

Declaration of Eric Enson  
Exhibit A

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

**GCCIX, W.L.L.,**  
*Claimant*

**v.**

**INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS,**  
*Respondent*

**ICDR Case No. 01-21-0004-1048**

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**CLAIMANT'S RESPONSE TO REQUEST FOR THE  
PRODUCTION OF DOCUMENTS**

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16 September 2022

Exhibit A

The Internet Corporation for Assigned Names and Numbers (“ICANN”) submits this Request for Production of Documents to Claimant GCCIX, W.L.L. (“Claimant”) pursuant to Article 8 of the Interim Supplementary Procedures and Article 24 of the ICDR Arbitration Rules (effective 1 March 2021). As set out in the following Redfern Schedule, the documents requested by ICANN are relevant and material to the outcome of the claims in Claimant’s Amended Request for Independent Review Process (“Amended IRP Request”).

The term “document” used in this request shall include writings or communications, whether maintained on paper or in electronic form, including writings, text messages, instant messages and sound recordings.

The term “GAC Advice” used in this request refers to the consensus advice issued by the Governmental Advisory Committee (“GAC”) to ICANN on 11 April 2013 in its Beijing Communiqué that the .GCC application should not proceed, as reflected in Exhibit R-11.

The term “Early Warning” used in this request refers to the Early Warning issued on 20 November 2012 by the Gulf Cooperation Council as well as the governments of Bahrain, Oman, Qatar, and United Arab Emirates notifying Claimant that certain GAC members had concerns with the .GCC application, as reflected in Exhibit R9.

The term “September 2021 Board Resolution” used in this request refers to the ICANN Board Resolution 2021.09.12.08 – 2021.09.12.09 on 12 September 2021 authorizing ICANN to open an informal dialogue with the GAC regarding the rationale for the GAC Advice, as reflected in Exhibit R-26.

The use of the singular shall include the plural, and the use of the plural shall include the singular. The term “or” shall include “and,” and the term “and” shall include “or.”

| No. | Description of Requested Document                                                                                                                                | Relevance and Materiality to the Outcome of the IRP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Claimant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Panel Decision |
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| 1   | All communications between Claimant and ICANN relating to the GAC Advice, including but not limited to communications with Cherine Chalaby.                      | In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that ICANN improperly accepted the GAC Advice, resulting in halting the processing of Claimant's application. <i>See</i> Amended IRP Request, pp. 19, 22-26. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations. | <p>Claimant objects to Request #1 on the basis that it requests documents already in ICANN's possession. All such communications are already in ICANN's possession, in virtue of the communications being with ICANN.</p> <p>Indeed, ICANN has argued in another IRP case (<i>Fegistry, et al. v. ICANN</i>) that it could not be required to produce evidence of communications with the claimants therein, because such documents are in claimants' possession.</p>                                                                                                              |                |
| 2   | All documents and communications relating to the GAC Advice, including but not limited to any effort by Claimant to address the issues raised in the GAC Advice. | In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that ICANN improperly accepted the GAC Advice, resulting in halting the processing of Claimant's application. <i>See</i> Amended IRP Request, pp. 19, 22-26. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations. | <p>Claimant objects to Request #2 on the basis that no documents relating to the GAC Advice, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, or otherwise as alleged in the Amended IRP Request.</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p> |                |



| No. | Description of Requested Document                                                                                                                                                                                                                                                                           | Relevance and Materiality to the Outcome of the IRP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Claimant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Panel Decision |
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| 3   | All documents and communications relating to the Early Warning, including but not limited to any effort by Claimant to address the concerns raised in the Early Warning.                                                                                                                                    | In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that ICANN accepted the GAC Advice "despite lack of any rationale provided by GAC for its advice." <i>See</i> Amended IRP Request, p. 19. In its Response to the Amended IRP Request, ICANN explains that the GAC issued an Early Warning notifying Claimant that certain GAC members had "serious concerns" with the .GCC application. <i>See, e.g.</i> , ICANN's Response to Amended IRP Request, pp. 1, 5, 7-9, 16. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations. | <p>Claimant objects to Request #3 on the basis that no documents relating to the Early Warning, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, or otherwise as alleged in the Amended IRP Request.</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p>   |                |
| 4   | All documents and communications relating to the public comments ICANN received about the .GCC application, as referenced in paragraph 23 of ICANN's Response to Claimant's Amended IRP Request, including but not limited to any effort by Claimant to address the concerns raised in the public comments. | Between July and September 2012, ICANN received several public comments opposing Claimant's .GCC application. <i>See</i> ICANN's Response to Amended IRP Request, p. 7. Claimant's knowledge of, and response to, those public comments are relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.                                                                                                                                                                                                                                                                                                                                                                   | <p>Claimant objects to Request #4 on the basis that no documents relating to the public comments, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, or otherwise as alleged in the Amended IRP Request.</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p> |                |
| 5   | All documents and communications relating to the rationale behind Claimant's decision to apply for the .GCC generic top-                                                                                                                                                                                    | In the Amended IRP Request, Claimant alleges that the mission and purpose of the application was, in part, to "create a region-specific new TLD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |

| No. | Description of Requested Document                                                                                                                                                                                                    | Relevance and Materiality to the Outcome of the IRP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Claimant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Panel Decision |
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|     | level domain ("gTLD"), including but not limited to the reasons for selecting "GCC" as the gTLD and whether Claimant considered applying for other gTLDs.                                                                            | that allows previously excluded and disadvantaged users to take a stake in a meaningful cultural and economic tool that is specifically designed to respond to their linguistic, cultural and specific business needs." <i>See</i> Amended IRP Request, p. 6. This Request seeks documents regarding the rationale behind selecting "GCC" as the gTLD, including whether Claimant considered that the application was synonymous to or affiliated with the Gulf Cooperation Council. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations. | <p>Claimant objects to Request #5 on the basis that no documents relating to Claimant's motivations for applying to operate the .GCC TLD, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, or otherwise as alleged in the Amended IRP Request. .</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p> |                |
| 6   | All communications with the Gulf Cooperation Council (also known as the Cooperation Council for the Arab States of the Gulf), the GAC, or any member of the GAC relating to the .GCC new gTLD, the Early Warning, or the GAC Advice. | In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that ICANN improperly accepted the GAC Advice, resulting in halting the processing of Claimant's application. <i>See</i> Amended IRP Request, pp. 19, 22-26. Claimant also alleges that ICANN accepted the GAC Advice "despite lack of any rationale provided by GAC for its advice." <i>See id.</i> , p. 19. In its Response to the Amended IRP Request, ICANN explains the GAC issued an Early Warning notifying Claimant that certain GAC members had "serious concerns" with the .GCC application. <i>See, e.g.</i> , ICANN's Response to Amended IRP Request, pp. 1, 5, 7-9, 16. Therefore, this Request | <p>Claimant objects to Request #6 on the basis that no documents relating to the Early Warning and/or GAC Advice, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, or otherwise as alleged in the Amended IRP Request. .</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p>                         |                |

| No. | Description of Requested Document                                                                                                                                                                                                                            | Relevance and Materiality to the Outcome of the IRP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Claimant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Panel Decision |
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|     |                                                                                                                                                                                                                                                              | <p>seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.</p>                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                |
| 7   | <p>All documents and communications relating to the Legal Rights Objection proceedings before the World Intellectual Property Organization and Mediation Center ("WIPO"), including but not limited to all documents submitted during these proceedings.</p> | <p>In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that ICANN improperly terminated Gulf Cooperation Council's Legal Rights Objection proceeding filed with WIPO. <i>See</i> Amended IRP Request, pp. 19, 22-25. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.</p> | <p>Claimant objects to Request #7 on the basis that no documents relating to the WIPO LRO proceeding, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, improperly terminating the WIPO LRO proceeding after it had been fully briefed by the parties, or otherwise as alleged in the Amended IRP Request. .</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p> |                |
| 8   | <p>All documents and communications relating to the Cooperative Engagement Process ("CEP") between Claimant and ICANN, excluding direct communications with ICANN.</p>                                                                                       | <p>In the Amended IRP Request, Claimant alleges that ICANN acted in bad faith during the CEP by not responding to "two lengthy letters to ICANN" nor engaging "with Claimant in any substantive manner." <i>See</i> Amended IRP Request, pp. 15-16, 18, 19. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.</p>                                                     | <p>Claimant objects to Request #8 on the basis that no documents relating to the CEP, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, conducting a sham CEP in bad faith for eight years, or otherwise as alleged in the Amended IRP Request. .</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p>                                                            |                |

| No. | Description of Requested Document                                                                                             | Relevance and Materiality to the Outcome of the IRP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Claimant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Panel Decision |
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| 9   | Documents sufficient to show the number of times Claimant and ICANN communicated during the CEP, either in writing or orally. | In the Amended IRP Request, Claimant alleges that ICANN acted in bad faith during the CEP by not responding to "two lengthy letters to ICANN" nor engaging "with Claimant in any substantive manner." <i>See</i> Amended IRP Request, pp. 15-16, 18, 19. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Claimant objects to Request #9 on the basis that no documents relating to the CEP, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, conducting a sham CEP in bad faith for eight years, or otherwise as alleged in the Amended IRP Request. .</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p>                                                                                                                                                                                                                                                                                                                              |                |
| 10  | All documents and communications relating to the September 2021 Board Resolution.                                             | In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that ICANN improperly accepted the GAC Advice, resulting in halting the processing of Claimant's application. <i>See</i> Amended IRP Request, pp. 19, 22-26. In its Response to the Amended IRP Request, ICANN responded that "in September 2021, the ICANN Board adopted a resolution authorizing ICANN to open an informal dialogue with the GAC regarding the rationale for the GAC Advice," which may offer Claimant much of the relief it is seeking. <i>See</i> ICANN's Response to Amended IRP Request, p. 3. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations. | <p>Claimant objects to this Request #10, because ICANN's adoption of the September 2021 Board Resolution has no relevance to the relief that Claimant is seeking, which is a finding from this Panel that ICANN violated its Bylaws in its treatment of the .GCC application, in several different ways, long prior to 2021.</p> <p>Claimant further objects to Request #10 on the basis that no documents relating to the Board Resolution and/or GAC Advice, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice in 2013, or otherwise as alleged in the Amended IRP Request. .</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p> |                |

