



Sent via email

August 23, 2016

**Internet Corporation for Assigned Names and Numbers (ICANN)**

**Attn: Board of Directors**

12025 Waterfront Drive, Suite 300

Los Angeles, CA 90094-2536 USA

Phone: +1.310.301.5800

Fax: +1.310.823.8649

**Re: *Board Resolutions 2016.08.09.11, 2016.08.09.12, and 2016.08.09.13 during the 9 August 2016 Special Meeting of the ICANN Board of Directors regarding Dot Registry LLC v. ICANN (01-14-0001-5004) Independent Review Process (“IRP”) Declaration of 29 July 2016***

Dear ICANN Board of Directors,

On August 9, 2016, the ICANN Board held a Special Meeting to consider next steps in the *Dot Registry LLC v. ICANN* Independent Review Panel (“IRP”) Declaration, among other things. The ICANN Board passed the following resolutions:

**Resolved (2016.08.09.11)**, the Board accepts the findings of the Final Declaration that:

- (i) Dot Registry is the prevailing party in the *Dot Registry, LLC v. ICANN* IRP; and
- (ii) ICANN shall pay to Dot Registry US\$235,294.37 upon demonstration that these incurred costs have been paid in full.

**Resolved (2016.08.09.12)**, the Board has noted the other findings in the Declaration and the findings regarding the Panel majority's statements with respect to the standard of review for Reconsideration Requests referenced above, and will consider next steps in relation to Dot Registry's Reconsideration Requests or the relevant new gTLDs before the Board takes any further action.

**Resolved (2016.08.09.13)**, in light of the recent letter received from Dot Registry and the factual inaccuracies that have been reported in online blogged reports, the Board directs the Secretary, or his designee(s), to post the Board briefing materials on this matter simultaneously with the resolutions.

In the Board’s Rationale for Resolutions 2016.08.09.11 – 2016.08.09.13, it states:

As required, the Board has considered the Final Declaration. As this Board has previously indicated, the Board takes very seriously the results of one of ICANN's long-standing accountability mechanisms.

Accordingly, and for the reasons set forth in this Resolution and Rationale, the Board has accepted the Panel's Final Declaration as indicated above.

As ICANN notes in its Rationale for the Board Resolutions, "*[t]he Panel majority decline[d] to substitute its judgment for the judgment of the CPE as to whether Dot Registry is entitled to Community priority.*" Therefore, that burden now shifts to the ICANN Board to make such determination.

The IRP Panel determined that Dot Registry suffered harm and injury, directly and indirectly, as a result of the Board's actions and inactions, as well as ICANN staff and EIU actions and inactions, and that harm and injury must be redressed in good faith. Dot Registry's community priority application status must be resolved before any consideration can be given to a standard applicant, as the Applicant Guidebook states that community applications receive priority.

On the precipice of the U.S. relinquishing its oversight role over ICANN, it is absolutely critical that ICANN demonstrate that it is capable of self-governing and that aggrieved stakeholders can find acceptable redress through accountability mechanisms set forth in ICANN's Bylaws.

Dot Registry is certainly interested in understanding what options the Board is considering to give effect to the IRP Declaration and we would appreciate the opportunity to meet with and provide the Board with any additional information they may need to consider in the context of their deliberations. Dot Registry is willing and open to discuss the matter directly with the ICANN Board in order to reach a mutually acceptable resolution.

Please feel free to reach me directly at +1.816.200.7080 Central Time.

**DOT REGISTRY LLC**

Sincerely,



Shaul Jolles  
Chief Executive Officer

cc: Arif H. Ali, Dechert LLP