

INDEPENDENT REVIEW PROCESS

INTERNATIONAL CENTER FOR DISPUTE RESOLUTION

AFILIAS DOMAINS NO. 3 LTD.,

Claimant,

and

INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS,

Respondent,

and

VERISIGN, INC. and NU DOTCO, LLC.

Proposed *Amici Curiae*.

ICDR CASE NO: 01-18-0004-2702

**NU DOTCO, LLC'S STATEMENT ADOPTING AND JOINING
VERISIGN, INC.'S POST-HEARING BRIEF (PHASE I)**

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Nu Dotco, LLC (“NDC”) hereby responds to the Panel's October 9, 2019, letter.

1. For the reasons set forth in NDC's prior briefs in support of its request to participate in this IRP as well as arguments made at the October 2, 2019, telephonic Phase I Hearing, NDC is entitled to broad participatory rights in this IRP as Section 7 *Amicus Curiae*. The clear language in Section 7 of the Supplementary Procedures entitles NDC to participate as Section 7 *Amicus Curiae* because (among other reasons) it is the winning member of the Contention Set and because a just resolution of the dispute is impossible without the participation of NDC as the real party in interest.¹

2. The Panel should therefore grant NDC's request to participate as a Section 7 *Amicus Curiae*. Indeed, NDC's participation in this IRP—as the winner of the .WEB gTLD auction—is the only way to "ensure fundamental fairness and due process" and “[s]ecure the accessible, transparent, efficient, consistent, coherent, and just resolution of Disputes” consistent with ICANN's Bylaws and the norms of international arbitration. *See, e.g.*, ICANN Bylaws, § 4.3(a)(viii), (n)(iv).

3. After the Phase I Hearing, the Panel asked the Parties and Proposed *Amici* for their views on three issues.² As NDC indicated at the conclusion of the Hearing, it would not overburden the Panel with unnecessary briefing.³ Having reviewed Verisign's Post-Hearing Brief addressing the issues raised by the Panel, NDC believes that Verisign fairly and persuasively sets out the facts and arguments upon which NDC would rely. In lieu of additional briefing, NDC adopts Verisign's arguments and joins Verisign's Post-Hearing Brief.

¹ This Statement will not restate in detail NDC's previous briefing and Evidence submitted to the Procedures Officer and this Panel. Such briefing and evidence is incorporated herein by reference.

² Bienvenue letter to the Parties and Proposed *Amicus Curiae* (Oct. 9, 2019) at 2.

³ Phase I Hearing Transcript (ICDR Case No. 01-18-0004-2702, Oct. 2, 2019) at 117:8-11.

Dated: 15 November 2019

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By: /s/ Steven A. Marenberg
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