| No. | Description of Requested Document                                                                                                                                                                                                                                                                                               | Relevance and Materiality to the Outcome of the IRP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Claimant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Panel Decision |
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| 11  | All documents and communications relating to the decision to pursue this IRP in light of the September 2021 Board Resolution.                                                                                                                                                                                                   | In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that ICANN improperly accepted the GAC Advice, resulting in halting the processing of Claimant's application. <i>See</i> Amended IRP Request, pp. 19, 22-26. In its Response to the Amended IRP Request, ICANN responded that "in September 2021, the ICANN Board adopted a resolution authorizing ICANN to open an informal dialogue with the GAC regarding the rationale for the GAC Advice," which may offer Claimant much of the relief it is seeking. <i>See</i> ICANN's Response to Amended IRP Request, p. 3. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations. | <p>Claimant objects to this Request #11, because ICANN's adoption of the September 2021 Board Resolution has no relevance to the relief that Claimant is seeking, which is a finding from this Panel that ICANN violated its Bylaws in its treatment of the .GCC application, in several different ways, long prior to 2021.</p> <p>Claimant further objects to Request #10 on the basis that no documents relating to the Board Resolution and/or GAC Advice, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice in 2013, or otherwise as alleged in the Amended IRP Request.</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p> |                |
| 12  | All documents and communications relating to the comment issued by the Independent Objector ("IO") regarding the .GCC application, as referenced in Claimant's Amended IRP Request, including but not limited to any documents submitted to the IO and any effort by Claimant to address the issues raised in the IO's comment. | In the Amended IRP Request, Claimant alleges that ICANN's Independent Objector ("IO") decided not to file an objection against Claimant's application but also found that: (1) "the WIPO panel was in the process to decide the dispute," and (2) Gulf Cooperation Council was in a better position to file an objection. <i>See</i> Amended IRP Request, pp. 7-8, 24. This Request seeks all documents regarding the comment issued by the IO, any documents submitted to the IO, and any effort by Claimant to address the issues raised in the IO's comment. Therefore, this Request seeks                                                                                                                                                                                                                                                                                                                                               | <p>Claimant objects to Request #12 on the basis that no documents relating to the IO comments, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, terminating the WIPO LRO proceeding even though it was fully briefed by the parties, or otherwise as alleged in the Amended IRP Request.</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p>                                                                                                                                                                                                                                                                                    |                |



| No. | Description of Requested Document                                                                                                                                                                                                                  | Relevance and Materiality to the Outcome of the IRP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Claimant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Panel Decision |
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|     |                                                                                                                                                                                                                                                    | documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |
| 13  | All documents and communications supporting or demonstrating that Claimant's operation of the .GCC gTLD would further the public interest.                                                                                                         | In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that "ICANN has wholly failed to consider the public interest in having this regional TLD operate." Amended IRP Request, p. 21. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.                                                                                                | <p>Claimant objects to Request #13 on the basis that no documents relating to the public interest in Claimant's operation of the .GCC TLD, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice without citing any public interest in doing so, or otherwise as alleged in the Amended IRP Request.</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p>                                                                                                                        |                |
| 14  | All documents and communications reflecting or relating to Claimant's consideration or analysis of any potential issues associated with applying for the .GCC gTLD, including but not limited to any intellectual property or reputational issues. | In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that ICANN improperly accepted the GAC Advice, resulting in halting the processing of Claimant's application. <i>See</i> Amended IRP Request, pp. 19, 22-26. Claimant also alleges that ICANN accepted the GAC Advice "despite lack of any rationale provided by GAC for its advice." <i>See id.</i> , p. 19. In its Response to the Amended IRP Request, ICANN explains the GAC issued an Early Warning notifying Claimant that certain GAC members had "serious concerns" with the .GCC application. | <p>Claimant objects to Request #14 on the basis that no documents relating to the Claimant's considerations in applying for the .GCC TLD, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, or otherwise as alleged in the Amended IRP Request.</p> <p>Claimant further objects to this Request because it is overly broad and vague with respect to "any potential issues associated with applying for the .GCC TLD."</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p> |                |

| No. | Description of Requested Document                                                                                                                                                                                                                                                                                           | Relevance and Materiality to the Outcome of the IRP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Claimant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Panel Decision |
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|     |                                                                                                                                                                                                                                                                                                                             | <p><i>See, e.g.</i>, ICANN's Response to Amended IRP Request, pp. 1, 5, 7-9, 16. One of those "serious concerns" was that "the applied-for gTLD 'exactly matches a name of an Intergovernmental Organization,' namely the GCC." <i>Id.</i>, p. 8. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |
| 15  | <p>All documents and communications relating to the Gulf Cooperation Council (also known as the Cooperation Council for the Arab States of the Gulf), including but not limited to its reputation, its use of the "GCC" acronym, and how well-known the Gulf Cooperation Council is in the Gulf and Middle East region.</p> | <p>In the Amended IRP Request, Claimant challenges ICANN's processing of Claimant's application for the .GCC gTLD. Specifically, Claimant alleges that ICANN improperly accepted the GAC Advice, resulting in halting the processing of Claimant's application. <i>See</i> Amended IRP Request, pp. 19, 22-26. Claimant also alleges that ICANN accepted the GAC Advice "despite lack of any rationale provided by GAC for its advice." <i>See id.</i>, p. 19. In its Response to the Amended IRP Request, ICANN explains the GAC issued an Early Warning notifying Claimant that certain GAC members had "serious concerns" with the .GCC application. <i>See, e.g.</i>, ICANN's Response to Amended IRP Request, pp. 1, 5, 7-9, 16. One of those "serious concerns" was that "the applied-for gTLD 'exactly matches a name of an Intergovernmental Organization,' namely the GCC." <i>Id.</i>, p. 8. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid.</p> | <p>Claimant objects to Request #15 on the basis that no documents relating to the WIPO LRO proceeding (including without limitation the CCASG's use of the GCC acronym), which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, improperly terminating the WIPO LRO proceeding after it had been fully briefed by the parties, or otherwise as alleged in the Amended IRP Request. .</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p> |                |

| No. | Description of Requested Document                                                                                                                                                                                                                           | Relevance and Materiality to the Outcome of the IRP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Claimant's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Panel Decision |
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|     |                                                                                                                                                                                                                                                             | As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |
| 16  | All documents and communications that Claimant contends support the allegations in the Amended IRP Request.                                                                                                                                                 | This Request seeks all documents or communications Claimant contends supports the allegations in the Amended IRP Request. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations.                                                                                                                                                                                   | <p>Claimant objects to Request #16 on the basis that no documents, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, or otherwise as alleged in the Amended IRP Request.</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p> <p>Subject to and without waiving these objections, Claimant will produce responsive documents.</p> |                |
| 17  | All documents and communications relating to Claimant's formation as a W.L.L., including but not limited to any Articles of Association, any documents reflecting Claimant's mission or purpose, and documents sufficient to show when Claimant was formed. | When Claimant submitted its application to ICANN for the .GCC gTLD, it described the mission and purpose of the proposed .GCC gTLD. This Request seeks documents regarding whether the mission and purpose as described in the application is consistent with Claimant's mission and purpose as a business. Therefore, this Request seeks documents relevant to whether Claimant's claims in this IRP are valid. As such, the Request is relevant and material to Claimant's central claims in this IRP, ICANN's defenses, and the Panel's determination of Claimant's allegations. | <p>Claimant objects to Request #17 on the basis that no documents relating to the Claimant's mission, purpose and/or formation, which may be in Claimant's possession but not in ICANN's possession, can be relevant to show whether ICANN did or did not violate its own Bylaws by improperly accepting the GAC Advice, or otherwise as alleged in the Amended IRP Request.</p> <p>Claimant further objects to the extent this Request seeks attorney-client communications and/or work product information.</p>                                        |                |



Declaration of Eric Enson  
Exhibit B

**From:** Watne, Kelly M.  
**Sent:** Friday, October 21, 2022 2:49 PM  
**To:** Mike Rodenbaugh  
**Cc:** Enson, Eric P.; Mostowy, Walter  
**Subject:** RE: GCCIX v. ICANN - ICANN's Requests for Production

Mike,

ICANN accepts Claimant's offer to produce documents sufficient to show the status of GCCIX's commercial registration in Bahrain or elsewhere. Based on that agreement, ICANN does not intend to move to compel.

Thank you,  
Kelly

Kelly Ozurovich Watne  
Associate  
**JONES DAY® - One Firm Worldwide®**  
555 South Flower Street, 50th Floor  
Los Angeles, CA 90071  
Office +1.213.243.2266  
[kwatne@jonesday.com](mailto:kwatne@jonesday.com)

---

**From:** Mike Rodenbaugh <mike@rodenbaugh.com>  
**Sent:** Friday, October 21, 2022 1:36 PM  
**To:** Watne, Kelly M. <kwatne@jonesday.com>  
**Cc:** Enson, Eric P. <epenson@JonesDay.com>; Mostowy, Walter <wmostowy@jonesday.com>  
**Subject:** Re: GCCIX v. ICANN - ICANN's Requests for Production

**\*\* External mail \*\***

Kelly,

I do not know what other 'formation documents' there could be, or how they could be relevant. Can you further explain please?

We can provide evidence that GCCIX remains in good standing in Bahrain, but again I fail to see how that is relevant, either. Can you further explain please?

Given that we have agreed to produce as to all of ICANN's other requests, and based on our 'meet and confer' teleconference, I am not aware of any basis that ICANN has to move to compel anything from my client.

