

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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| Shaul Stern, <i>et al.</i> , |) | |
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| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 00-2602-RCL |
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| The Islamic Republic of Iran, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
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| Susan Weinstein, <i>et al.</i> , |) | |
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| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 00-2601-RCL |
| |) | |
| The Islamic Republic of Iran, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
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| Jenny Rubin, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 01-1655-RMU |
| |) | |
| The Islamic Republic of Iran, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
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| Seth Charles Ben Haim, <i>et al.</i> , |) | |
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| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 02-1811-RCL |
| |) | CIVIL ACTION NO. 08-520-RCL |
| The Islamic Republic of Iran, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
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| Ruth Calderon-Cardona, <i>et al.</i> , |) | |
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| Plaintiffs, |) | |
| |) | |
| v. |) | MISC. NO. 14-648 |
| |) | |
| Democratic People’s Republic of Korea, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |
| Mary Nell Wyatt, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 08-502-RCL |
| |) | |
| Syrian Arab Republic, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
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**MOTION BY PLAINTIFFS-JUDGMENT CREDITORS
FOR SIX MONTH DISCOVERY PERIOD**

COME NOW the plaintiffs, by and through their undersigned counsel, and respectfully move this Court pursuant to Fed. R. Civ. P. 69 for an order:

(1) **AUTHORIZING** the parties to engage in discovery pursuant to the Federal Rules of Civil Procedure, specifically Federal Rules 26 and 30-34, with respect to the Writs of Attachment served by plaintiffs on Garnishee-The Internet Corporation for Assigned Names and Numbers (“ICANN”) and the Motion to Quash Writs of Attachment filed by ICANN, and **DIRECTING** that such discovery shall be completed by March 30, 2015;

(2) **ENLARGING** the plaintiffs’ time to serve opposition to the Motion to Quash Writs of Attachment *sine die*, with a due date to be set after the completion of discovery;

(3) **DIRECTING** that oral argument and any evidentiary hearing on the Motion to Quash be scheduled after briefing on the Motion to Quash is completed;

(4) **ENLARGING** plaintiffs' time to file (i) the Traverse of ICANN's Answers pursuant to D.C. Code §§ 16-522, 16-553 and/or D.C. Sup. Ct. Rule 69-I(d) and/or (ii) the Motion for Judgment of Condemnation pursuant to D.C. Code § 16-556 and/or D.C. Sup. Ct. Rule 69-I(e) until after the Court enters an Order either granting or denying ICANN's Motion to Quash; and

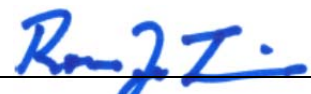
(5) **EXTENDING** plaintiffs' lien on the judgment debtors' top level domain names and internet protocol addresses in accordance with this Order.

Pursuant to Local Rule 7(m), plaintiffs' counsel state that plaintiffs' counsel conferred with garnishee's counsel regarding this matter in a good-faith effort to determine whether the parties could reach an agreement, and that garnishees have indicated that they will oppose this motion.

Dated: September 25, 2014

Respectfully submitted,

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MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS-JUDGMENT CREDITORS’ MOTION FOR DISCOVERY

INTRODUCTION

Plaintiffs-Judgment Creditors’ (“Plaintiffs”) hold unsatisfied judgments for millions of dollars against the respective judgment debtors (collectively, the “Judgment Debtors”) arising from terrorist attacks carried out with the assistance of the Judgment Debtors, as follows:

Stern – The plaintiffs in *Stern, et al. v. Islamic Republic of Iran, et al.* (the “Stern Plaintiffs”) hold an unsatisfied judgment in the amount of \$13 million against the Islamic Republic of Iran (“Iran”), the Iranian Ministry of Information and Security (“MOIS”) and other defendants, jointly and severally. In addition, the Stern Plaintiffs hold a final judgment against MOIS and other defendants in the amount of \$300 million, jointly and severally. That judgment

arose from a terrorist suicide bombing in a Jerusalem market carried out by agents of Iran on July 30, 1997, in which the Stern Plaintiffs were severely harmed.

Weinstein – The plaintiffs in *Weinstein, et al. v. Islamic Republic of Iran, et al.* (the “Weinstein Plaintiffs”) hold an unsatisfied judgment in the amount of \$33,248,164 against Iran, the MOIS and other defendants, jointly and severally. In addition, the Weinstein Plaintiffs hold a final judgment against MOIS in the amount of \$150,000,000, jointly and severally. That judgment arises from a terrorist suicide bombing on a Jerusalem bus carried out by agents of Iran on February 25, 1996, in which the Weinstein Plaintiffs were severely harmed.

Rubin – The plaintiffs in *Rubin, et al. v. Islamic Republic of Iran, et al.* (the “Rubin Plaintiffs”) hold an unsatisfied judgment in the amount of \$71.5 million against Iran, the MOIS and other defendants, jointly and severally. In addition, the Rubin Plaintiffs hold a final judgment against MOIS and other defendants in the amount of \$187,500,000, jointly and severally. That judgment arises from a terrorist suicide bombing carried out by agents of Iran on September 4, 1997, in which the Rubin Plaintiffs were severely harmed.

Ben Haim – The plaintiffs in *Ben Haim, et al. v. Islamic Republic of Iran, et al.* (the “Ben Haim Plaintiffs”) hold two judgments in the aggregate amount of \$316 million against Iran and MOIS. Those judgments arise from a terrorist suicide bombing in an outdoor pedestrian mall in Jerusalem carried out by agents of Iran on April 9, 1995, in which the Ben Haim Plaintiffs were brutally injured.

Calderon-Cardona – The plaintiffs in *Calderon-Cardona, et al. v. the Democratic People’s Republic of Korea* (the “Calderon-Cardona Plaintiffs”) hold an unsatisfied judgment in the amount of \$378 million against the Democratic People’s Republic of Korea (“DPRK” or “North Korea”) and the Cabinet General Intelligence Bureau (“North Korean Intelligence

Service”), jointly and severally. That judgment arises from the May 30, 1972 terrorist attack at Israel’s Lod Airport on a group of Puerto Rican pilgrims who had come to Israel to visit Christian holy sites.

Wyatt – The plaintiffs in *Wyatt, et al. v. the Syrian Arab Republic, et al.* (the “Wyatt Plaintiffs”) hold an unsatisfied judgment in the amount of \$338 million against the Syrian Arab Republic (“Syria”). That judgment arises from the August 30, 1991 abduction of U.S. citizens Marvin T. Wilson and Ronald Wyatt by terrorists belonging to the Kurdistan Workers Party (“PKK”) which held them hostage for a period of twenty-one days.

