

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

AFILIAS DOMAINS NO. 3 LIMITED,

Claimant

v.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS,

Respondent

ICDR Case No. 01-18-0004-2702

**JOINT REQUEST FOR CORRECTIONS BY AFILIAS DOMAINS NO. 3 LIMITED AND
THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS
TO THE FINAL DECISION OF THE INDEPENDENT REVIEW PROCESS PANEL**

21 June 2021

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1. Claimant Afilias Domains No. 3 Limited n/k/a Altanovo Domains Limited (“**Afilias**”) proposed certain clerical, typographical, or computational corrections (as set forth below) to the Final Decision issued on 20 May 2021 in this Independent Review Process (“**IRP**”), and Respondent the Internet Corporation for Assigned Names and Numbers (“**ICANN**”) does not object to those proposed corrections. At the request of Afilias, Afilias and ICANN (together, the “**Parties**”) submit this Joint Request for Corrections to the Final Decision of the Independent Review Process Panel’s (“**IRP Panel**”), pursuant to Article 33 of the International Centre for Dispute Resolution’s International Arbitration Rules.¹

2. At the outset, the Parties note that both page 18 and page 21 of the Final Decision contain paragraph numbers 60, 61, and 62. The Parties are requesting, in part, that the paragraphs be renumbered, with paragraph 60 on page 21 being changed to paragraph 63, and the rest of the paragraphs being renumbered consecutively thereafter. For ease of reference, we will refer herein to the paragraph number as it appears in the uncorrected version of the Final Decision, but will also specify the page number on which the paragraph appears in order to avoid confusion.

3. In addition to this renumbering of the paragraphs, the Parties also jointly request that the IRP Panel implement the following clerical, typographical, or computational corrections:

¹ According to Article 33(1) of the International Centre for Dispute Resolution’s International Arbitration Rules, “[w]ithin 30 days after the receipt of an award, any party, with notice to the other party, may request the arbitral tribunal to interpret the award or correct any clerical, typographical, or computational errors or make an additional award as to claims, counterclaims, or setoffs presented but omitted from the award.” While ICANN has agreed to jointly submit these proposed corrections, ICANN reserves its right to object to any future filings, requests or demands regarding the IRP Panel’s Final Decision pursuant to Article 33 of the International Centre for Dispute Resolution’s International Arbitration Rules.

Correction Location	Requested Correction	Reason for the Requested Correction
Page iv.	<p>Change</p> <p>Cooperative engagement process invoked by Donuts on 2 August 2016 in regard to .WEB.</p> <p>to</p> <p>Cooperative eEngagement pProcess invoked by Donuts on 2 August 2016 in regard to .WEB.</p>	The original text contains a typographical error. The Final Decision consistently capitalizes “Cooperative Engagement Process” in all instances except on page iv.
Page 1, ¶ 3; Page 18, ¶ 60; and Page 125, ¶ 410(1).	<p>Change</p> <p>Nu Dotco, LLC</p> <p>to</p> <p>Nu Dote<u>C</u>o, LLC</p>	The original text contains a typographical error. The Final Decision consistently capitalizes “Nu DotCo, LLC” except in three instances.
Page 9, ¶ 39.	<p>Change</p> <p>The Emergency Panelist presided over a focused document production process during which, on 18 December 2018, ICANN produced the Document Acquisition Agreement entered into between Verisign and NDC in connection with .WEB.</p> <p>to</p> <p>The Emergency Panelist presided over a focused document production process during which, on 18 December 2018, ICANN produced the <u>Document Domain</u> Acquisition Agreement entered into between Verisign and NDC in connection with .WEB.</p>	The original text contains a clerical error. The document referred to in the sentence is titled the “Domain Acquisition Agreement”.
Page 20, ¶ 60 <i>et seq.</i>	Change paragraph “60.” to paragraph “63.” and accordingly renumber the following paragraphs.	As noted at the outset, the original text contains a clerical error. Both page 18 and page 21 of the Final Decision contain paragraphs numbered 60, 61, and 62. The paragraphs should be renumbered in order to avoid this repetition.

Correction Location	Requested Correction	Reason for the Requested Correction
<p>Page 21, ¶ 64.</p>	<p>Change</p> <p>The Claimant had filed with its original Request for IRP witness statements from three (3) fact witnesses, Messrs. John L. Kane, Cedarampattu “Ram” Mohan and Jonathan M. Robinson, as well as two (2) expert reports, one by Dr. George Sadowsky, the other by Mr. Jonathan Zittrain. Upon the filing of its Amended Request for IRP, on 21 March 2019, the Claimant withdrew the witness statements of its three (3) fact witnesses “[i]n light of ICANN’s disclosure of the August 2015 Domain Acquisition Agreement between VeriSign and NDC”.</p> <p>to</p> <p>The Claimant had filed with its original Request for IRP witness statements from three (3) fact witnesses, Messrs. John L. Kane, Cedarampattu “Ram” Mohan and Jonathan M. Robinson, as well as two (2)<u>one</u> expert reports, one by Dr. George Sadowsky, the other by Mr. Jonathan Zittrain. Upon the filing of its Amended Request for IRP, on 21 March 2019, the Claimant <u>filed one expert report, by Dr. George Sadowsky, and</u> withdrew the witness statements of its three (3) fact witnesses “[i]n light of ICANN’s disclosure of the August 2015 Domain Acquisition Agreement between VeriSign and NDC”.</p>	<p>The original text contains a clerical error. The Claimant did not submit the Expert Report by Dr. George Sadowsky with its Request for IRP. The Sadowsky Expert Report was first submitted with the Claimant’s Amended Request for IRP.</p>
<p>Page 25, ¶ 83.</p>	<p>Change</p> <p>Verisign identified .WEB as one business opportunities in the New gTLD Program.</p> <p>to</p> <p>Verisign identified .WEB as one business opportunity<u>ies</u> in the New gTLD Program.</p>	<p>The original text contains a typographical error.</p>