Thanks,  
Mike

**Mike Rodenbaugh**



**address:** 548 Market Street, Box 55819  
San Francisco, CA 94104

**email:** [mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)

**phone:** +1 (415) 738-8087

On Fri, Oct 21, 2022 at 1:18 PM Watne, Kelly M. <[kwatne@jonesday.com](mailto:kwatne@jonesday.com)> wrote:

Mike,

Following up on the below. Please let us know as soon as you can because it impacts any motion to compel ICANN may file today.

Thank you,  
Kelly

Kelly Ozurovich Watne  
Associate  
**JONES DAY® - One Firm Worldwide®**  
555 South Flower Street, 50th Floor  
Los Angeles, CA 90071  
Office +1.213.243.2266  
[kwatne@jonesday.com](mailto:kwatne@jonesday.com)

---

**From:** Watne, Kelly M. <[kwatne@jonesday.com](mailto:kwatne@jonesday.com)>  
**Date:** Thursday, Oct 20, 2022, 3:55 PM  
**To:** Mike Rodenbaugh <[mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)>  
**Cc:** Enson, Eric P. <[epenson@jonesday.com](mailto:epenson@jonesday.com)>, Mostowy, Walter <[wmostowy@jonesday.com](mailto:wmostowy@jonesday.com)>  
**Subject:** RE: GCCIX v. ICANN - ICANN's Requests for Production

Mike,

We understand that some corporate documentation was submitted with the .GCC application, but to the extent there are other GCCIX formational documents, we would like those. We would also like documents sufficient to show the status of GCCIX's commercial registration in Bahrain or elsewhere. Please let us know whether Claimant will agree to produce documents in response to this Request, as narrowed.

Thank you,  
Kelly

Kelly Ozurovich Watne

Associate

**JONES DAY® - One Firm Worldwide®**

555 South Flower Street, 50th Floor

Los Angeles, CA 90071

Office +1.213.243.2266

[kwatne@jonesday.com](mailto:kwatne@jonesday.com)

---

**From:** Mike Rodenbaugh <[mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)>

**Sent:** Thursday, October 20, 2022 12:42 PM

**To:** Watne, Kelly M. <[kwatne@jonesday.com](mailto:kwatne@jonesday.com)>

**Cc:** Enson, Eric P. <[epenson@JonesDay.com](mailto:epenson@JonesDay.com)>; Mostowy, Walter <[wmostowy@jonesday.com](mailto:wmostowy@jonesday.com)>

**Subject:** Re: GCCIX v. ICANN - ICANN's Requests for Production

**\*\* External mail \*\***

Kelly,

ICANN already has these documents, as they were required to be submitted with the TLD application.

Thanks,

Mike

**Mike Rodenbaugh**

**address:** 548 Market Street, Box 55819  
San Francisco, CA 94104



email: [mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)  
phone: +1 (415) 738-8087

On Tue, Oct 18, 2022 at 5:30 PM Watne, Kelly M. <[kwatne@jonesday.com](mailto:kwatne@jonesday.com)> wrote:

Mike,

In light of Claimant's privilege objection to Request No. 17, ICANN proposes to narrow this Request to seek only Claimant's Articles of Association or other similar documents prepared at the time of Claimant's formation. Therefore, ICANN would no longer pursue its broader request for "all documents and communications relating to Claimant's formation as a W.L.L." Please let us know by Thursday, October 20, if Claimant will agree to produce documents in response to this Request as narrowed.

Thank you,

Kelly

Kelly Ozurovich Watne

Associate

**JONES DAY® - One Firm Worldwide®**

555 South Flower Street, 50th Floor

Los Angeles, CA 90071

Office +1.213.243.2266

[kwatne@jonesday.com](mailto:kwatne@jonesday.com)

\*\*\*This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.\*\*\*

\*\*\*This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.\*\*\*

Declaration of Eric Enson  
Exhibit C

# JONES DAY

555 SOUTH FLOWER STREET • FIFTIETH FLOOR • LOS ANGELES, CALIFORNIA 90071.2300  
TELEPHONE: +1.213.489.3939 • FACSIMILE: +1.213.243.2539

DIRECT NUMBER: (213) 243-2304  
EPENSON@JONESDAY.COM

January 13, 2023

## VIA EMAIL

Mike Rodenbaugh  
RODENBAUGH LAW  
548 Market Street  
San Francisco, CA 94104  
mike@rodenbaugh.com

Re: GCCIX W.L.L. v. ICANN Independent Review Process (“IRP”)

Dear Mike:

It has come to ICANN’s attention that your client, GCCIX W.L.L. (“GCCIX”), was “Deleted By Law” on 28 August 2018 in the country of GCCIX’s incorporation, Bahrain. Please see that enclosed Commercial Registration Information form. It is our understanding that if an entity has been Deleted By Law for more than three years, as GCCIX has been, that entity cannot be reinstated under Bahraini law.

This revelation, of which GCCIX should have been aware prior to initiating this IRP, significantly impacts the pending IRP as well as GCCIX’s .GCC application. At the outset, a defunct entity does not have the capacity to maintain an IRP as a “CLAIMANT,” much like a defunct or suspended corporate entity lacks the capacity to sue in court. See IRP Interim Supplementary Procedures § 1 (defining a “CLAIMANT” as “any legal or natural person, group, or entity”); *Tabarrejo v. Superior Court*, 232 Cal. App. 4th 849, 862 (2014) (a corporation that has had its powers suspended “lacks the legal capacity to prosecute or defend a civil action during its suspension”).

Moreover, it appears that GCCIX underwent significant corporate changes including, but not limited to, changes in its officers and directors, changes in its shareholders with more than 15% ownership interest, changes to its authorized signatories, as well as abandonment of its website/domain name (gccix.net), which is being operated by what appears to be a completely unrelated business. These changes, which look to have occurred in 2016 and were never communicated to ICANN regarding the .GCC application, along with the 2018 Deleted By Law status seemingly renders the GCCIX entity that applied for .GCC non-existent.

It is unclear to ICANN how GCCIX purports to maintain this IRP (or its .GCC application) in light of the above facts.



Mike Rodenbaugh  
January 13, 2023  
Page 2

On 21 October 2022, you agreed to produce to ICANN “evidence that GCCIX remains in good standing in Bahrain.” To date, however, GCCIX has not produced any such evidence. We therefore request that, to the extent there exists “evidence that GCCIX remains in good standing in Bahrain,” you produce such information by 20 January 2023 so that we can assess how to proceed with the IRP Panel regarding this issue.

If you would like to discuss these issues, please do not hesitate to contact me.

Sincerely,

*Eric P. Enson*

Eric P. Enson

Encl.

## Commercial Registration Information

### Basic Information

[Print](#)[Back](#)

|                           |                            |
|---------------------------|----------------------------|
| CR No.                    | 78805-1                    |
| Commercial Name (Arabic)  | شركة جي سي سي أي اكس ذ م م |
| Commercial Name (English) | GCCIX W.L.L                |

### Company Information

|                   |                                |                    |            |
|-------------------|--------------------------------|--------------------|------------|
| Company Type      | With Limited Liability Company |                    |            |
| Status            | <b>DELETED BY LAW</b>          | Nationality        | BAHRAINI   |
| Registration Date | 28/08/2011                     | Expiry Date        | 28/08/2018 |
| Company Period    | N/A                            | Financial Year End | 31/12      |

### Social Media Address

|                      |                                           |
|----------------------|-------------------------------------------|
| Social Media Address | 1. Facebook<br>2. Instagram<br>3. Twitter |
|----------------------|-------------------------------------------|

### Commercial Address

#### [View Address in Map](#)

|                             |                                     |          |     |
|-----------------------------|-------------------------------------|----------|-----|
| Flat / Shop No.             | 43                                  | Building | 10  |
| Road / Street               | 19                                  | Block    | 319 |
| Town                        | MANAMA / ALHOORA / المنامة / الحورة | P.O. Box | 115 |
| eStore/eMarketplace Address |                                     |          |     |
| Corporate Website           |                                     |          |     |

### Business Activities [View Old Activities](#)

| ISIC4 Code | Business Description                            |
|------------|-------------------------------------------------|
| 642        | <a href="#">Activities of holding companies</a> |

### Amendment History

[View the recent 5 rows](#)

| Amendment Date | Operation                      |
|----------------|--------------------------------|
| 29/08/2018     | <a href="#">DELETED BY LAW</a> |
| 16/07/2017     | <a href="#">RENEWAL</a>        |

|            |                                             |
|------------|---------------------------------------------|
| 15/11/2016 | <a href="#">CHANGE COM-ADDRESS</a>          |
| 07/11/2016 | <a href="#">CHANGE AUTHORISED SIGNATORY</a> |
| 06/11/2016 | <a href="#">CHANGE # OF DIRECTORS</a>       |
| 02/11/2016 | <a href="#">CHANGE PARTNER(ADD;DELETE)</a>  |
| 03/10/2016 | <a href="#">REVIVE CR</a>                   |
| 01/10/2016 | <a href="#">DELETED BY LAW</a>              |
| 02/08/2015 | <a href="#">RENEWAL</a>                     |
| 26/08/2014 | <a href="#">RENEWAL</a>                     |
| 23/03/2014 | <a href="#">CHANGE COM-ADDRESS</a>          |
| 21/10/2013 | <a href="#">RENEWAL</a>                     |
| 01/04/2012 | <a href="#">RENEWAL</a>                     |

• **Company Capital Details**

|                               |                              |            |                                    |  |               |
|-------------------------------|------------------------------|------------|------------------------------------|--|---------------|
| <b>Total number of Shares</b> |                              | 100        | <b>Nominal Value of Each Share</b> |  | 200.000       |
| <b>Local Investment</b>       |                              | 20,000.000 | <b>GCC Investment</b>              |  |               |
| <b>Foreign Investment</b>     |                              |            | <b>Currency</b>                    |  | Bahrain Dinar |
| <b>Paid-up Capital</b>        | <b>a. In Cash</b>            | 20,000.000 | <b>Actual Paid Up</b>              |  |               |
|                               | <b>b. In Kind</b>            |            |                                    |  |               |
|                               | <b>Description (In Kind)</b> |            |                                    |  |               |

