



June 6, 2017

VIA EMAIL TO ICANN BOARD OF DIRECTORS

Internet Corporation for Assigned Names and Numbers (“ICANN”)
Attn: Dr. Stephen Crocker, Chairman, and ICANN Board of Directors
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094
Email: Steve.crocker@board.icann.org
Correspondence@icann.org
board@icann.org

Re: CPE Process Review (ICANN Board Resolution 2016.09.17.01) and Dot Registry LLC v. ICANN IRP International Centre for Dispute Resolution Panel (“ICDR”) Panel Declaration of 29 July 2016 (ICDR Case No. 01-14-0001-5004), Dot Registry LLC Reconsideration Requests 14-30, 14-32, 14-33

Dear Dr. Crocker and ICANN Board of Directors,

On September 17, 2016, the ICANN Board passed Resolution 2016.09.17.01¹ which directed ICANN’s CEO, Göran Marby, or his designee(s), to undertake an independent review of the process by which ICANN staff interacted with the Community Priority Evaluation (“CPE”) provider, both generally and specifically, with respect to the CPE reports issued by the CPE Provider (the Economist Intelligence Unit or “EIU”).

On June 2, 2017, Dot Registry LLC (“Dot Registry”) received an email from ICANN notifying it of a Community Priority Evaluation Process Review Update in relation to their Reconsideration Requests 14-30², 14-32³, and 14-33⁴ for their .INC, .LLC, and .LLP community applications.

To date, Dot Registry has not been contacted by FTI Consulting Inc. regarding this CPE Process Review relating to Reconsideration Requests 14-30, 14-32, and 14-33 for their .INC, .LLC, and .LLP community applications. Dot Registry finds this completely and utterly unacceptable. As an admission by one of your own Board members, the CPE Process Review is not and should not be deemed “independent” unless FTI Consulting Inc. contacts the affected community applicants reviewed by the EIU. If ICANN is allowed to pick and choose what data FTI Consulting Inc. should or should not see then the CPE Process Review is **independence in appearance** (*perceived independence*) versus **independence in fact** (*real independence*). ICANN’s transparency obligations are not “perceived,” they are “real” under ICANN’s Bylaws and ICANN’s Board and Staff will be held accountable for their actions and inactions related to this CPE Process Review given the numerous public statements and assurances that the CPE Process Review would be “independent” of ICANN.

¹ <https://www.icann.org/resources/board-material/resolutions-2016-09-17-en>

² <https://www.icann.org/resources/pages/14-30-2014-06-25-en>

³ <https://www.icann.org/resources/pages/14-32-2014-06-26-en>

⁴ <https://www.icann.org/resources/pages/14-33-2014-06-26-en>



Consistent with ICANN's transparency obligations under its Bylaws, Dot Registry hereby requests ICANN and FTI Consulting Inc. to provide any and all such information referencing or relating to Dot Registry's community applications for .INC, .LLC, and/or .LLP used, produced, or contained in the CPE Process Review. As a reminder, ICANN's Law Department attested, under oath and penalty of perjury, that all documents in existence relating to Dot Registry's CPE were produced in the Independent Review Process ("IRP"). Absent such information and disclosure, Dot Registry will not accept FTI Consulting Inc.'s findings, conclusions, or independence from ICANN's collusion related to the CPE Process Review.

Dot Registry reserves any and all of its rights at law or in equity before any court, tribunal, or forum of competent jurisdictions to seek satisfaction for the harms ICANN and has inflicted upon Dot Registry.

DOT REGISTRY LLC

Sincerely,

A handwritten signature in black ink, appearing to read "S. Jolles".

Shaul Jolles
CEO



Community Priority Evaluation Process Review Update

2 June 2017

The following is an update on the ongoing Community Priority Evaluation (CPE) process review.

Background on CPE Process Review

At various times in the implementation of the New gTLD Program, the ICANN Board has considered aspects of CPE process, including certain concerns that some applicants have raised regarding the process. On [17 September 2016](#), the ICANN Board directed the President and CEO, or his designees, to undertake a review of the process by which ICANN has interacted with the CPE provider. In his [letter of 26 April 2017 to concerned parties](#), Chris Disspain, the Chair of the Board Governance Committee, provided additional information about the scope and status of the review. Below is additional information about the review, as well as the current status of the CPE process review.

CPE Process Review and Current Status

The scope of the review consists of: (1) review of the process by which the ICANN organization interacted with the CPE provider related to the CPE reports issued by the CPE provider; (2) review of the consistency in which the CPE criteria were applied; and (3) review of the research process undertaken by the CPE panels to form their decisions and compilation of the reference materials relied upon by the CPE provider to the extent such reference materials exist for the evaluations which are the subject of pending [Requests for Reconsideration](#).

The review is being conducted in two parallel tracks by [FTI Consulting Inc.'s \(FTI\)](#) Global Risk and Investigations Practice (GRIP) and Technology Practice. The first track focuses on gathering information and materials from the ICANN organization, including interviews and document collection. This work was completed in early March 2017. The second track focuses on gathering information and materials from the CPE provider. This work is still ongoing. FTI is currently waiting on responses from the CPE provider related to the requests for information and documents. The CPE provider is seeking to provide its responses to the information requests by the end of next week and is currently evaluating the document requests. Once the underlying information and data collection is complete, FTI anticipates that it will be able to inform ICANN of its findings within two weeks.

FTI was chosen to assist in the CPE review following consultation with various candidates. FTI was selected because FTI has the requisite skills and expertise to undertake this investigation. FTI's GRIP and Technology Practice teams provide a multidisciplinary approach to business-critical investigations, combining the skill and experience of former prosecutors, law enforcement officials and regulators with forensic accountants, professional researchers, anti-corruption investigators, computer forensic, electronic evidence and enterprise data analytic specialists.

For more information about the CPE process, please visit <https://newgtlds.icann.org/en/applicants/cpe>.