Plaintiffs have come to this Court in an effort to satisfy their judgments and redress the horrific damage that they have had to endure at the hands of the Judgment Debtors. This motion is in furtherance of Plaintiffs’ judgment creditor rights and will allow this Court to make a fully informed decision on a very important and novel legal question: Whether or not judgment creditors may seize internet country code top level domains (“ccTLDs”) and/or revenues derived therefrom in order to satisfy legal judgments.

The respondent garnishee, the Internet Corporation for Assigned Names and Numbers (“ICANN”) has moved to quash the writs of attachment served by the plaintiffs / judgment creditors. In order to oppose ICANN’s motion and answer this important question, fairness and the interests of justice require that the Plaintiffs be allowed to conduct robust discovery in order to challenge the numerous factual representations ICANN has put forth in its moving papers. In the alternative, Plaintiffs should be granted additional time to oppose ICANN’s motion due to its tardy production of documents responsive to Plaintiffs’ requests.

FACTS

A. Procedural Background

Plaintiffs are victims of terrorism and their families who have obtained judgments amounting to millions of dollars in the aggregate against the governments of Iran, Syria and North Korea, respectively, for the roles played by those governments in the terrorist attacks in which plaintiffs were harmed. Although the Plaintiffs have diligently searched for assets in the United States against which to enforce their judgments, and have made some recoveries, these judgments remain largely unsatisfied.

As part of their ongoing judgment enforcement efforts, on or about June 24, 2014, Plaintiffs served ICANN, as a third party garnishee holding assets of the respective Judgment Debtors, with writs of attachment (“Writs of Attachment”) issued by the Clerk of Court for the District of Columbia District Court, attaching the Judgment Debtors’ valuable internet assets held by ICANN. These assets include the top level domains (“TLDs”) and internet protocol (“IP”) addresses of the respective Judgment Debtors (collectively, the “Assets”). The writs of attachment consist of a one page court form accompanied by two short statutory interrogatories. Also on or about June 24, 2014, Plaintiffs served ICANN with a Rule 45 document production subpoena (“Subpoena”) containing a request for seven limited categories of documents.

ICANN only produced the documents on September 19, 2014 after a stipulated protective order was entered by this Court. Declaration of Steven T. Gebelin (“Gebelin Decl.”) ¶ 11. The production consisted of approximately 1660 of pages of documents that appear to be correspondence relating to IANA functions and ccTLDs at issue in this proceeding. *Id.*

On July 29, 2014, ICANN moved to quash the Writs of Attachment (the “Motion to Quash”). DE 29. As explained herein, the tardy and limited document production does not

address the most factually relevant issues in the Motion to Quash. On August 11, 2014, Plaintiffs moved the Court for an order extending the deadline to file an opposition to the Writs of Attachment to September 30, 2014. (DE 34). In that initial motion for additional time, Plaintiffs alerted the Court that Plaintiffs would be filing a subsequent motion to take discovery and to extend the time for Plaintiffs to file their opposition to the Motion to Quash by “a period of months.” (DE 39, pp. 6-8). The Court granted the Plaintiffs’ initial motion for a continuance until September 30, 2014. (DE 41).

Plaintiffs now move the Court to be allowed to conduct discovery regarding the issues raised by the Motion to Quash. Plaintiffs also move the Court for a commensurate extension to file an opposition to the Motion to Quash allowing for the discovery to be completed before the opposition to that motion is due. As laid out in the declaration of counsel, Plaintiffs satisfied their meet and confer requirements before filing the instant motion. Declaration of Erik S. Syverson ¶ 3, Exs. A-C.

B. ICANN’s Motion to Quash

The Motion to Quash contains a twenty-two page memorandum of law, citing to approximately 60 cases in addition to several statutes and other authorities. It is also supported by two affidavits and more than 240 pages of exhibits.

This is an extremely complex matter, which places before the Court novel issues of law and fact concerning the global operation of the internet, ICANN’s role in those operations, and particularly the nature of top level domains and internet protocol addresses. These are matters of first impression that involve complicated technical facts. Notwithstanding the many cases which ICANN cited, it did not cite to any cases analyzing the nature of a foreign government’s rights to

its country code top level domains, much less the rights of a foreign government that is also a state sponsor of terrorism.

In its Motion to Quash, ICANN makes a number of arguments which are highly fact-specific. ICANN's legal arguments are as follows: (i) country code TLDs ("ccTLDs") are not property subject to attachment; (ii) ccTLDs are not owned by the governments of the countries to which they are assigned; (iii) ccTLDs are not within the District of Columbia; (iv) even if the ccTLDs are property within the United States, this Court lacks jurisdiction over the FSIA because the ccTLDs are not used for commercial activity in the United States; (v) ICANN does not have the unilateral power or authority to re-delegate the ccTLDs and doing so would interfere with contractual relationships; (vi) forced re-delegation would destroy the value of the ccTLDs, the rights of domain name holders in these ccTLDs and jeopardize the manner in which the internet operates.

In support of these arguments, ICANN has cited to 14 different documents totaling some 240 pages. These documents do not present a complete picture with regard to the relevant facts—particularly with respect to the nature and ownership of ccTLDs, ICANN's role in delegating and transferring such ccTLDs and the economic value of ccTLDs. Also, ICANN has presented virtually no facts concerning its role in the distribution of IP addresses or the ownership and value of IP addresses. Additionally, the factual declaration of John Jeffrey submitted by ICANN and the factual summary in the Motion to Quash purport to present ICANN policies and the views of the global internet community as one unified group with a solid and unchallenged position that ccTLDs are not property. However, Plaintiffs' research to date demonstrates that this is far from the case and that ICANN's policies and positions in this regard are not uniformly accepted by all members of the global internet community.

In reality, Plaintiffs have reason to believe that ICANN controls the “root” or “root zone.” As Plaintiffs have learned from discussion with internet expert Bill Manning, the “root zone” is where all ccTLDs reside. ICANN has the sole power over who runs the ccTLDs; ICANN in the past has changed and redirected who has run certain ccTLDs (*i.e.*, who ran the registry). The ccTLD .IR, for example, resides in the “root zone.” By virtue of its control over the “root zone,” ICANN has the ability to redirect who runs .IR, *i.e.*, who runs the registry for .IR. ICANN can do this without affecting the operation of any of the second level domain names registered under the .IR ccTLD¹. It is important to note that Plaintiffs have no desire, and will not take any actions, to harm individual websites registered under the .IR ccTLD. Plaintiffs strive to ensure that these sites continue to run smoothly through any collection actions.

Additionally, the Motion to Quash is silent on the fact that countries have treated their ccTLDs like property. For example, countries such as Columbia have monetized their ccTLDs, earning tens of millions of dollars in the process.