• **Shareholders and Partners**

| Name (Arabic)                          | Name (English)                               | Nationality | Number of Shares | Ownership (%) | Mortgager Status | Sequester Status |
|----------------------------------------|----------------------------------------------|-------------|------------------|---------------|------------------|------------------|
| حسين عادل محمد مطر                     | HUSAIN ADEL MOHAMED MATAR                    | BAHRAINI    | 25               | 25            |                  |                  |
| عيسى عبدالله محمد<br>عبدالرحيم الرفاعي | ISA ABDULLA MOHAMED ABDULRAHIM ALRIFFAI      | BAHRAINI    | 50               | 50            |                  |                  |
| الشيخ حمد خالد حمد<br>عبدالله ال خليفة | SHAIKH HAMAD KHALED HAMAD ABDULLA AL KHALIFA | BAHRAINI    | 25               | 25            |                  |                  |

• **Authorized Signatories**

| Name (Arabic)      | Name (English)            | Nationality | Authority Level |
|--------------------|---------------------------|-------------|-----------------|
| حسين عادل محمد مطر | HUSAIN ADEL MOHAMED MATAR | BAHRAINI    | Jointly         |

|                                     |                                                    |          |         |
|-------------------------------------|----------------------------------------------------|----------|---------|
| عيسى عبدالله محمد عبدالرحيم الرفاعي | ISA ABDULLA MOHAMED<br>ABDULRAHIM ALRIFFAI         | BAHRAINI | Jointly |
| الشيخ حمد خالد حمد عبدالله ال خليفة | SHAIKH HAMAD KHALED<br>HAMAD ABDULLA AL<br>KHALIFA | BAHRAINI | Jointly |

• **Branches**

| Branch                  | Branch Name | Status         | Due Date   |
|-------------------------|-------------|----------------|------------|
| <a href="#">78805-1</a> | GCCIX W.L.L | DELETED BY LAW | 28/08/2018 |

Declaration of Eric Enson  
Exhibit D



**Date:30-1-2023**

**548 Market Street, Box 55819**

**San Francisco, CA 94104**

**email: mike@rodenbaugh.com**

**phone: +1 (415) 738 – 8087**

Dear Mike Rodenbaugh,

**Subject: Bahrain company law and GCCIX status**

Regarding your inquiry about the company laws of Bahrain and GCCIX status as deleted by law.

Any company registered in Bahrain according to the law gets a juristic entity and earns all rights until it is totally dissolved and gets liquidated.

regarding GCCIX status as deleted by law:

deleted by law is a status applied by the Ministry of Industry, Commerce and Tourism to any company that does not pay the annual renewal fee or that holds any current administrative violation that can be amended by simply resolving the violation and it does not affect in any aspect the company's rights and contract and its abilities to gain such rights.



**Tus GCCIX is in good standing and has all the right to conduct business in and out of Bahrain and can engage in any business and continue with any business it has.**

GCCIX and throw its chairman are working hand to hand with the ministry to submit the financials and all the requirements and the company status will be changed to active in 45 days.

**Please find below articles (8), (320), and (326) of LEGISLATIVE DECREE NO. (21) OF 2001 PROMULGATING THE COMMERCIAL COMPANIES LAW that covers your mater.**

#### **Article (8)**

Unless otherwise provided for in the Law, except for an Association in Participation (Joint Venture), all commercial companies shall acquire a juristic entity by being registered with the Commercial Registry

#### **Article (320)**

A company shall be dissolved for any of the following reasons:

- a) Expiry of its specified period, unless the company's Memorandum or Articles of Incorporation provide for its renewal.
- b) Fulfillment of the objects for which it was incorporated.
- c) Destruction of all its property or a sizable portion thereof, making its continuation unfeasible.

d) A unanimous resolution by the partners to dissolve the company before the expiry of its term, unless the company's Memorandum or Articles of Incorporation provide for a special majority.

e) Merger with another company.

The commercial registration of the company shall be struck off by an explained order issued by the Competent Minister for commerce affairs in case the company does not undertake its business activities despite the lapse of one year from the date of the completion of its incorporation procedures or in case of the suspension of its business activities for a continued period exceeding one year without a justifiable reason.

The Ministry of Commerce and Industry shall notify the company the commercial registration of which is to be struck off in accordance with the procedures specified in an order issued by the Competent Minister for commerce affairs.

Every interested person may appeal against the order striking off the commercial registration to the Competent Minister for commerce affairs within no more than thirty (30) days from the date of publication of the order in the Official Gazette or from the date of the concerned party being notified thereof.

A decision shall be issued on this appeal within thirty (30) days from it being submitted, and the expiry of this period without the issue of a decision in respect thereof shall be deemed to be a rejection thereof.



The complainant may appeal against the rejection of his complaint before the High Civil Court within forty five (45) days from the date of his knowledge of the rejection thereof or from the date of it being considered rejected.

Striking off the commercial registration shall not entail the termination of the obligations of the members of the board of directors, managers, partners and shareholders and the same shall remain as if the company were subsisting.

#### **Article (326)**

- a) Throughout liquidation, the company shall retain its corporate entity to the extent required for liquidation.
- b) The phrase 'under liquidation' shall be added to the name of the company during liquidation.
- c) The company's bodies shall remain existed during liquidation, but their powers shall be confined to liquidation which does not fall within the scope of the powers of liquidators.

**Thank you for your inquiry and trust,**

**Sayyar Attorneys & Legal Consultants**

**Abdulla Sayyar**

Declaration of Eric Enson  
Exhibit E

**From:** Enson, Eric P.  
**Sent:** Monday, February 6, 2023 10:54 AM  
**To:** Tom Simotas; Mike Rodenbaugh; Watne, Kelly M.; Jonathan Frost; LeAnn Campbell  
**Cc:** David Huebner; <sup>Contact Information Redacted</sup>; Gary Benton  
**Subject:** RE: GCCIX, WLL v. Internet Corporation for Assigned Names and Number - Case 01-21-0004-1048  
**Attachments:** Re: .GCC; .GCC - Ltr. to M. Rodenbaugh Re GCCIX.pdf; GCCIX\_W.L.L.  
\_ - \_Commerical\_Registration\_Information.pdf; GCCIX ltr from Bahraini counsel re corporate status.pdf

Dear Tom,

Thank you.

Dear Mr. Chairman and Members of the Panel,

In addition to any topics the Panel would like to discuss during the 7 February status conference, ICANN would like to cover the following items:

1. Status of the ICANN Board's review of the GAC consensus advice and the .GCC application;
2. Status of discovery; and
3. Status of GCCIX's corporate registration. The parties' correspondence on this issue is attached.

Thank you.

Eric

Eric P. Enson  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
Los Angeles +1.213.243.2304  
San Francisco +1.415.963.6994  
Contact Information Redacted

---

**From:** Tom Simotas <sup>Contact Information Redacted</sup>  
**Sent:** Friday, January 20, 2023 12:05 PM  
**To:** Mike Rodenbaugh <mike@rodenbaugh.com>; Watne, Kelly M. <kwatne@jonesday.com>; Enson, Eric P. <epenson@JonesDay.com>; Jonathan Frost <jonathan@rodenbaugh.com>; LeAnn Campbell <leann@rodenbaugh.com>  
**cc:** David Huebner **Contact Information Redacted** ; Gary Benton  
**Contact Information Redacted** ; Tom Simotas <sup>Contact Information Redacted</sup>  
**Subject:** RE: GCCIX, WLL v. Internet Corporation for Assigned Names and Number - Case 01-21-0004-1048

**\*\* External mail \*\***

Dear All,

Please find attached Notice of Conference for the call scheduled to begin at 9:00 AM Pacific time on February 7, 2023.

We will send an Outlook invite with the Zoom details in a separate email.

Thank you for your attention to this matter.

Sincerely,

Tom Simotas



**Tom Simotas**  
**Finance Manager**

International Centre for Dispute Resolution  
American Arbitration Association  
120 Broadway, 21st Floor  
New York, NY 10271  
[www.icdr.org](http://www.icdr.org)  
**T:** +1 212 484 4077  
**F:** +1 212 246 7274



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Declaration of Eric Enson  
Exhibit F

**From:** Mike Rodenbaugh <mike@rodenbaugh.com>  
**Sent:** Thursday, May 11, 2023 10:37 AM  
**To:** Enson, Eric P.  
**Cc:** Jonathan Frost; Watne, Kelly M.  
**Subject:** Re: .GCC IRP - Protective Order

**This Message Is From an External Sender**

If you are concerned about the message's content, highlight the email in your inbox and click "Report Suspicious" in the Outlook ribbon -or- contact 6Help.

Eric, this is an accurate description of Fahad's role in GCCIX:

Fahad Al Shirwai, the Chief Executive Officer and currently sole employee of GCCIX

Thanks,  
Mike



**Mike Rodenbaugh**

**address:** 548 Market Street, Box 55819  
San Francisco, CA 94104

**email:** [mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)

**phone:** +1 (415) 738-8087

On Wed, May 3, 2023 at 12:59 PM Enson, Eric P. <[epenson@jonesday.com](mailto:epenson@jonesday.com)> wrote:

Mike,

Given your representations about Mr. Al Shirawi, we have added him to paragraph 8.b in the protective order. Please let us know if this works. Thanks.

