

INDEPENDENT REVIEW PROCESS
INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION

ICDR Case No. 01-14-0000-6505

In the matter of an Independent Review Process

Between:

VISTAPRINT LIMITED

Claimant

- and -

INTERNET CORPORATION FOR ASSIGNED NAMES AND
NUMBERS

Respondent

PROCEDURAL ORDER No. 2

April 19, 2015

IRP Panel:

Geert Glas
Siegfried H. Elsing
Christopher S. Gibson (Chairman)

1. On March 2, 2015 the IRP Panel received Vistaprint Limited's ("Claimant") Additional Submission ("Additional Submission"). On April 2, 2015, the Panel received the Internet Corporation for Assigned Names and Numbers ("ICANN") Response to Claimant's Additional Submission ("Response").
2. The IRP Panel has also received email correspondence from the parties, in particular, Claimant's emails of April 7, 8, 14 and 16, 2015; and ICANN's emails of April 8, 10, 15 and 17, 2015.
3. Claimant has made several requests in its email communications to the Panel, including the following two points:
 - i. that Claimant be given the opportunity to respond to arguments and evidence submitted by ICANN in its Response. In particular, Claimant stated that ICANN in its Response referenced the IRP Declaration of March 3, 2015 in the matter involving *Booking.com v. ICANN* (the "*Booking.com IRP Declaration*"). The *Booking.com IRP Declaration* was issued one day after Claimant submitted its Additional Submission in this case; and
 - ii. that the Panel suspend this case until after the next meeting of ICANN's Board of Directors. Claimant states that ICANN's Board has yet to consider the *Booking.com IRP Declaration* pursuant to ICANN's Bylaws, and that the *Booking.com IRP Declaration* is relevant to this case and also reveals that additional materials were filed post-hearing in that case, which ICANN has not yet published on its website.
4. ICANN has objected to Claimant's requests, indicating, among other things, that there is no need for additional briefing and that ICANN has attached the entire *Booking.com IRP Declaration* to its Response in this case. ICANN also submits that there is no justification for suspending this case, which has been ongoing for ten months. ICANN has explained that the post-hearing materials in the *Booking.com IRP*, to which Claimant has referred, are a set of emails between the IRP panel and the parties in that case. ICANN does not post this type of IRP email correspondence on its website. ICANN states that Claimant's legal counsel in this case was also counsel for Booking.com and has access to the parties' correspondence with the IRP panel in that case. In its email of April 17, 2015, ICANN objects to any additional briefing in this case, but indicated that it does not object to Claimant's counsel sharing with the Panel the post-hearing material in the *Booking.com IRP*.
5. Both parties in their email communications with the IRP Panel share the concern of ensuring a speedy and efficient process for this IRP.
6. The IRP Panel, having considered the parties' submissions and communications referenced in

the paragraphs above, and having deliberated, determines that the following procedures will apply:

- i. The IRP Panel denies Claimant's request that this IRP case be suspended.
- ii. Claimant is permitted to submit a supplemental submission in this case on or before Friday, April 24, 2015. Claimant's supplemental submission shall be limited to discussion of the *Booking.com IRP Declaration* and the post-hearing material and communications that were exchanged between the parties and the IRP panel in the *Booking.com IRP*. Claimant may introduce the post-hearing material and communications that were exchanged with the IRP panel in the *Booking.com IRP*. Claimant's supplemental submission shall be limited to 10 pages (double-spaced, 11.5 font).
- iii. ICANN is permitted to submit a reply to Claimant's supplemental submission on or before Friday, May 1, 2015. ICANN's reply shall be limited to responding to Claimant's discussion of the *Booking.com IRP Declaration* and any post-hearing material and communications in the *Booking.com IRP*. ICANN's reply shall be limited to 10 pages (double-spaced, 11.5 font).
- iv. The IRP Panel proposes that a telephonic hearing be scheduled for one of the following dates and requests that the parties indicate their respective preferences:
 - Monday, May 11, 2015 at 9:00am PST/ 12:00pm EST / 6:00pm CET
 - or**
 - Wednesday, May 13, 2015 at 9:00am PST/ 12:00pm EST / 6:00pm CETThe telephonic hearing will be scheduled for one hour in duration and is limited to oral argument and answers to any questions from IRP Panel.
- v. The terms of this Procedural Order No. 2, may be varied by the IRP Panel on its own motion or upon application by a party.

Signed on behalf of the IRP Panel

DATE: April 19, 2015



Christopher Gibson
IRP Panel Chairman

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