Thus, ICANN’s Motion to Quash raises numerous factual issues that must be further developed in order for these novel and complex questions to be addressed by the Court properly. In particular, Plaintiffs in consulting with internet architecture and domain name system expert Bill Manning² and other preeminent figures, have identified the following factual issues, *inter alia*, as requiring further investigation through discovery:

- The formation, history and mission of ICANN;

¹ Domain names are structured hierarchically. The top level domain or TLD is the set of letters (usually two or three letters) to the right of the last period in any domain name. The second level domain name (*i.e.*, what most people refer to simply as the ‘domain name’) is the set of letters immediately to the left of the last period in any domain name. To illustrate, in www.example.com, “.com” is the top level domain and “example” is the second level domain.

² See Gebelin Decl. ¶¶ 2-6.

- ICANN’s role in the establishment and/or operation of top level domains or TLDs, both generic (such as .com and .net) and country specific (such as .US, .UK and .IR);
- ICANN’s role and limitations in carrying out the Internet Assigned Numbers Authority (“IANA”) functions and its role in maintaining and operating the so-called “Root Zone Database.”
- The contents of the Root Zone Database. Plaintiffs contend that the Assets reside in the Root Zone Database.
- The allocation and management of ccTLDs and ICANN’s policies with regard to ccTLDs.
- The interrelationships between ICANN and the United States government.
- Whether or not TLDs in general, and ccTLDs in particular, can be privately owned and operated, are freely transferrable, may be sold and otherwise provide economic value to their managers.
- Whether ccTLD managers have exclusive rights to manage and operate their ccTLDs.
- Whether ICANN has the power to forcibly transfer a ccTLD without consent of all parties involved and whether this has ever been done in the past.
- The effects, if any, that a transfer of a ccTLD from one manager to another may have on the rights of second level domain owners within that ccTLD.
- Who has the rights to the particular ccTLDs at issue in this case.

In addition to the above, ICANN’s Motion to Quash does not address the economic value of IP addresses, a separate asset, which Plaintiffs have attached in these proceedings and which raises its own factual questions requiring further discovery.

C. Plaintiffs' Need for Additional Discovery

Plaintiffs have identified a number of additional avenues of discovery that will greatly assist them in developing the factual record and enable them to present a more complete picture for the Court. This discovery will directly counter the two main assertions set forth in ICANN's Motion to Quash: that the Assets are not property, and if the Assets are property, that ICANN lacks the ability to transfer the Assets to Plaintiffs. As demonstrated below, targeted discovery from both ICANN and a handful of third parties will allow this Court to review a full factual and legal record that will directly counter ICANN's positions.

1. Impeaching Documents Demonstrate ICANN's Misleading Position.

Just this week, Plaintiffs obtained two key documents that discredit ICANN's position that ccTLDs are not government assets and that ICANN is unable to make changes to the root that would effect a transfer of a ccTLD. *See* Gebelin Decl. ¶¶ 9-10 Exhibits E-F.

On September 23, 2014, Plaintiffs received a copy of a May 2, 2008 letter from the U.S. Department of Commerce's National Telecommunications and Information Administration ("NTIA") sent to Bill Manning regarding the Delegation Status of the .UM (United States Minor Outlying Islands) Top-Level Domain Name. Gebelin Decl. ¶ 9, Ex. E. In this letter, the NTIA clearly asserts that because it is associated with territory "under the jurisdiction of the United States Government," "the .UM ccTLD is a United States Government asset." *Id.* The letter also stated that on "January 16, 2007, during a Special Meeting of the ICANN Board of Directors, the Board Resolved (07.04) that the delegation of the .UM ccTLD be removed from the DNS root, and that it be returned to unassigned status," and referred to the minutes of that meeting. *Id.*

Plaintiffs then retrieved the minutes for the January 16, 2007 ICANN Board of Directors Special Meeting from ICANN's website. Gebelin Decl. ¶ 10, Ex. F. In the portion of the

meeting dealing with the .UM ccTLD, Kim Davies provided “background information on this item,” concluding that it would be “an appropriate action” to remove the ccTLD from the root, as the University of Southern California's Information Sciences Institute no longer desired to act as its registry. *Id.* Following discussion, the board “Resolved (07.04), that the delegation of .UM be removed from the DNS root, and that it be returned to unassigned status,” approving the resolution by roll call vote 12-0. *Id.*

Taken together, the NTIA letter and the ICANN minutes (the “Impeaching Documents”) show that 1) ICANN has taken the position that it alone can act to change the delegation of a ccTLD in the root; and 2) the US Government recognizes ccTLDs as assets (or property) of the government with jurisdiction over the territory to which the ccTLD is associated. While the Impeaching Documents discredit the position advocated by ICANN, Plaintiffs need further discovery in order to present the Court with the supporting evidence such as documents and testimony that will provide the bases for the conclusions drawn in the Impeaching Documents.

2. Discovery Sought by Plaintiffs.

In consultation with internet expert Bill Manning, Plaintiffs gained a credible reason to believe that testimony and documents could be acquired through discovery demonstrating that ICANN had a monopoly or complete control over the “root zone” such that ICANN is wholly and solely responsible for the mapping of top level domains (including ccTLDs) to their respective registries / name servers. Gebelin Decl. ¶ 4. Plaintiffs also have credible reason to believe that evidence exists beyond their control to demonstrate that there have been several instances in which ICANN changed and redirected who runs certain ccTLDs, including the ccTLDs .au, .co, .uk, and others in varying circumstances, including several ccTLD transfers in conjunction with the “monetization” of the ccTLDs by their respective governments, including

instances where the governments transferred control away from academic communities to government approved third parties that acquired contractual property rights to exploit the ccTLD and generate revenue. Gebelin Decl. ¶ 5, Ex. G. In fact, it appears that rights in the ccTLD .TV have been transferred to Verisign in an agreement generating millions of dollars a year for the Tuvalu government, and rights to the .CO ccTLD were recently transferred for more than \$100 million. Gebelin Decl. Exs. D, G.

As Plaintiffs have learned from their informal discovery thus far, including their furtive consultation with expert Bill Manning³, their receipt of the Impeaching Documents, and other potentially inadmissible sources, Plaintiffs need to take the following discovery:

- Depositions

1. Kim Davies is the current manager of IANA Root Zone services and works within ICANN. IANA Root Zone services is responsible for coordinating ccTLD delegations and insuring that such delegations comply with IANA's policies and procedures. Mr. Davies will be able to testify that IANA is both authorized and able to transfer ccTLDs and has done so in the past. Mr. Davies also made the presentation regarding the revocation of .UM to ICANN's Board of Directors in January 2007 during the meeting in which the directors passed the resolution to remove the ccTLD from the DNS root. Gebelin Decl. ¶ 6(a), Ex. B.

2. Jeffrey LeVee and Joe Simms. Mr. LeVee was a signatory of ICANN's Articles of Incorporation. Mr. LeVee was intimately involved in the formation of ICANN and formed ICANN with his law firm partner Joe Sims with input from Dr. Jon Postel. Mr. Levee and Mr. Sims can testify as to ICANN's authority over the Root Zone, its

³ Plaintiffs lost contact with Mr. Manning shortly before filing this motion, preventing Plaintiffs from providing the Court with his declaration. Gebelin Decl. ¶ 8.

history and control over the Root Zone, and government contracts granting ICANN authority over the Root Zone. Gebelin Decl. ¶ 6(b), Ex. C.