Eric

Eric P. Enson  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
Los Angeles +1.213.243.2304

San Francisco +1.415.963.6994

---

**From:** Mike Rodenbaugh <[mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)>  
**Sent:** Wednesday, March 22, 2023 5:44 PM  
**To:** Enson, Eric P. <[epenson@JonesDay.com](mailto:epenson@JonesDay.com)>  
**Cc:** Jonathan Frost <[jonathan@rodenbaugh.com](mailto:jonathan@rodenbaugh.com)>; Watne, Kelly M. <[kwatne@jonesday.com](mailto:kwatne@jonesday.com)>  
**Subject:** Re: .GCC IRP - Protective Order

**\*\* External mail \*\***

Hi Eric,

As discussed in email, and on the phone with Kelly last week, we need to ensure that my client 's principal can see all info produced in this case. Particularly as the order would allow ICANN in-house counsel to see everything. My client does not have in-house counsel; therefore, Fahad al Sirawi needs to see everything in order both for our client to assist us in litigating this matter, and for him to assess risk appropriately for his company.

You have our consent to accept changes in the attached, and submit to the panel.

Thanks,

Mike



**Mike Rodenbaugh**

**address:** 548 Market Street, Box 55819  
San Francisco, CA 94104

**email:** [mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)

**phone:** +1 (415) 738-8087

On Fri, Jan 27, 2023 at 10:56 AM Enson, Eric P. <[epenson@jonesday.com](mailto:epenson@jonesday.com)> wrote:

Mike and Jonathan,

A draft PO is attached, which is virtually identical to the .HOTEL IRP PO. Thanks.

Eric

Eric P. Enson

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

Los Angeles +1.213.243.2304

San Francisco +1.415.963.6994

Mobile Contact Information Redacted

---

**From:** Mike Rodenbaugh <[mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)>

**Sent:** Wednesday, January 25, 2023 1:06 PM

**To:** Enson, Eric P. <[epenson@JonesDay.com](mailto:epenson@JonesDay.com)>

**Cc:** Jonathan Frost <[jonathan@rodenbaugh.com](mailto:jonathan@rodenbaugh.com)>; Watne, Kelly M. <[kwatne@jonesday.com](mailto:kwatne@jonesday.com)>

**Subject:** Re: .GCC IRP - Protective Order

**\*\* External mail \*\***

Ok, agreed.



**Mike Rodenbaugh**

**address:** 548 Market Street, Box 55819  
San Francisco, CA 94104

**email:** [mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)

**phone:** +1 (415) 738-8087

On Wed, Jan 25, 2023 at 1:03 PM Enson, Eric P. <[epenson@jonesday.com](mailto:epenson@jonesday.com)> wrote:



In order to avoid a delay of the production, you could agree to the Attorneys' Eyes Only provision for now, and we can raise it with the Panel if we cannot reach an agreement in the PO after you see the documents.

Eric P. Enson

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

Los Angeles +1.213.243.2304

San Francisco +1.415.963.6994

Mobile Contact Information Redacted

---

**From:** Mike Rodenbaugh <[mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)>  
**Sent:** Wednesday, January 25, 2023 1:00 PM  
**To:** Enson, Eric P. <[epenson@JonesDay.com](mailto:epenson@JonesDay.com)>  
**Cc:** Jonathan Frost <[jonathan@rodenbaugh.com](mailto:jonathan@rodenbaugh.com)>; Watne, Kelly M. <[kwatne@jonesday.com](mailto:kwatne@jonesday.com)>  
**Subject:** Re: .GCC IRP - Protective Order

**\*\* External mail \*\***

I am about to hop on a plane. What is the nature of such documents?

Anyway it ought not delay your production of anything else.



**Mike Rodenbaugh**

**address:** 548 Market Street, Box 55819  
San Francisco, CA 94104

**email:** [mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)

**phone:** +1 (415) 738-8087

On Wed, Jan 25, 2023 at 12:57 PM Enson, Eric P. <[epenson@jonesday.com](mailto:epenson@jonesday.com)> wrote:

Mike,

We will need an Attorneys' Eyes Only option, which is a term of virtually every protective order and the protective orders ICANN has entered into with you in the past. Without that agreement, there will be certain (although not a lot of) documents that we are unable to produce to you. Should we get on the phone to discuss? Thanks.

Eric

Eric P. Enson  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
Los Angeles +1.213.243.2304

San Francisco +1.415.963.6994

Mobile Contact Information Redacted

---

**From:** Mike Rodenbaugh <[mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)>  
**Sent:** Wednesday, January 25, 2023 12:50 PM  
**To:** Enson, Eric P. <[epenson@JonesDay.com](mailto:epenson@JonesDay.com)>  
**Cc:** Jonathan Frost <[jonathan@rodenbaugh.com](mailto:jonathan@rodenbaugh.com)>; Watne, Kelly M. <[kwatne@jonesday.com](mailto:kwatne@jonesday.com)>  
**Subject:** Re: .GCC IRP - Protective Order

**\*\* External mail \*\***

Eric,

There ought not be any Attorneys Eyes Only designation. Our client needs to see anything that ICANN produces, and it does not have in-house counsel. Otherwise we are fine with this. Please circulate the draft PO so we can get it in place.

Thanks,

Mike

**Mike Rodenbaugh**



**address:** 548 Market Street, Box 55819  
San Francisco, CA 94104

**email:** [mike@rodenbaugh.com](mailto:mike@rodenbaugh.com)

**phone:** +1 (415) 738-8087

On Tue, Jan 24, 2023 at 2:04 PM Enson, Eric P. <[epenson@jonesday.com](mailto:epenson@jonesday.com)> wrote:

Mike and Jonathan,

We just realized that we do not have a protective order in the .GCC IRP. I am sure that we can negotiate a protective order similar to the order in the .HOTEL IRP pretty quickly. But in order for ICANN to make its production tomorrow, I ask that you agree to the following until we have a signed protective order in place:

- (1) Any materials marked Confidential or Highly Confidential – Attorneys’ Eyes Only may be used only for the prosecution or defense of this IRP;
- (2) Any materials marked Confidential may only be disclosed to (i) The Panel (ii) Attorneys of record in the IRP and their affiliated attorneys, paralegals, clerical and secretarial staff employed by such attorneys, as well as in-house counsel and the paralegal, clerical and secretarial staff employed by such counsel (iii) Those officers, directors, partners, members, employees and agents of the parties that counsel for such parties deems necessary to aid counsel in the prosecution and defense of this IRP (iv) Court reporters used in this IRP (v) Outside experts or expert consultants consulted by the Parties or their counsel in connection with the IRP, whether or not retained to testify at any oral hearing and (vi) any other person that the designating Party agrees to in writing;
- (3) Any materials marked Highly Confidential – Attorneys’ Eyes Only may only be disclosed to (i) The Panel (ii) Attorneys of record in the IRP and their affiliated attorneys, paralegals, clerical and secretarial staff employed by such attorneys, as well as in-house counsel who are actively engaged in the IRP, including the paralegal, clerical and secretarial staff employed by such counsel (iii) Court reporters used in this IRP (v) Outside experts or expert consultants consulted by the Parties or their counsel in connection with the IRP, whether or not retained to testify at any oral hearing and (vi) Any person who is the original source of the information, is specifically identified as an author or recipient of the document, or otherwise has knowledge of the information; and
- (4) Any non-lawyer receiving materials marked Confidential or Highly Confidential – Attorneys’ Eyes Only, as permitted above, must be informed of this agreement and must agree to abide by its terms until the Parties have a signed protective order in place.

Please let me know if you agree to these terms so that we can make our production tomorrow. Thanks.

Eric

Eric P. Enson

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

Los Angeles +1.213.243.2304

San Francisco +1.415.963.6994

Mobile Contact Information Redacted

\*\*\*This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.\*\*\*

\*\*\*This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.\*\*\*

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\*\*\*This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.\*\*\*

Declaration of Eric Enson  
Exhibit G

INDEPENDENT REVIEW PROCESS

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION

|                                   |   |                               |
|-----------------------------------|---|-------------------------------|
| GCCIX, W.L.L.                     | ) | ICDR CASE NO. 01-21-0004-1048 |
|                                   | ) |                               |
| Claimant,                         | ) |                               |
|                                   | ) |                               |
| and                               | ) |                               |
|                                   | ) |                               |
| INTERNET CORPORATION FOR ASSIGNED | ) |                               |
| NAMES AND NUMBERS,                | ) |                               |
|                                   | ) |                               |
| Respondent.                       | ) |                               |
| _____                             | ) |                               |

**[PROPOSED] STIPULATED PROTECTIVE ORDER**

Discovery in this GCCIX, W.L.L. (“Claimant”) v. Internet Corporation for Assigned Names and Numbers (“ICANN”) Independent Review Process (“IRP”) proceeding is likely to involve production of confidential, proprietary, or private information for which special protection from public disclosure and from use for any purpose other than prosecuting this IRP may be warranted.

Accordingly, **IT IS HEREBY STIPULATED** by and between Claimant and ICANN (collectively, the “Parties”), by and through their respective counsel of record, that in order to facilitate the exchange of information and documents, which may be subject to confidentiality limitations on disclosure, the Parties stipulate as follows:

1. In this Stipulation and Protective Order, the words set forth below shall have the following meanings:

a. “Proceeding” means the above-entitled proceeding, ICDR Case No. 01-21-0004-1048.

b. “Confidential” means any information which is in the possession of a Designating Party who believes in good faith that it contains or reflects trade secrets, non-public research or other similar non-public information, confidential or proprietary information, or information covered by a legitimate privacy right or interest.

c. “Confidential Materials” means any Documents, Testimony or Information as defined below designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the provisions of this Stipulation and Protective Order.

d. “Designating Party” means the Party that designates Confidential Materials as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only.”

e. “Documents” means (i) any “Writing,” “Original,” and “Duplicate,” as those terms are defined by California Evidence Code Sections 250, 255, and 260, which have been produced in discovery in this Proceeding by any person, and (ii) any copies, reproductions, or summaries of all or any part of the foregoing.

f. “Highly Confidential – Attorneys’ Eyes Only” means any information that



the Designating Party determines in good faith constitutes any confidential information or thing that it believes in good faith contains highly sensitive business or personal information, the disclosure of which would result in a serious harm or competitive disadvantage to the producing Party or third parties, or otherwise seriously harm the producing Party or third parties.

g. “Information” means the content of Documents or Testimony.

h. “Panel” means Gary L. Benton, Chair; Prof. Catherine Kessedjian; Amb.

