instructions stopping ICANN from processing the DotAfrica application until it has ruled on the complaint filed by DotConnectAfrica (DCA).

As you can understand, it is becoming increasingly difficult for the AUC to explain to not only its member states but also other African stakeholders, why the African geographic TLD application has become so challenging for ICANN to expedite despite the various statements made towards the need to support developing regions. The African continent is already significantly marginalised within ICANN processes, it is therefore very important that this process is not delayed any further.


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While this additional delay is very unfortunate, we acknowledge that ICANN must follow its own bylaws and accountability related procedures. We are however, deeply concerned that there is no definite date provided for the final IRP decision. We are also extremely concerned that with the suspension of any further activities in preparation for the technical delegation, this AUC sponsored application may encounter further delays once the IRP decision is made therefore providing opportunities for the launch of additional challenges aimed at delaying the technical delegation and launch of this important initiative.

At this very critical and sensitive stage, we are therefore urging you to ensure that as soon as the IRP decision is communicated there will be no further delays in implementing the technical delegation to enable ZACR to finally launch this long awaited DotAfrica TLD.

We therefore request that your team exercise utmost flexibility with pre delegation procedures required of ZACR to ensure that we are all ready for prompt delegation and launch.

Please accept, Mr. President & CEO, the expression of my highest consideration

  
Dr. Elham M.A. IBRAHIM (Mrs)  
Commissioner  
Infrastructure and Energy



**CC:**

- Steve Crooker Chairman of the Board of ICANN
- Lawrence E Strickling, Assistant Secretary of Commerce, NTIA  
Email: Contact Information Redacted
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- Ms. Heather Dryden, Chair: Government Advisory Committee (GAC), ICANN,  
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