3. Jeff Neumann, vice president of Neustar, Inc. Neustar is a publicly traded American company that purchased Columbia's ccTLD (.CO) for \$109 million in 2014. Mr. Neumann's testimony will directly counter ICANN's assertion that ccTLD's are not property; otherwise, Neustar will have spent a lot of money for nothing. Gebelin Decl. ¶ 6(c), Ex. D.

4. David Conrad, Chief Technical Officer for ICANN. Mr. Conrad works with internal and external stakeholders to develop a technology roadmap for the Internet identifiers system. He reports directly to Akram Atallah, president of ICANN's Global Domains Division. Gebelin Decl. ¶ 6(d).

5. Kevin Robert Elz is a computer programmer who registered .AU and lost it pursuant to an ICANN revocation. He is expected to testify as to ICANN's authority over the internet and its ability to re-delegate ccTLDs. Mr. Elz is believed to reside in Thailand. Gebelin Decl. ¶ 6(e).

6. Person Most Knowledgeable from Verisign regarding Verisign's purchase of .TV and .CC. These transactions evidence that ccTLDs are economic assets freely capable of being transferred for the benefit of judgment creditors similar to a piece of real estate such as an apartment building. Gebelin Decl. ¶ 6(e).

7. Lesley Cowley, former Chief Executive at Nominet UK and the former Chair of ICANN's ccNSO Council. She was involved in the transfer of .UK away from the academic community and is involved in high-level ccTLD policy. She lives in Britain. Gebelin Decl. ¶ 6(f).

8. Bill Manning, internet expert, former consultant to ICANN regarding domain name servers and former registrar of the .UM ccTLD. Mr. Manning is expected to provide testimony regarding ICANN's control of the root zone including its decision to remove the .UM ccTLD from the root zone and to reassign other ccTLDs, and the US Department of Commerce's assertion of property rights over the .UM ccTLD. Gebelin Decl. ¶¶ 2-5, Exs. A, E, F.

- Documents needed from ICANN

1. All documents relating to ICP-1. ICP-1 refers to the Internet Coordination Policy first proposed by ICANN in May 1999. This policy states that in cases where there is misconduct, or violation of ICANN policies, the IANA (Internet Assigned Numbers Authority) reserves the right to revoke and to re-delegate a Top Level Domain to another manager. The underlying correspondence and internal notes related to this policy will reveal that ICANN is fully capable of transferring the Assets to plaintiffs. Gebelin Decl. ¶ 7(a).

2. All documents relating to the re-delegations of ccTLDs of .ML (Mali); .KE (Kenya); .AU (Australia); .PN (Petcairn Island); .EH (Western Sahara); .UM (US Minor Outlying Islands); and .CN (China). All of these ccTLDs have been re-delegated or re-assigned by ICANN. These documents will reveal that, contrary to ICANN's representations in its Motion to Quash, ICANN is fully capable of transferring the Assets to plaintiffs just as it has with respect to the aforementioned ccTLDs. Gebelin Decl. ¶ 7(b).

3. All documents relating to the IANA function, including but not limited to documents referring to the scope, purpose and/or role of the IANA function. The IANA function has full control and authority over ccTLDs. Gebelin Decl. ¶ 7(c).

4. All documents relating to Kim Davies' presentation at an ICANN meeting in Marrakesh in 2008. At this meeting Kim Davies discussed the scope, role and purpose of the IANA function. Gebelin Decl. ¶ 7(d), Ex. B.

5. All documents related to payments ICANN receives from registrars that offer .IR domain registrations to the public. These registrars include, but are not limited to, Instra Corporation and Only Domains.com. These companies are conducting business with the judgment debtors and maintain an economic relationship with ICANN⁴. Gebelin Decl. ¶ 7(e).

6. All documents related to the ccNSO (Country Code Names Supporting Organization) Framework of Interpretation Working Group, including, but not limited to its introduction, background, charter and recent version of the Framework of Interpretation WG Progress Report of March 2014. These documents will show that a large and reputable group of country code TLD and Government Advisory Committee representatives are working on policies with respect to delegation and re-delegation of ccTLDs that are in direct conflict with positions taken by ICANN in its Motion to Quash. Gebelin Decl. ¶ 7(f).

⁴ This discovery is likely to reveal that these companies may not only be violating international sanctions treaties by conducting business with Iran, but that they derive income from the judgment debtors and pass along a portion of that income to ICANN.

7. Any documents related to the United States government overruling, setting aside or failing to implement or execute a ccTLD delegation or re-delegation requested by ICANN. Gebelin Decl. ¶ 7(g).

8. All documents evidencing ccTLD registrars agreeing to provide funds to ICANN. Gebelin Decl. ¶ 7(h).

- Additional Documents needed from third parties.

1. From Verisign, documents relating to its acquisition of the .TV and .CC ccTLDs. Gebelin Decl. ¶ 7(i).

2. From Neustar, documents relating to its acquisition of the .CO ccTLD. Gebelin Decl. ¶ 7(j).

ARGUMENT

A. Procedural Framework

This is not a typical litigation between a plaintiff and a defendant, but is a supplemental proceeding—a special post-judgment garnishment proceeding governed by Fed. R. Civ. P. 69(a) and through that rule the relevant provisions of the District of Columbia Code and Superior Court Rules. Rule 69(a)(1) provides that “[t]he procedure on execution—and in proceedings supplementary to and in aid of a judgment or execution—must accord with the procedure of the state where the court is located....”. Fed. R. Civ. P. 69(a)(1). Rule 69(a)(2) permits a judgment creditor to engage in broad discovery “in aid of the judgment or execution” from “any person.” *See also Falicia v. Advanced Tenant Services, Inc.*, 235 F.R.D. 5, 7 (D.D.C. 2006) (holding Rule 69(a)(2) permits post-judgment discovery against non-parties); *Lumber Liquidators, Inc. v. Sullivan*, 939 F. Supp. 2d 57, 59-60 (D. Mass. 2013) (noting that Rule 69 affords liberal discovery to judgment).

In accordance with Rule 69(a)(1), plaintiffs attached the aforesaid Assets pursuant to D.C. Code § 16-544. The attachment provisions of the District of Columbia Code contain specific procedures to address issues of fact raised by a Writ of Attachment served on a garnishee, such as ICANN. Specifically, D.C. Code sections 16-551 and 16-553 allow a plaintiff who disputes a garnishee's answer to interrogatories to commence a jury trial proceeding by "travers[ing] the [garnishee's] answer".⁵ Such a trial is then followed by the Court's entry of judgment. D.C. Code § 16-556. In addition, Section 16-550 provides that "[t]he court may make all orders necessary for the preservation of the property attached..." D.C. Code § 16-550.