(r.) David Huebner or any panelist to which this Proceeding may be assigned, including Panel staff participating in such proceedings.

i. “Testimony” means all declarations or other testimony, written and verbal, taken or used in this Proceeding.

2. The Designating Party shall have the right to designate as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” any Documents, Testimony or Information that the Designating Party in good faith believes to contain non-public information that is entitled to confidential or highly confidential treatment.

3. The entry of this Stipulation and Protective Order does not alter, waive, modify, or abridge any right, privilege or protection otherwise available to any Party with respect to the discovery of matters, including but not limited to any Party’s right to assert the attorney-client privilege, the attorney work product doctrine, or other privileges, or any Party’s right to contest any such assertion.

4. Any Documents, Testimony or Information to be designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” must be clearly so designated before the Document, Testimony or Information is disclosed or produced. The “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” designation should not obscure or interfere with the legibility of the designated Information.

a. For Documents (apart from transcripts or other pretrial or trial proceedings), the Designating Party must affix the legend “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” on each page of any Document containing such designated Confidential



Material.

b. For Information produced in some form other than Documents, and for any other tangible items, including, without limitation, compact discs or DVDs, the Designating Party must affix in a prominent place on the exterior of the container or containers in which the Information or item is stored the legend “Confidential” or “Highly Confidential – Attorneys’ Eyes Only.” If only portions of the Information or item warrant protection, the Designating Party, to the extent practicable, shall identify the “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” portions.

5. The inadvertent production by any of the undersigned Parties or non-Parties to the Proceedings of any Document, Testimony or Information during discovery in this Proceeding without a “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” designation, shall be without prejudice to any claim that such item is “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” and such Party shall not be held to have waived any rights by such inadvertent production. In the event that any Document, Testimony or Information that is subject to a “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” designation is inadvertently produced without such designation, the Party that inadvertently produced the document shall give written notice of such inadvertent production, together with a further copy of the subject Document, Testimony or Information designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” (the “Inadvertent Production Notice”). Upon receipt of such Inadvertent Production Notice, the Party that received the inadvertently produced Document, Testimony or Information shall promptly securely destroy the inadvertently produced Document, Testimony or Information and all copies thereof, or, at the expense of the producing Party, return such together with all copies of such Document, Testimony or Information to counsel for the producing Party and shall retain only the “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” designated Materials. Should the receiving Party choose to securely destroy such inadvertently produced Document, Testimony or Information, the receiving Party shall notify the producing Party in writing of such destruction within ten (10) days of receipt of

the Inadvertent Production Notice. This provision is not intended to apply to any inadvertent production of any Information protected by attorney-client or work product privileges. In the event that this provision conflicts with any applicable law regarding waiver of confidentiality through the inadvertent production of Documents, Testimony or Information, such law shall govern.

6. Any Party may challenge a designation of confidentiality at any time. In the event that counsel for a Party receiving Documents, Testimony or Information in discovery designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” objects to such designation with respect to any or all of such items (“Challenging Party”), counsel for the Challenging Party shall advise counsel for the Designating Party, in writing, of such objections, the specific Documents, Testimony or Information to which each objection pertains, and the specific reasons and support for such objections (the “Designation Objections”). The Parties shall attempt to resolve each challenge in good faith. The Challenging Party may appeal to the Panel for a ruling only if it has engaged in this meet-and-confer process first or establishes that the Designating Party is unwilling to participate in the meet-and-confer process. If the parties cannot resolve a challenge without the Panel’s intervention, the Challenging Party shall file and serve a letter setting forth its challenge to the designation(s) within 30 days of the initial notice of challenge or within 14 days of the Parties agreeing that the meet-and-confer process will not resolve their dispute, whichever is later. The burden of persuasion in any such challenge proceeding shall be on the Challenging Party. The Parties shall continue to afford the material in question the level of protection to which it is entitled under the Designating Party’s designation until the Panel rules on the challenge.

7. Access to and/or disclosure of Confidential Materials designated as “Confidential” shall be permitted only to the following persons:

- a. the persons identified in Paragraph 8 below;
- b. those officers, directors, partners, members, employees and agents of the Parties that counsel for such Parties deems necessary to aid counsel in the prosecution and



defense of this Proceeding; provided, however, that prior to the disclosure of Confidential Materials to any such officer, director, partner, member, employee or agent, counsel for the Party making the disclosure shall deliver a copy of this Stipulation and Protective Order to such person, shall explain that such person is bound to follow the terms of such Order, and shall secure the signature of such person on a statement in the form attached hereto as Exhibit A; and

c. any other person that the Designating Party agrees to in writing.

8. Access to and/or disclosure of Confidential Materials designated as “Highly Confidential – Attorneys’ Eyes Only” shall be permitted only to the following persons:

a. the Panel, provided, however, that the Panelists need not execute the form attached hereto as Exhibit A;

b. the ICDR, provided, however, that the ICDR need not execute the form attached hereto as Exhibit A;

c. the Parties’ outside counsel and in-house counsel who are actively engaged in the Proceeding, including their associates, clerks, paralegals, investigators, stenographic personnel, litigation support contractors, contract attorneys, and such other regular and temporary employees who assist counsel in the conduct of the Proceeding, including employees of any firm retained to reproduce the discovery material for use in accordance with this Stipulated Protective Order; and Fahad al Shirawi, the Chief Executive Officer and currently the sole employee GCCIX;

d. the individuals described below:

i. Any outside expert or consultant retained by counsel or a Party to assist in the preparation of this case, or to testify in the Proceeding, provided each such individual has read this Stipulated Protective Order in advance of disclosure, and has agreed in writing to be bound by its terms in the form attached hereto as Exhibit A. It shall be the obligation of counsel, upon learning of any breach or threatened breach of this Stipulated Protective Order by any such expert or expert consultant, to promptly notify counsel for the Designating Party of such breach or

threatened breach.

ii. Stenographic and clerical employees associated with the individuals described in paragraph 8(d)(i), provided, however, that such employees need not execute the form attached hereto as Exhibit A.

iii. Any person who is the original source of the information, is specifically identified as an author or recipient of the document, or otherwise has knowledge of the information, provided, however, that such person need not execute the form attached hereto as Exhibit A.

iv. Panel reporters in this Proceeding (whether at hearings or any other proceeding), provided, however, that such employees need not execute the form attached hereto as Exhibit A.

9. Confidential Materials shall be used by the persons receiving them only for the purposes of preparing for, conducting, participating in the conduct of, and/or prosecuting and/or defending the Proceeding, and not for any business or other purpose whatsoever.

10. Any Party to the Proceeding (or other person subject to the terms of this Stipulation and Protective Order) may ask the Panel, after appropriate notice to the other Parties to the Proceeding, to modify or grant relief from any provision of this Stipulation and Protective Order.

11. Entering into, agreeing to, and/or complying with the terms of this Stipulation and Protective Order shall not:

a. operate as an admission by any person that any particular Document, Testimony or Information marked “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” contains or reflects trade secrets, proprietary, confidential or sensitive business, commercial, financial or personal information; or

b. prejudice in any way the right of any Party (or any other person subject to the terms of this Stipulation and Protective Order):

i. to seek a determination by the Panel of whether any particular



Confidential Material should be subject to protection as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” under the terms of this Stipulation and Protective Order; or

ii. to seek relief from the Panel on appropriate notice to all other Parties to the Proceeding from any provision(s) of this Stipulation and Protective Order, either generally or as to any particular Document, Material or Information.

12. Any Information that may be produced by a non-Party witness in discovery in the Proceeding pursuant to subpoena or otherwise may be designated by either the Party or the non-Party witness as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” under the terms of this Stipulation and Protective Order, and any such designation by a non-Party shall have the same force and effect, and create the same duties and obligations, as if made by one of the undersigned Parties hereto. Any such designation shall also function as a consent by such producing non-Party to the authority of the Panel in the Proceeding to resolve and conclusively determine any motion or other application made by any person or Party with respect to such designation, or any other matter otherwise arising under this Stipulation and Protective Order.

13. Nothing in this Stipulation and Protective Order shall be construed to preclude either Party from asserting in good faith that certain Confidential Materials require additional protection. The Parties shall meet and confer to agree upon the terms of such additional protection.

14. If, after execution of this Stipulation and Protective Order, any Confidential Materials submitted by a Designating Party under the terms of this Stipulation and Protective Order is disclosed by a non-Designating Party to any person other than in the manner authorized by this Stipulation and Protective Order, the non-Designating Party responsible for the disclosure shall bring all pertinent facts relating to the disclosure of such Confidential Materials to the immediate attention of the Designating Party.

15. This Stipulation and Protective Order is entered into without prejudice to the right of any Party to knowingly waive the applicability of this Stipulation and Protective Order to any

Confidential Materials designated by that Party. If the Designating Party uses Confidential Materials in a non-Confidential manner, then the Designating Party shall advise that the designation no longer applies.

16. Confidential Material must be stored and maintained by a non-Designating Party at a location and in a secure manner that ensures that access is limited to the persons authorized under this Order.

17. Nothing in this Stipulation and Protective Order shall affect the admissibility into evidence of Confidential Materials, or abridge the rights of any person to seek judicial review or to pursue other appropriate judicial action with respect to any ruling made by the Panel concerning the issue of the status of Confidential Material.

18. This Stipulation and Protective Order shall continue to be binding after the conclusion of this Proceeding and all subsequent proceedings arising from this Proceeding, except that a Party may seek the written permission of the Designating Party or may move the Panel for relief from the provisions of this Stipulation and Protective Order.