Correction Location	Requested Correction	Reason for the Requested Correction
<p>Page 37, ¶ 132.</p>	<p>Change</p> <p>The Respondent explains that, with the exception of approximately two weeks in June 2018, after Afiliás' DIPD-related Reconsideration Requests were resolved and before Afiliás initiated its CEP, the .WEB contention set has been on hold from August 2016 through today.</p> <p>to</p> <p>The Respondent explains that, with the exception of approximately two weeks in June 2018, after Afiliás' DIPD-related Reconsideration Requests were resolved and before Afiliás initiated its CEP, the .WEB contention set has been on <u>-</u>hold from August 2016 through today.</p>	<p>The original text contains a typographical error.</p>
<p>Page 43, ¶ 153.</p>	<p>Change</p> <p>In its Rejoinder Memorial dated 1 June 2020, the Respondent states that a feature that sets this IRP apart is that ICANN has not yet fully address the ultimate dispute underlying the Claimant's claims.</p> <p>to</p> <p>In its Rejoinder Memorial dated 1 June 2020, the Respondent states that a feature that sets this IRP apart is that ICANN has not yet fully <u>addressed</u> the ultimate dispute underlying the Claimant's claims.</p>	<p>The original text contains a typographical error.</p>
<p>Page 81, ¶ 274.</p>	<p>Change</p> <p>The Claimant commenced its CEP on 18 June 2018, eleven days after the removal of the .WEB contention set from its on-hold status.</p> <p>to</p> <p>The Claimant commenced its CEP on 18 June 2018, twelveeleven days after the removal of the .WEB contention set from its on-hold status.</p>	<p>The original text contains a clerical error. As stated in the Parties' Joint Chronology, ICANN took the .WEB contention set off-hold on 6 June 2018. The Claimant initiated CEP on 18 June 2018, twelve days after 6 June 2018.</p>

Correction Location	Requested Correction	Reason for the Requested Correction
<p>Page 82, ¶ 278; and Page 85, ¶ 286.</p>	<p>Change</p> <p>In sum, the Panel finds that the Claimant’s core claims against the Respondent, as summarized above in paragraph 251 of this Final Decision, only accrued on 8 June 2018.</p> <p>to</p> <p>In sum, the Panel finds that the Claimant’s core claims against the Respondent, as summarized above in paragraph 251 of this Final Decision, only accrued on <u>68</u> June 2018.</p> <p>and change</p> <p>While the Panel has found that the Claimant’s core claims against the Respondent crystallized on 8 June 2018, the Panel’s view is that a proper analysis of the Claimant’s claims requires an examination of the Respondent’s conduct – that of its Board, individual directors, Officer and Staff – against the backdrop of the entire chronology of events leading to the Respondent’s decision of 8 June 2018.</p> <p>to</p> <p>While the Panel has found that the Claimant’s core claims against the Respondent crystallized on <u>68</u> June 2018, the Panel’s view is that a proper analysis of the Claimant’s claims requires an examination of the Respondent’s conduct – that of its Board, individual directors, Officer and Staff – against the backdrop of the entire chronology of events leading to the Respondent’s decision of <u>68</u> June 2018.</p>	<p>The original text contains clerical issues regarding the date that the Claimant’s core claims crystallized.</p> <p>The Final Decision states that the “Claimant’s complaints about NDC’s conduct crystallized into a claim against the Respondent” when the Respondent removed the “on-hold” status from the .WEB contention set, which occurred on 6 June 2018.² Yet, the Final Decision later states that the Claimant’s core claims crystallized on 8 June 2018.</p> <p>Since 8 June 2018 has no significance to the factual history of the IRP, as seen by the Parties’ Joint Fact Chronology of 23 October 2020, the Parties presume that the Final Decision should state that the Claimant’s core claims crystallized on 6 June 2018.</p>

² *Afilias Domains No. 3 Limited v. Internet Corporation for Assigned Names and Numbers*, ICDR Case No. 01-18-0004-2702, Final Decision (20 May 2021), ¶ 273.

Correction Location	Requested Correction	Reason for the Requested Correction
<p>Page 86, ¶ 293.</p>	<p>Change</p> <p>Bearing the standards set out in those commitments and core values in mind, the Panel turns to consider the Respondent’s conduct, beginning with the Claimant’s complaints about the Panel’s pre-auction investigation.</p> <p>to</p> <p>Bearing the standards set out in those commitments and core values in mind, the Panel turns to consider the Respondent’s conduct, beginning with the Claimant’s complaints about the Panel Respondent’s pre-auction investigation.</p>	<p>The original text contains a clerical error. We believe that the Final Decision is referring to the Respondent’s pre-auction investigation.</p>
<p>Page 87, ¶ 295.</p>	<p>Change</p> <p>As regards the Respondent’s pre-auction investigation – on which, in the opinion of the Panel, very little turns insofar as the Respondent’s core claims are concerned – the Panel accepts the evidence of Ms. Willet that prior to the auction, the Respondent was unaware of Verisign’s involvement in NDC’s application.</p> <p>To</p> <p>As regards the Respondent’s pre-auction investigation – on which, in the opinion of the Panel, very little turns insofar as the Respondent’s <u>Claimant’s</u> core claims are concerned – the Panel accepts the evidence of Ms. Willet that prior to the auction, the Respondent was unaware of Verisign’s involvement in NDC’s application.</p>	<p>The original text contains a clerical error. We believe that the Final Decision is referring to the Claimant’s core claims in the IRP.</p>

Respectfully submitted,

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