Under both the Federal Rules of Civil Procedure and local procedural rules, trial proceedings are necessarily preceded by some period of discovery to enable the parties to develop facts and determine the issues that are actually in dispute. Moreover, Federal Rule 69(a)(2) expressly authorizes judgment creditors to engage in discovery in aid of execution. District of Columbia Superior Court Rule 69-I(a) and (b) likewise authorizes judgment debtors to engage in discovery with regard to assets subject to attachment.

Consistent with the typical orderly progression of litigation from discovery to trial, plaintiffs commenced this attachment proceeding by seeking discovery from ICANN through their Subpoena. Plaintiffs also obtained ICANN's agreement that they would not be required to proceed to trial and judgment under the District of Columbia Code until any discovery disputes

⁵ "A garnishee ... who may make claim to the property attached may file an answer defending against the attachment. The answer may be considered as raising an issue without any reply, and any issue of fact thereby may be tried with a jury if any party so desires." D.C. Code § 551.

"If a garnishee answers to interrogatories that he does not have property or credits of the defendant, or has less than the amount of plaintiff's judgment, the plaintiff may traverse the answer as to the existence or amount of the property or credits, and the issue thereby may be tried as provided in section 16-551." D.C. Code § 553.

were finally resolved. ICANN, however, has deliberately attempted to avoid discovery and to dictate how and when this matter should proceed on the merits by filing its potentially dispositive Motion to Quash without having produced any documents, although ICANN finally did produce some limited documents on September 19, 2014, and then only after Plaintiffs filed a motion to compel the production. In addition, as discussed above, ICANN's Motion to Quash raises numerous factual issues that were not covered by Plaintiffs' original document production Subpoena and which require further discovery from ICANN and other third parties.

B. The Court Should Approve a Discovery Period

As a general rule, “[D]istrict courts have ‘broad discretion in structuring discovery.’” *Brooks v. Kerry*, 2014 WL 1285948, *9 (D.D.C. March 31, 2014) (citations omitted). *See also CXS Transp., Inc. v. Denardo*, 2013 WL 1213067, *7 (E.D. Mich. March 25, 2013) (district court has discretion to extend discovery deadlines in garnishment proceedings); *Salinas v. AT&T Corp.*, 2008 WL 8053983 (S.D. Tex. March 5, 2008) (noting courts discretion with regard to discovery matters).

In essence, ICANN is asking the Court to dismiss the Writs of Attachment based on its own unilateral and untested submission. This is akin to a defendant filing a Federal Rule 56 summary judgment motion at the very outset of a case. Since the procedural posture of ICANN's Motion to Quash is similar to that of a summary judgment motion filed at an early stage of litigation, the case law under Federal Rule 56(d) is particularly on point. Rule 56(d) provides:

- (d) When Facts are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration, that for specified reasons, it cannot present facts essential to justify its opposition, the court may:
- (1) defer considering the motion or deny it;
 - (2) allow time to obtain affidavits or declarations or to take discovery; or
 - (3) issue any other appropriate order.

Id.

District of Columbia courts hold that in situations similar to this one, where a court is presented with a pre-discovery summary judgment motion, “a motion requesting time for additional discovery should be granted almost as a matter of course...” *Dinkel v. Medstar Health, Inc.*, 286 F.R.D. 28, 31 (D.D.C. 2012) (citations and internal quotations omitted) (denying without prejudice pre-discovery summary judgment motion and granting plaintiffs’ motion to conduct discovery pursuant to Rule 56(d)); *Richie v. Vilsack*, 287 F.R.D. 103, 105 (D.D.C. 2012) (same). Indeed, “[T]he purpose of Rule 56(d) is to prevent railroading the non-moving party through a premature motion for summary judgment before the non-moving party has had the opportunity to make full discovery.” *Seed Co., Ltd. v. Westerman*, 840 F. Supp. 2d 116, 121 (D.D.C. 2012) (citations omitted) (denying without prejudice defendants’ summary judgment motions and granting plaintiffs’ request for discovery).

As with discovery matters generally, the decision to grant a continuance to enable discovery pursuant to Rule 56(d) is within the discretion of the district court. *See, e.g., Dinkel* at 31; *Seed Co. Ltd.* at 121-24 (noting that a decision on summary judgment is “disfavored when additional development of facts might illuminate the issues of law requiring decision.”) (citations omitted). Under the Rule 56(d) case law, plaintiffs are required to (1) explain the additional facts sought to be discovered and why they are necessary, (2) explain why the plaintiff could not produce the facts and (3) show that the information is in fact discoverable. *See Richie* at 105.

While Rule 56(d) is applicable here only by analogy, plaintiffs have nevertheless complied with its requirements. Plaintiffs have submitted the declaration of attorney Steven T. Gebelin, which is cited herein, detailing the additional discovery needed and why the information is discoverable and not available to the plaintiffs.

In particular, Plaintiffs seek discovery concerning two of ICANN's primary arguments—that the Assets are not property and that, if they are property, ICANN lacks the ability to transfer them. Plaintiffs are terror victims who possess FSIA judgments against the regimes that provided assistance to their terrorist attackers. Plaintiffs are not experts in the internet and do not possess any special knowledge or information concerning the history of TLD distribution, ICANN's role in that regard or the economic value of TLDs. The sole source of information available to Plaintiffs on these issues is material published online, much of which comes from ICANN's own website and is relied upon by ICANN in its Motion to Quash. Through conversations with various persons knowledgeable on these issues, Plaintiffs have come to understand that ICANN and others directly connected to the operation of the internet possess non-public information relevant to the issues. To the extent such information is not subject to any privilege, it is discoverable. In addition, to the extent such information is proprietary or confidential, plaintiffs have no objection to entering into an appropriate confidentiality agreement.

Plaintiffs have identified certain specific documents and categories of documents which would be very useful in countering ICANN's unilateral claims that the Assets are not property and that ICANN lacks the ability to transfer them. These documents include documents concerning, *inter alia*, the re-delegation of specific TLDs by ICANN and internal documents concerning ICP-1 (cited by ICANN as Exhibit F to the Enson Declaration), which will likely demonstrate that ICANN does have the capability to transfer a TLD; the acquisition of specific ccTLDs identified by plaintiffs as having been monetized by their original owners to demonstrate the potential economic value of ccTLDs generally; monies ICANN receives from any source regarding the Assets at issue herein to demonstrate the economic value of these particular Assets; and the ccNSO Framework of Interpretation Working Group and the recent

WG Progress Report of 2014 to show that global internet policies concerning delegation and re-delegation of ccTLDs are not as ICANN has presented and indeed are in conflict with ICANN's position.