19. If a Party is served with a document request, investigatory demand for documents, subpoena or a court order (“Document Demand”) issued in litigation or a government investigation that compels disclosure of any information or items designated in this IRP as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only,” that Party must:

(a) within three business days, send written notice of such to the Designating Party. Such notification shall include a copy of the Document Demand;

(b) promptly send written notice to the entity who caused the Document Demand to issue that some or all of the material covered by the Document Demand is subject to this Order. Such notification shall include a copy of this Order; and

(c) cooperate with respect to all reasonable procedures sought to be pursued by the Designating Party whose Confidential Material may be affected.

If the Designating Party timely seeks a protective order, the Party served with the Document Demand shall not produce any information designated in this IRP as “Confidential”



or ““Highly Confidential – Attorneys’ Eyes Only”” before a determination by the court from which the Document Demand issued, unless the Party has obtained the Designating Party’s permission. The Designating Party shall bear the burden and expense of seeking protection in that court of its Protected Material.

Nothing in these provisions should be construed as authorizing or requiring a receiving Party in this IRP to disobey a lawful directive from any court.

20. Within 60 days after the final disposition of this IRP, each receiving Party must return all Confidential Material to the producing Party or destroy such material. Whether the Confidential Material is returned or destroyed, the receiving Party (except for the Panel and the ICDR) must submit a written certification to the producing Party by the 60-day deadline that affirms that the receiving Party has not retained any copies of the Confidential Material. Notwithstanding this provision, counsel, the Panel, and the ICDR are entitled to retain an archival copy of all pleadings, motion papers, transcripts, legal memoranda, correspondence, exhibits, expert reports, attorney work product, and consultant and expert work product, even if such materials contain Confidential Material. Any such archival copies that contain or constitute Confidential Material remain subject to this Stipulation and Protective Order.

21. After this Stipulation and Protective Order has been signed by counsel for all Parties, it shall be presented to the Panel for entry. Counsel agree to be bound by the terms set forth herein with regard to any Confidential Materials that have been produced before the Panel signs this Stipulation and Protective Order. This Protective Order can be amended or modified only by written agreement signed by the Parties or by order of the Panel in this matter.

22. The Parties and all signatories to the Certification attached hereto as Exhibit A agree to be bound by this Stipulation and Protective Order pending its approval and entry by the Panel. In the event that the Panel modifies this Stipulation and Protective Order, or in the event that the Panel enters a different Protective Order, the Parties agree to be bound by this Stipulation and Protective Order until such time as the Panel may enter such a different Order. It is the Parties’ intent to be bound by the terms of this Stipulation and Protective Order pending its

entry so as to allow for production of Confidential Materials under the terms herein. After this Proceeding has concluded, this Protective Order may be enforced in any court of competent jurisdiction.

This Stipulation and Protective Order may be executed in counterparts.

Dated: May 24, 2023

JONES DAY

By: /s/ Eric P. Enson  
Eric P. Enson

Counsel for RESPONDENT

INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS

Dated: May 24, 2023

RODENBAUGH LAW

By: /s/ Mike Rodenbaugh  
Mike Rodenbaugh

Counsel for CLAIMANT  
GCCIX, W.L.L.



**ORDER**

**GOOD CAUSE APPEARING**, the Panel hereby approves this Stipulation and  
Protective Order.

**IT IS SO ORDERED.**

Dated: 26 May 2023

**Gary L. Benton** Digitally signed by Gary L.  
Benton  
Date: 2023.05.26 12:30:19 -07'00'

---

Gary L. Benton, Chair

ICDR CASE NO. 01-21-0004-1048

**EXHIBIT A**

**CERTIFICATION RE CONFIDENTIAL DISCOVERY MATERIALS**

I hereby acknowledge that I, \_\_\_\_\_ [NAME],  
\_\_\_\_\_  
\_\_\_\_\_ [POSITION AND EMPLOYER], am  
about to receive Confidential Materials supplied in connection with the GCCIX, W.L.L. v.  
Internet Corporation for Assigned Names and Numbers Independent Review Process, ICDR  
Case No. 01-21-0004-1048 (“Proceeding”).<sup>1</sup> I certify that I understand that the Confidential  
Materials are provided to me subject to the terms and restrictions of the Stipulation and  
Protective Order filed in this Proceeding. I have been given a copy of the Stipulation and  
Protective Order; I have read it, and I agree to be bound by its terms.

I understand that Confidential Materials, as defined in the Stipulation and Protective  
Order, including any notes or other records that may be made regarding any such materials, shall  
not be disclosed to anyone except as expressly permitted by the Stipulation and Protective Order.  
I will not copy or use, except solely for the purposes of this Proceeding, any Confidential  
Materials obtained pursuant to this Protective Order, except as provided therein or otherwise  
ordered by the Panel in this Proceeding.

I further understand that I am to retain all copies of all Confidential Materials provided to  
me in the Proceeding in a secure manner, and that all copies of such Confidential Materials are to  
remain in my personal custody until termination of my participation in this Proceeding,  
whereupon the copies of such Confidential Materials will be returned to counsel who provided  
me with such Confidential Materials.

---

<sup>1</sup> The defined terms in this Certification are the same as those defined in the Stipulation and Protective  
Order.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_.

Dated: \_\_\_\_\_

BY: \_\_\_\_\_

Signature

\_\_\_\_\_

Title

\_\_\_\_\_

Address

\_\_\_\_\_

City, State, Zip

\_\_\_\_\_

Telephone Number



Declaration of Eric Enson  
Exhibit H



## Index

| # | Content                                              | Page Number |
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| 1 | <b>INTRODUCTION</b>                                  | 2           |
| 2 | <b>INSTRUCTION</b>                                   | 3           |
| 3 | <b>LAWS, COURT JUDGMENTS, AND DOCUMENTS REVIEWED</b> | 3           |
| 4 | <b>STATEMENT OF COMPLIANCE</b>                       | 3           |
| 5 | <b>OPINION</b>                                       | 4           |



## **1 INTRODUCTION**

### **1.1 Formal Details**

I am a Partner at the law Firm Hassan Radhi & Associates, Kingdom of Bahrain which was originally established in 1974 as Hassan Radhi Law Office and was later converted into a partnership with 8 partners. The address of the Firm is P.O. Box 5366, Era Building, Diplomatic Area, Manama, Kingdom of Bahrain. The Firm's office telephone number is +973-17535252 and its fax number is +973-17533358. The Firm's website is [www.hassanradhi.com](http://www.hassanradhi.com) and I can be contacted by e-mail on [fatima.alali@hassanradhi.com](mailto:fatima.alali@hassanradhi.com) or the Firm's central mailbox [info@hassanradhi.com](mailto:info@hassanradhi.com).

### **1.2 Educational Background and Qualifications**

I received my degree in Law, with concentration in Business Law, and a Minor in Economics from the University of Carleton in Ottawa, Canada in 2009. In 2022, I received my Master's Degree in International Dispute Resolution from Queen Mary's University of London.

I am licensed to practice law in the Kingdom of Bahrain, and have actively practiced since July 2009, providing Bahraini legal services to clients including provision of legal advice, company incorporation, restructuring, mergers and acquisitions and liquidation, and representation of clients in litigation and arbitration. I have earlier provided Bahraini expert law opinion in international arbitration cases as well as factual witness reports on Bahraini court proceedings.

I have a number of publications on topics relating to Bahraini laws including Doing Business in Bahrain, Foreign Direct Investment in Bahrain, Corporate Governance, Personal Data Protection, and Consumer Protection. I practice all areas of Bahraini law, and my areas of specialization include: the Corporate and Commercial Law; Construction; Insurance; Telecommunications; Civil Law; Litigation; and Arbitration. I respectfully submit that I am competent to opine on Bahraini law, civil procedure and the matters addressed in this Expert Opinion.

## **2 INSTRUCTION**

I have been instructed by Jones Day – One Firm Worldwide (“**Jones Day**”) to provide my opinion on the “Deleted by law” status of the commercial registration (“**CR**”) of GCCIX WLL registered under CR no. 78805 (“**GCCIX**”) under Bahraini law (the “**Instruction**”).

## **3 LAWS, COURT JUDGMENTS, AND DOCUMENTS REVIEWED**

To provide the present Opinion, I relied upon the laws of the Kingdom of Bahrain and the Bahraini Courts’ precedents and practice.

### **3.1 Laws, Legislations, and Court Judgments**

**3.1.1** Decree Law No. (21) of 2001 promulgating the Commercial Companies Law;

**3.1.2** Decision No. (6) of 2002 issuing The Implementing Regulations of the CCL;

**3.1.3** Decree Law No. (27) of 2015 with respect to Commercial Registration (the “**CR Law**”);

**3.1.4** Order No. (126) of 2016 issuing The Implementing Regulations of the CR Law (the “**CR Law Implementing Regulations**”);

The laws are officially issued in the Arabic language. The translations available are not official. In this Opinion, I will cite translated provisions of the law which I believe to be, to a large extent, accurate.

## **4 STATEMENT OF COMPLIANCE**

**4.1** I confirm that my Opinion includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.

**4.2** I confirm that my duty to the tribunal as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.

**4.3** I confirm that I am not instructed under a conditional fee arrangement.

- 4.4 I confirm that I have no conflicts of interest of any kind.
- 4.5 I confirm that my Opinion complies with the requirements of International Arbitration Practice Guideline on Party-appointed and Tribunal-appointed Experts by Chartered Institute of Arbitrators.
- 4.6 I confirm that insofar as the facts stated in my Opinion are within my own knowledge I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.

## 5 OPINION

I will address the following matters raised by Jones Day in this Section 5.

