



International Centre
for Dispute Resolution

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION
The International Division of the American Arbitration Association

NOTICE OF INDEPENDENT REVIEW

Date: September 30, 2015

To: Name (of the party on which this Notice is to be served) ICANN **Nationality:** USA

Address: 12025 Waterfront Drive, Suite 300

City: Los Angeles **State/Province:** CA **Country:** USA **Post Code:** 90094-2536

Telephone: +13103015800 **Facsimile:** +13108238649 **Email:** independentreview@icann.org

Name of Representative: (if known) Mr. John Jeffrey **Name of Firm:** (if applicable) _____

Address: ICANN, 12025 Waterfront Drive, Suite 300

City: Los Angeles **State/Province:** CA **Country:** USA **Post Code:** 90094-2536

Telephone: +13103015800 **Facsimile:** +13108238649 **Email:** john.jeffrey@icann.org

The named claimant seeks this independent review in accordance with Article IV, Section 3 of the ICANN Bylaws. The claimant agrees that such Independent Review shall be conducted pursuant to the International Arbitration Rules ("Rules") of the International Dispute Resolution Procedures as supplemented per ICANN's Bylaws.

Nature of the Dispute: (attach additional sheets, if necessary) Request for IRP Panel Proceeding of an ICANN Board Action

The Claim or Relief Sought: (the amount, if any) Subject ICANN Board Decision to IRP Panel Review

Type of Business: Claimant New gTLD Applicant / Registry Operator

Place of Review Requested: Los Angeles, CA, USA

You are hereby notified that copies of this NOTICE are being filed with the INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION at Case Filing Services, 1101 Laurel Oak Road, Suite 100, Voorhess, NJ 08043 email: casefiling@adr.org, with a request that it commence administration of an independent review. Under the rules, you may file a Statement of Defense within the time specified in the rules after notice from the administrator.

Name of Claimant: Afilias Limited **Nationality:** Ireland

Address: (to be used in connection with this case) Contact Information Redacted

City: Contact Information Redacted **State/Province:** _____ **Country:** Contact Information Redacted **Post Code:** Contact Information Redacted

Telephone: Contact Information Redacted **Facsimile:** Contact Information Redacted **Email:** Contact Information Redacted

Name of Representative: (if known) Bart Lieben **Name of Firm:** (if applicable) Bart Lieben BVBA

Address: Contact Information Redacted

City: Contact Information Redacted **State/Province:** Contact Information Redacted **Country:** Contact Information Redacted **Post Code:** Contact Information Redacted

Telephone: Contact Information Redacted **Facsimile:** _____ **Email:** Contact Information Redacted

To begin proceedings, please send two copies of this notice of independent review, with the filing fee as provided for in the Rules, to the ICDR. Send the original notice to the respondent.

Signature (may be signed by a representative)  **Title:** Counsel **Date:** September 29, 2015

If you have any questions, please contact the International Centre for Dispute Resolution at 1.888.855.9575 or +1.212.484.4181 or visit our website at www.icdr.org.

NOTICE OF INDEPENDENT REVIEW - Cont'd

Cooperative Engagement Completed? [Y/N] Y

Is this a representational complaint brought on behalf of others? [Y/N] Y

If yes, claimant must demonstrate that the claimant itself has been directly impacted and materially harmed by the alleged violation of the Bylaws or Articles of Incorporation giving rise to the request.

Number of Panelists Requested? 3

Are there any areas of particular expertise that claimant recommends a Panelist to have?

Experience in Internet governance and ICANN's New gTLD Program

In the submission, state specifically the grounds under which the claimant has the standing and the right to assert this claim. For the purposes of the Independent Review Process (IRP), demonstration of standing requires the claimant to, in specific and particular details, identify how it has been directly impacted and materially harmed by an ICANN Board decision, and not by the actions of third parties. Material harm requires that there must be a loss or injury suffered (financial or non-financial) that is a directly and causally connected to the Board violation of the Bylaws or Articles of Incorporation on which the complaint is based. The decision of the IRP Panel (as reviewed and acted upon by the Board) must be able to stop the harm. Injury or harm caused by third parties as a result of acting in line with the Board's decision is not a sufficient ground for Independent Review. Similarly, injury or harm that is only of a sufficient magnitude because it was exacerbated by the actions of a third party is also not a sufficient ground for an Independent Review.

By submitting this Notice, Claimant acknowledges the following:

Written submissions of argument to the IRP Panel are limited to 25 pages, double-spaced and in 12-point font.

The Chair of the standing panel for the IRP retains the ability to decide on what the appropriate size of the panel will be, based upon issues such as the complexity of the matter alleged. The Chair may also make recommendations of whether any particular expertise is desired on the Panel. In the event the standing panel is not yet comprised, the ICDR will assist in determining the appropriate size of the panel and the particular expertise that is recommended for the panel.

The IRP Panel shall have the power to dismiss the request summarily in the event the claimant cannot demonstrate standing to initiate the proceeding. The IRP Panel shall also have the power to dismiss frivolous or vexatious requests.

If the claimant has not availed itself, in good faith, of the cooperative engagement or conciliation process and ICANN is the prevailing party in the IRP, the IRP Panel must award ICANN all reasonable fees and costs incurred by ICANN in the IRP, including legal fees.

The ICANN Board's decision following on from the Declaration of the IRP Panel is final and creates precedent for future IRP proceedings. If the subject matter of the request is on the same issue as a prior IRP Proceeding, the ICANN Board's decision on the prior IRP Panel is binding and serves as grounds for summary dismissal of the request for Independent Review.