In addition, Plaintiffs have identified certain specific individuals who likely can provide testimony on these issues. Kim Davies and David Conrad work for ICANN and have personal knowledge about domain name distribution and policies related thereto. Jeffrey LeVee and his law firm partner Joe Sims have been involved with Jon Postel (a key early founder of the internet) and ICANN from a very early stage and have personal knowledge about the history and powers of ICANN. The other third party witnesses—Jeff Neumann of Neustar, Inc., Kevin Robert Elbaz, the original .AU registrant, a knowledgeable person from Verisign, Inc. and Lesley Cowley, former Chief Executive at Nominet UK and the former Chair of ICANN's ccNSO Council, can provide testimony concerning the value and transferability of ccTLDs. All of these witnesses likely have information that cannot be found in documents and/or can elucidate and explain the documents Plaintiffs seek.

Plaintiffs therefore respectfully request that the Court adjourn the Motion to Quash *sine die* to afford plaintiffs a reasonable amount of time to conduct discovery and to prepare their opposition to the Motion to Quash after discovery is complete. In addition, in order to preserve plaintiffs' rights under the District of Columbia Code, plaintiffs respectfully request (a) that their time to file (i) the Traverse of ICANN's Answers pursuant to D.C. Code §§ 16-522, 16-553 and/or D.C. Sup. Ct. Rule 69-I(d) and/or (ii) the Motion for Judgment of Condemnation pursuant to D.C. Code § 16-556 and/or D.C. Sup. Ct. Rule 69-I(e) be adjourned until after the Court enters an Order either granting or denying ICANN's Motion to Quash; and (b) that their liens on the Assets be similarly extended.

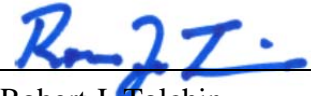
CONCLUSION

For the reasons set forth herein, the Plaintiffs' motion should be granted in all respects.

Dated: September 25, 2014

Respectfully submitted,

THE BERKMAN LAW OFFICE, LLC
Attorneys for the Plaintiffs

By: 
Robert J. Tolchin

111 Livingston Street, Suite 1928
Brooklyn, New York 11201
718-855-3627
RTolchin@BerkmanLaw.com

RAINES FELDMAN, LLP
Attorneys for the Plaintiffs

By: /s/ Erik Syverson
Erik Syverson

9720 Wilshire Boulevard, Fifth Floor
Beverly Hills, California 90212
310-440-4100
Fax: 310-691-1036
ESyverson@RainesLaw.com

CERTIFICATE OF SERVICE

I hereby certify on this 25th day of September, 2014, that a copy of the forgoing Motion to Compel Production of Documents in Response to Subpoena together with the Memorandum of Law in Support of Motion to Compel Production of Documents in Response to Subpoena and Exhibits A and B was served via United States District Court ECF filing system and/or via email on counsel for ICANN:

Tara Lynn R. Zurawski (DC Bar No. 980960)
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001-2113

Eric Enson (*pro hac vice*)
JONES DAY
555 S. Flower Street
50th Floor
Los Angeles, CA 90071

Jeffrey A. LeVee (*pro hac vice*)
JONES DAY
555 S. Flower Street
50th Floor
Los Angeles, CA 90071

Dated: September 25, 2014

By: /s/ Erik S. Syverson
Erik S. Syverson (*pro hac vice*)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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| Shaul Stern, <i>et al.</i> , |) |
| |) |
| Plaintiffs, |) |
| |) |
| v. |) |
| |) |
| The Islamic Republic of Iran, <i>et al.</i> , |) |
| |) |
| Defendants. |) |
| |) |
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| Susan Weinstein, <i>et al.</i> , |) |
| |) |
| Plaintiffs, |) |
| |) |
| v. |) |
| |) |
| The Islamic Republic of Iran, <i>et al.</i> , |) |
| |) |
| Defendants. |) |
| |) |
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| Jenny Rubin, <i>et al.</i> , |) |
| |) |
| Plaintiffs, |) |
| |) |
| v. |) |
| |) |
| The Islamic Republic of Iran, <i>et al.</i> , |) |
| |) |
| Defendants. |) |
| |) |
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| Seth Charles Ben Haim, <i>et al.</i> , |) |
| |) |
| Plaintiffs, |) |
| |) |
| v. |) |
| |) |
| The Islamic Republic of Iran, <i>et al.</i> , |) |
| |) |
| Defendants. |) |
| |) |
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CIVIL ACTION NO. 00-2602-RCL

CIVIL ACTION NO. 00-2601-RCL

CIVIL ACTION NO. 01-1655-RMU

CIVIL ACTION NO. 02-1811-RCL

CIVIL ACTION NO. 08-520-RCL

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| _____ |) | |
| Ruth Calderon-Cardona, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | MISC. NO. 14-648 |
| |) | |
| Democratic People’s Republic of Korea, <i>et</i> |) | |
| <i>al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |
| Mary Nell Wyatt, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 08-502-RCL |
| |) | |
| Syrian Arab Republic, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

DECLARATION OF ERIK S. SYVERSON

I, Erik Swen Syverson, declare pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney at law, duly licensed to practice before all courts of the State of California. I am a partner with the law firm Raines Feldman, LLP, counsel of record in this matter for the plaintiffs-judgment creditors (“Plaintiffs”) and I make this declaration in support of Plaintiffs’ Motion for Discovery pursuant to F.R.C.P. 69. Based on a review of the case file for this matter and my personal knowledge, I have knowledge of all of the facts contained in this Declaration and, if called as a witness, I could and would competently testify to all said facts.

2. Prior to filing this motion, I met and conferred with Eric Enson, Esq., counsel for ICANN and a partner at Jones Day.
3. To this end, I sent Mr. Enson an email on September 19, 2014 setting forth the discovery Plaintiffs required in order to oppose ICANN's Motion to Quash. A true and correct copy of this email is attached hereto as **Exhibit A**.
4. Mr. Enson responded by way of letter on September 23, 2014. A true and correct copy of this letter is attached hereto as **Exhibit B**.
5. I responded to Mr. Enson's letter on September 24, 2014. A true and correct copy of this letter is attached hereto as **Exhibit C**.
6. It is evident that the parties are unable to resolve their differences through the meet and confer process. As such, Plaintiffs have no choice but to file their motion for discovery.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct.

This declaration was signed on September 24, 2014 at Beverly Hills, California



ERIK SWEN SYVERSON

EXHIBIT “A”

Erik S. Syverson

From: Erik S. Syverson
Sent: Monday, September 22, 2014 11:15 AM
To: 'Eric P. Enson'
Cc: Dina Rovner (dsrovner@gmail.com); Meir Katz (mkatz@berkmanlaw.com); Nitsana Darshan-Leitner, Esq. (nitsanad@zahav.net.il); Nitsana Darshan-Leitner (nitsanaleitner@gmail.com); Robert Tolchin (rtolchin@berkmanlaw.com); Steven T. Gebelin; Scott M. Lesowitz
Subject: RE: meet and confer letter

Thank you.

