

**IN THE MATTER OF AN INDEPENDENT REVIEW PROCESS BEFORE THE
INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION**

CORN LAKE, LLC,)	ICDR Case No. _____
)	
Claimant,)	
)	
v.)	
)	
INTERNET CORPORATION FOR ASSIGNED)	
NAMES AND NUMBERS,)	
)	
Respondent.)	
_____)	

**WITNESS STATEMENT OF JONATHON NEVETT IN SUPPORT OF
REQUEST FOR INDEPENDENT REVIEW PROCESS
BY CORN LAKE, LLC
RE NEW gTLD APPLICATION FOR .CHARITY**

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CORN LAKE, LLC

WITNESS STATEMENT OF JONATHON NEVETT

1. My name is Jonathon Nevett. I am Co-Founder and Executive Vice President of Donuts Inc. (“Donuts”), corporate parent of requestor Corn Lake, LLC (“Corn Lake” or “Requestor”). I submit this statement in support of Corn Lake’s IRP request pertaining to its applications for the .CHARITY top-level domain name. I have personal knowledge of the facts stated herein, and would testify to these facts under oath if called upon to do so.

Personal Information

2. I have extensive experience in the domain name industry. Prior to Donuts, I served as President of Domain Dimensions, Senior Vice President at Network Solutions, and Chairman of the Board of NameJet and Central Registry Solutions. I was elected Chair of the ICANN Registrar Constituency for three terms and have served on numerous task forces, working groups, and panels. I am a founding Board member of the Domain Name Association, the industry’s trade association; served as co-chair of the U.S. Council for International Business’ Domain Name System Working Group; and was appointed to the U.S. Department of Commerce’s Online Safety and Technology Working Group related to issues of child safety and the Internet.

Background of Corn Lake and ICANN’s New gTLD Program

3. I have been personally involved with various aspects of what would become the New gTLD program since 2004. Most importantly, I served on the Implementation Recommendation Team, the Special Trademark Issue team, and the Vertical Integration Working Group, as well as served as the first Chair of the New gTLD Applicant Group.

4. I helped to form Donuts in 2010 with others on our management team prior to the official launch of New gTLDs. Our team of seasoned domain name professionals has decades of experience, as reflected in our website biographies, available at:

<http://www.donuts.co/about/team/>.

5. Donuts supports robust competition, choice and free expression in the namespace, consistent with ICANN's stated aims in creating and implementing the new gTLD program as set forth in the program's Applicant Guidebook ("Guidebook" or "AGB"). In furtherance of these goals, Donuts applied, through subsidiaries such as Corn Lake, for a total of 307 new gTLD extensions or "strings," including .CHARITY, the subject of Corn Lake's IRP request. Aside from the \$185,000 application fee for each string, Donuts has invested millions of dollars in building technical and business infrastructure to support its various applications.

6. Donuts carefully selected its domains as generic words representing subject areas that it believes will interest Internet users and involve them in the domain. We did a great deal of research, came up with various methods to analyze potential choices, and relied on our extensive industry experiences in arriving at names for which to apply. We applied for *generic* terms that could have appeal in any number of contexts and are used by many people in their day-to-day dealings and, because of this, expected such terms to withstand the types of objections provided for – and the burden of objectors to prove all of the specific elements of each objection type – in the Guidebook.

7. From participating in the development of the new gTLD program, Donuts understood that the significant expansion of the Internet namespace has raised concerns among certain stakeholders about the need to preserve the rights of others and protect users from fraud or other misconduct. These concerns led Donuts to support ICANN's prescription

that new gTLD applicants take additional operational stability, security and anti-abuse measures not required of existing gTLDs like .COM, .NET and .ORG. Donuts also has assumed additional Public Interest Commitments (“PICs”) as to all of its 307 strings. These PICs are purely *voluntary*, and operate over and above any *mandatory* PICs that ICANN requires of New gTLD applicants generally. The PICs lay out specific undertakings on the part of Corn Lake to benefit and protect the interests of users, rights holders and others. Further, they make such commitments contractually binding so as to allow ICANN to terminate any Donuts registry that does not honor them. These mechanisms allow Donuts the ability to address issues quickly and effectively if and when they do arise.

The Charity Objection

8. I am also a lawyer and was the person chiefly responsible within the company for its responses to the many objections it received to its various applications. I worked closely with our outside counsel in their preparation of responses to the different objections, and concerning other matters that may have arisen during the course of multiple objections.

9. Like all of its strings, Donuts applied for .CHARITY (via Corn Lake) to promote competition, choice and freedom of expression. We envisioned that the TLD will be of interest to the millions of persons and organizations worldwide involved in philanthropy, humanitarian outreach, and the benevolent care of those in need. In addition, the term CHARITY, which connotes kindness toward others, is a means for expression for those devoted to compassion and good will. Donuts would operate the .CHARITY TLD in the best interest of registrants who use the TLD in varied ways, and in a legitimate and secure manner.

10. The Independent Objector (“IO”) filed a community objection against Corn Lake’s application on 12 March 2013. He also filed a similar objection against a competing applicant,

“Spring Registry Limited” (“SRL”). The IO took issue with Corn Lake’s and SRL’s proposal to operate the .CHARITY domain as an “open” registry, contending, among other things, that each applicant should take affirmative steps to limit registrants to “charities and charitable organizations.”

11. Corn Lake timely filed a response to the IO’s objection on 6 June 2013. Among other things, Corn Lake contended that the restrictions for which the IO campaigned would improperly stifle rights of free expression, and emphasized the wide array of protections provided for in its application to curb abuse without chilling speech. In this way, those with any number of interests in the term “charity” could participate in the domain – such as those involved in corporate giving (*e.g.*, *verizon.charity* or *americanidol.charity*), commentators (*watchdog.charity*) and local fundraisers (*helpourschool.charity*) – without having themselves to be “licensed” charitable or non-profit organizations.

12. True and correct copies of Corn Lake’s .CHARITY application and all papers submitted in connection with the IO’s objection against it, as well as the rulings upholding the objection against Corn Lake and rejecting the objection against SRL, appear in the accompanying Compendium of Exhibits.

Post-Decision Resolution Efforts

13. After the .CHARITY decisions were issued, Corn Lake filed a Reconsideration Request asking that the Board overrule (or at least revisit) the objection ruling against it. The BGC rejected the Requests on February 27, 2014, and referred Corn Lake to the Ombudsman if it wished to pursue the matter further.

14. Around March 24, 2014, Corn Lake approached the ICANN Ombudsman, Christopher LaHatte, for possible assistance with .CHARITY as well as several others. I

communicated by email and phone over the course of several months with Mr. LaHatte concerning the subject matter of Corn Lake's complaint. The negotiations culminated in a July 7, 2014 letter from him stating that he had no jurisdiction on the matter.

15. Earlier, on July 18, 2014, I requested on behalf of Corn Lake that ICANN participate in "cooperative engagement" ("CEP"), a process available prior to IRP. We were unable to resolve the issues concerning .CHARITY with ICANN, which deemed the process terminated. ICANN and Corn Lake agreed on a March 24, 2014 deadline for filing this IRP.

Being in full agreement with the contents of this Witness Statement, I hereby sign it and acknowledge its contents as of this 24th day of March, 2015.



Jonathon Nevett