### 5.1. Requirement to be registered in the Commercial Register:

- No person may conduct a commercial activity in Bahrain without a valid commercial registration (“CR”) and license from the licensing authority/ies relevant to their commercial activity/ies.<sup>1</sup>
- Pursuant to Article 4 of the CR Law, all traders must be registered in the Commercial Register and must ensure that the register is up to date.<sup>2</sup>

### 5.2. Requirement for the Annual Renewal of the CR:

- The CR must be maintained and renewed on an annual basis.
- Article 12 of the CR Law refers to the CR Implementing Regulations in respect of the renewal of the registrations.<sup>3</sup>

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<sup>1</sup> Article 7 of the CR Law: “The concerned Directorate shall grant the registration applicant a certificate of his registration in the Commercial Register before obtaining the necessary licenses from the competent authorities to undertake the activity, provided that in the registration certificate there should be an indication that he has not obtained such licenses. The registration applicant, in this case, **may not undertake commercial activity before obtaining the necessary licenses from the competent authorities** and submitting them to the concerned Directorate and obtaining a certificate of registration in the Commercial Register stating the type of the licensed commercial activity.”

<sup>2</sup> Article 4 of the CR Law: “Every trader conducting commercial activity shall be registered in the Commercial Register, in which all the particulars prescribed in the Implementing Regulations and other laws shall be recorded, as well as every change occurring to such particulars.”

<sup>3</sup> Article 12 of the CR Law: “With due regard to the provisions of Paragraph (c) of Article (28) of this Law, renewal of registration in the Commercial Register shall be in accordance with the procedures and requirements provided for in the Implementing Regulations.”



- Pursuant to Article 13 of the CR Implementing Regulations, the renewal must be made on an annual basis.<sup>4</sup>
- A CR not renewed on the anniversary of its issuance is therefore considered expired, and may be reinstated only in accordance with the CR Law and CR Implementing Regulations.
- If a CR is expired, the Ministry will delete the CR off the register.<sup>5</sup> Reviving a deleted CR requires the payment of a fee and fine for every month of delay.<sup>6</sup>

### **5.3. Consequence of Failing to Restore a Deleted CR:**

- The CR Law refers to the CR Implementing Regulations in respect of the process and requirements of striking off, deletion and restoration of a CR.<sup>7</sup>
- Pursuant to Article 20 of the CR Implementing Regulations, a CR may be restored within three years from the date of deletion, and is subject to a) a request from the CR owner, b) payment of applicable fees, and c) payment of applicable fine for each

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<sup>4</sup> Article 13 of the CR Implementing Regulations: *“The registrant may request the renewal of their registration annually, provided that all requirements, documents, and information requested by the relevant authority are fulfilled, and the prescribed fees are paid. The renewal request must be submitted before the expiration of the registration period or the last renewal period.*

*The relevant authority may renew the registration for more than one year with a single request, after collecting the prescribed fees for each year, without violating the provisions of laws, regulations, and other relevant decisions regarding the practice of commercial activities and registration.”*

<sup>5</sup> Article 17 of the CR Law Implementing Regulations: *“If the owner of the commercial registration does not renew the registration before its expiry or if they stop exercising the licensed activities for a continuous period of more than one year without an acceptable excuse, the relevant directorate must delete the commercial registration and notify the owner of the decision within thirty days of the date of its issuance, and publish it on the Ministry’s website.*

*The decision to delete the CR does not entail absolving the responsibility of the CR’s owner and those in charge of its management; their liability remains as though the registration is still in force.”*

<sup>6</sup> Paragraph 1 of Article 13 of the CR Law: *“If the trader does not renew his registration within the prescribed period, or if he ceases to conduct the activity licensed for him for a continuous period of more than one Gregorian year, without any acceptable cause, the concerned Directorate shall, on its own accord, delete the registration administratively, and shall notify the trader accordingly. The decision to delete shall be posted on the Ministry’s website.*

*The concerned Directorate may, upon the trader’s request, revive the registration after payment of the prescribed fee in addition to a fine for every month of delay with effect from the date of deleting the registration.”*

<sup>7</sup> Article 24 of the CR Law: *“The Implementing Regulations shall organize the procedures and requirements of striking off and deleting the Registration in the Commercial Register and the procedures and requirements of the restoration thereof.”*

month of delay. The Ministry has the authority to impose additional requirements to complete the restoration of the deleted CR.<sup>8</sup>

- Restoration of CR's deleted for other reasons, such as failure to meet a condition or violation of any Law, Regulation or Decision are also subject to the three-year period stipulated in Article 20 of the CR Implementing Regulations.<sup>9</sup>
- Therefore, a deleted CR that is not restored within three years from the date of the decision to delete it, is considered finally struck off the commercial register and may not be restored.

#### 5.4. The CR of GCCIX:

- The MOIC has an online portal (the “**Sijilat Portal**”) which includes the public records of commercial registry in Bahrain. All applications for registering any amendments to the commercial registration details of companies are submitted via the Sijilat Portal.
- I have checked the commercial register publicly available on the Sijilat Portal and note that Commercial Registration No. 78805-1 for commercial name GCCIX W.L.L, with Registration Date 28 August 2011, has expired as of 29 August 2018. The CR

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<sup>8</sup> Article 20 of the CR Implementing Regulations: “*Reinstatement of Cancelled Registration due to Non-Renewal or Cessation of Activity*”

*The relevant authority shall reinstate the cancelled registration due to non-renewal or cessation of activity in accordance with the provisions of Article (17) of this regulation, **within three years from the date of deletion**, upon a request from the registrant and after collecting the prescribed fees, along with the applicable financial penalty for each month of delay or part thereof, starting from the date of registration cancellation.*

*The relevant authority may, before reinstating the registration, request the fulfillment of any requirements, information, or documents that are required for the activity's resumption or deemed necessary by the authority to complete the request for reinstatement.”*

<sup>9</sup> Article 21 of the CR Implementing Regulations: “*Reinstatement of Cancelled Registration for Failure to Meet a Condition or Violation of Laws, Regulations, and Decisions*”

*Without prejudice to the provisions of Article (10) of this regulation **and considering the three-year period mentioned in Article (20) thereof**, the relevant authority may reinstate the cancelled registration for failure to meet a condition or violation of laws, regulations, and decisions in accordance with the provisions of Article (19) of the same regulation, upon a request from the registrant.*

*Before reinstating the registration, the relevant authority must ensure that the registrant has addressed the reasons for the violation, removed its effects, fulfilled the missing condition in the registration, and provided all additional requirements and documents requested by the relevant authority to ensure the non-recurrence of the violation that led to the registration cancellation. The registrant must also settle the prescribed fees and any other outstanding amounts payable to the Ministry.”*

is “Deleted by law” as of 29 August 2018 and remains “Deleted by law” as of the date of this Opinion.

- I understand that GCCIX obtained Bahraini legal advice that its CR may be changed to “active”. I disagree with this advice as the CR of GCCIX has been “Deleted by law” for a period exceeding three years. It is therefore finally struck off and may not be restored.
- I also do not agree with the statement by GCCIX’s Bahraini counsel that GCCIX “is in good standing” due to the reasons set out hereinabove.

This opinion is based on my analysis of and my deductions from the laws and practices currently in place and is limited to the purposes of the Instruction.

Done in Manama, Bahrain

**On 23 August 2023**



**Fatima Al Ali**

**Partner – Hassan Radhi & Associates**

Declaration of Eric Enson  
Exhibit I

**From:** Enson, Eric P.  
**Sent:** Monday, August 28, 2023 12:41 PM  
**To:** Mike Rodenbaugh  
**Cc:** Watne, Kelly M.  
**Subject:** RE: .GCC  
**Attachments:** Bahraini Law Advice - CR.pdf

Mike,

On a related note, because we have not seen any change in the Corporate Registration status of GCCIX, we retained a Bahraini attorney to provide an opinion letter on the corporate status of GCCIX. That opinion letter is attached. Given GCCIX's "Deleted by law" status since August 2018, ICANN is of the view that GCCIX does not have standing as a "Claimant" to prosecute this IRP. We would like to discuss this issue as well this week. Thanks.

Eric

Eric P. Enson

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**From:** Enson, Eric P.  
**Sent:** Friday, August 25, 2023 7:03 PM  
**To:** 'Mike Rodenbaugh' <mike@rodenbaugh.com>  
**Cc:** Watne, Kelly M. <kwatne@jonesday.com>  
**Subject:** .GCC

Mike,

As a reminder, the Panel asked us to report back regarding status of the IRP by 1 September. The Board has not yet approved the Minutes for the 30 April Board meeting, but we expect that approval of the Minutes will be on the agenda for the 10 September Board meeting. In any event, I am writing to see if you are in a position to meet and confer regarding the status of the IRP and GCCIX's intentions, in light of the 30 April Resolution and Rationale. Given the comprehensive nature of the 30 April Resolution and Rationale, I suspect that you and your client have discussed how you would like to proceed in this IRP. We are available to meet and confer regarding proposed next steps so that we can provide the Panel with a more detailed update on 1 September. Please let me know when you are available to discuss.

Eric

Eric P. Enson

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Declaration of Eric Enson  
Exhibit J

**From:** Enson, Eric P.  
**Sent:** Monday, January 29, 2024 12:16 PM  
**To:** Mike Rodenbaugh  
**Cc:** LeVee, Jeffrey A.; Lobisser, Kelsey A.  
**Subject:** .GCC - Meet and Confer on Motion to Dismiss IRP  
**Attachments:** Bahraini Law Advice - CR.pdf

Mike,

It has been over a year since ICANN raised with you the fact that GCCIX's Corporate Registration ("CR") was "Deleted by law" in 2018. And we have not seen any change in the status of GCCIX's CR. Based on that, and the Bahraini law stating that a CR "Deleted by law" for more than three years cannot be revived, as explained in Ms. Al Ali's 23 August 2023 Opinion Letter, which is again attached for your reference, ICANN intends to file a motion to dismiss the IRP along with ICANN's Response to the Second Amended IRP. Please let us know if you have any new information regarding GCCIX's CR or if you want to discuss a briefing schedule for ICANN's motion to dismiss. Thanks.

Eric

Eric P. Enson

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