From: Eric P. Enson [mailto:epenson@JonesDay.com]
Sent: Monday, September 22, 2014 11:13 AM
To: Erik S. Syverson
Cc: Dina Rovner (dsrovner@gmail.com); Meir Katz (mkatz@berkmanlaw.com); Nitsana Darshan-Leitner, Esq. (nitsanad@zahav.net.il); Nitsana Darshan-Leitner (nitsanaleitner@gmail.com); Robert Tolchin (rtolchin@berkmanlaw.com); Steven T. Gebelin; Scott M. Lesowitz
Subject: Re: meet and confer letter

Erik,
I will try to get back to you by tomorrow. The disc containing ICANN's production was delivered to Bob on Friday. Thanks.
Eric

Eric P. Enson
[JONES DAY® - One Firm Worldwide](#)
555 S. Flower St., 50th Floor
Los Angeles, CA. 90071
Office +213.243.2304
Mobile +310.503.1774
Email epenson@jonesday.com

From: "Erik S. Syverson" <ESyverson@raineslaw.com>
To: "epenson@jonesday.com" <epenson@jonesday.com>,
Cc: "Nitsana Darshan-Leitner (nitsanaleitner@gmail.com)" <nitsanaleitner@gmail.com>, "Nitsana Darshan-Leitner, Esq. (nitsanad@zahav.net.il)" <nitsanad@zahav.net.il>, "Meir Katz (mkatz@berkmanlaw.com)" <mkatz@berkmanlaw.com>, "Dina Rovner (dsrovner@gmail.com)" <dsrovner@gmail.com>, "Scott M. Lesowitz" <slesowitz@raineslaw.com>, "Steven T. Gebelin" <sgebelin@raineslaw.com>, "Robert Tolchin (rtolchin@berkmanlaw.com)" <rtolchin@berkmanlaw.com>
Date: 09/19/2014 02:28 PM
Subject: meet and confer letter

Eric,

Below is a list of discovery that we will be seeking by way of our motion. We reserve the right to amend this list at a later date, including in our moving papers. Please let me know at your earliest convenience but no later than 5 p.m. Tuesday if you will agree to a six month period in order to conduct this discovery. We believe six months is the minimum that this can be completed because of several international and third party depositions, which inevitably lead to logistical challenges. Finally, I still haven't received your document production, are you having it delivered today as you stated yesterday? I believe you said it would be on a disk, which is

fine. Let me know, thank you.

- **Depositions**

1. Kim Davies is the current manager of IANA Root Zone services and works within ICANN. IANA Root Zone services is responsible for coordinating ccTLD delegations and insuring that such delegations comply with IANA's policies and procedures. Mr. Davies will be able to testify that IANA is both authorized and able to transfer cc TLD's and has done so in the past. She can also testify as to the nature and origin of the Root Zone and the Assets location within the Root Zone.
2. Jeffrey LeVee and Joe Sims. Msrs. LeVee and Sims were intimately involved in the formation of ICANN and formed ICANN with input from Dr. Jon Postel. Mr. LeVee and Mr. Sims can testify as to ICANN's authority over the Root Zone, its history and control over the Root Zone, and government contracts granting ICANN authority over the Root Zone.
3. Jeff Neumann, vice president of Neustar, Inc.. Neustar is a publicly traded American company that purchased Columbia's ccTLD for \$109 million in 2014. Mr. Neumann's testimony will directly counter ICANN's assertion that ccTLD's are not property and money generating assets. Otherwise, Neustar will have spent a lot of money for nothing.
4. David Conrad, Chief Technical Officer for ICANN. Mr. Conrad works with internal and external stakeholders to develop a technology roadmap for the Internet identifiers system. He reports directly to Akram Atallah, president of ICANN's Global Domains Division.
5. Kevin Robert Elz is a computer programmer who registered .AU and lost it pursuant to an ICANN revocation. He can testify as to ICANN's authority over the internet and its ability to re-delegate ccTLDs. Mr. Elz is believed to reside in Thailand.
6. Person Most Knowledgeable from Verisign regarding Verisign's purchase of .TV and .CC. These transactions evidence that ccTLD's are economic assets freely capable of being transferred for the benefit of judgment creditors similar to a piece of real estate such as an apartment building.
7. Lesley Cowley, former Chief Executive at Nominet UK and the former Chair of ICANN's ccNSO Council. She was involved in the transfer of .UK away from the academic community and is involved in high-level ccTLD policy. She lives in Britain.

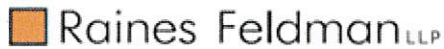
- **Documents needed from ICANN**

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2. All documents relating to the re-delegations of cc TLD's of .ML (Mali); .KE (Kenya); .AU (Australia); .PN (Petcairn Island); .EH (Western Sahara); and .UM (US Minor Outlying Islands). All of these cc TLD's have been re-delegated or re-assigned by ICANN. These documents will reveal that, contrary to ICANN's representations in its Motion to Quash, ICANN is fully capable of transferring the Assets to plaintiffs just as it has with respect to the forementioned ccTLD's.
3. All documents relating to the IANA function, including but not limited to documents referring to the scope, purpose and/or role of the IANA function. The IANA function has full control and authority over ccTLD's pursuant to its monopolistic control over the Root Zone, where the Assets reside.
4. All documents relating to Kim Davies' presentation at an ICANN meeting in Marrakech in 2008. At this meeting Kim Davis discussed the scope, role and purpose of the IANA function.
5. All documents related to payments ICANN receives from registrars that offer .IR domain registrations to the public. These registrars include, but are not limited to, Instra Corporation and Only Domains.com. These companies are conducting business with the defendants and maintain an economic relationship with ICANN. This discovery is likely to reveal that these companies may not only be violating international sanctions treaties by conducting business with Iran, but that they derive income from the defendants and pass along a portion of that income to ICANN.
6. All documents related to the ccNSO (Country Code Names Supporting Organization) Framework of Interpretation Working Group, including, but not limited to its introduction, background, charter and recent version of the Framework of Interpretation WG Progress Report of March 2014. These documents will show that a large and reputable group of country code TLD and Government Advisory Committee representatives are working on policies with respect to delegation and re-delegation of ccTLD's that are in direct conflict with positions taken by ICANN in its Motion to Quash.
7. Any documents related to the United States government overruling, setting aside or failing to implement or execute a ccTLD delegation or re-delegation requested by ICANN.
8. All documents evidencing ccTLD registrars agreeing to provide funds to ICANN.

- **Additional Documents needed from third parties**

1. From Verisign, documents relating to its acquisition of the .TV and .CC ccTLD's.

2.From Neustar, documents relating to its acquisition of the .CO ccTLD.



Erik S. Syverson, Esq.

RAINES FELDMAN LLP | 9720 Wilshire Boulevard, Fifth Floor | Beverly Hills, California 90212
Main: 310 440-4100 | Direct: 310 988-4296 | Fax: 310 765-7730

Email: esyverson@raineslaw.com
Website: www.RainesLaw.com

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=====

EXHIBIT “B”

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

September 23, 2014

VIA E-MAIL

Erik S. Syverson
Raines Feldman, LLP
9720 Wilshire Blvd., Fifth Floor
Beverly Hills, CA 90212

Re: Writs of Attachment Issued to ICANN

Erik:

Thank you for your email regarding the additional discovery Plaintiffs are seeking in these matters. But for the reasons we have previously discussed, and those set forth below, ICANN cannot stipulate to such broad discovery or a six-month extension in the time for Plaintiffs to respond to ICANN's Motion to Quash.

First, Plaintiffs already sought and obtained over two months to respond to ICANN's Motion to Quash. Plaintiffs could have requested this kind of discovery at the time they sought their original extension, or shortly thereafter. Instead, Plaintiffs waited to make this request until just before their opposition to ICANN's Motion to Quash is due. Although ICANN does not believe that additional discovery is called for, it is ICANN's view that Plaintiffs could have requested this discovery at a time, and in a manner, that would not further delay resolution of ICANN's Motion to Quash.

Second, the depositions Plaintiffs seek are not relevant to ICANN's Motion to Quash and/or are impermissible. For instance, several of the proposed depositions, including those of Mr. Davies, Mr. Nueman, Mr. Elz, Verisign, and Ms. Cowley, are purportedly aimed at demonstrating that ICANN is "both authorized and able to transfer ccTLDs and has done so in the past." This contention is contradicted by the evidence and documents ICANN has already produced to Plaintiffs. Likewise, Plaintiffs offer no justification for wanting to depose Mr. Conrad, and Plaintiffs cannot depose ICANN's lawyers, Mr. Sims and Mr. LeVee, regarding the legal advice they provided to, and the legal work they performed for, ICANN.

Third, the document requests outlined by Plaintiffs do not seek relevant evidence, they call for publicly available documents and they would be unduly burdensome on ICANN. For instance, many of Plaintiffs' document requests seek documents revealing "that ICANN is fully capable of transferring the [relevant ccTLDs] to plaintiffs." ICANN possesses no such

LAI-383223477v1

JONES DAY

Erik S. Syverson
September 23, 2014
Page 2

documents because, again, ICANN cannot unilaterally effectuate such a transfer, as evidenced in the materials ICANN has already provided Plaintiffs. Nor are there any documents relating to payments ICANN receives from .IR registrations, as ICANN has already certified. Likewise, as part of ICANN's commitment to operate in an open and transparent manner, virtually all of the documents sought by Plaintiffs – such as those relating to ICP-1, the IANA functions, Mr. Davies' presentations at ICANN meetings, the ccNSO, the Governmental Advisory Committee, the delegation and re-delegation of ccTLDs, and ICANN's agreements with certain ccTLD managers – are publicly available on ICANN's websites. It would be unduly burdensome to saddle a not for profit, nonparty, like ICANN, with the expense of searching for and then producing documents that do not relate to the legal issues raised in ICANN's Motion to Quash and that are already available to Plaintiffs.

Finally, post-judgment discovery of a nonparty is limited to discovery that is “reasonably calculated to . . . provide the judgment creditor an opportunity to enforce its judgment.” *Falicia v. Advanced Tenant Servs., Inc.*, 235 F.R.D. 5, 10 (D.D.C. 2006) (quoting *GFL Advantage Fund, Ltd. v. Colkitt*, 216 F.R.D. 189, 194 (D.D.C. 2003)). “[A]sset discovery should be tailored to the specific purpose of enabling a judgment creditor to discover assets upon which it can seek to execute a judgment.” *E.I. DuPont de Nemours & Co. v. Kolon Indus.*, 286 F.R.D. 288, 292 (E.D. Va. 2012); *Caisson Corp. v. County W. Bldg. Corp.*, 62 F.R.D. 331, 334 (E.D. Pa. 1974) (the “inquiry must be kept pertinent to the goal of discovering concealed assets of the judgment debtor and not be allowed to become a means of harassment of the debtor or third persons.”). Here, the information Plaintiffs seek is not aimed at enabling Plaintiffs to enforce their judgments because ICANN possesses no assets of the defendants. As such, there is no justification for the additional discovery Plaintiffs now seek. *Peterson v. Islamic Republic of Iran*, 938 F. Supp. 2d 93, 97 (D.D.C. 2013) (Lamberth, J.), *aff'd*, 561 F. App'x. 9 (D.C. Cir. 2014) (ruling that additional discovery of a garnishee was not justified based on the Court's finding that the garnishee's statements that it was not “indebted to” the defendants and did not possess any of their “goods, chattels, or credits” was “legally accurate.”).

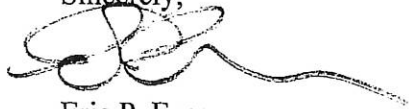
ICANN has already produced documents responsive to Plaintiffs' subpoenas. ICANN has already responded to the interrogatories contained in Plaintiffs writs of attachment. And ICANN has already explained and demonstrated why it holds no assets of the defendants that are subject to attachment. Moreover, Plaintiffs have had more than sufficient time to develop any factual material necessary to evaluate and respond to ICANN's Motion to Quash. For these reasons, we do not believe additional discovery is appropriate or further delay in Plaintiffs' opposition to the Motion to Quash is called for.

JONES DAY

Erik S. Syverson
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Again, thank you for raising these issues with me. If you would like to discuss this further, please do not hesitate to give me a call. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Enson", with a long, sweeping horizontal line extending to the right.

Eric P. Enson

cc: Robert J. Tolchin
Dina Rovner

EXHIBIT “C”



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9720 Wilshire Boulevard, 5th Floor
Beverly Hills, California 90212

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esyverson@raineslaw.com

September 24, 2014

VIA E-MAIL

Eric Enson, Esq.
555 South Flower Street
Fiftieth Floor
Los Angeles, California 90071
epenson@jonesday.com

Re: Motion for Discovery Regarding ICANN

Eric,

Thank you for your meet and confer letter regarding our proposed motion for discovery. We will attach it as an exhibit to our papers as proof that both parties have met and conferred in good faith and fulfilled our obligations under the local rules. For the reasons stated herein, ICANN's opposition to our discovery lacks merit.

First, your argument that Plaintiffs have been dilatory is neither true nor a legal basis for denying our discovery request. ICANN stonewalled Plaintiffs' basic document requests and only provided Plaintiffs with responsive documents on September 19. Plaintiffs diligently conducted their own independent investigation of ICANN's positions. However, there is only so much we can do without subpoena power to obtain documents and depose crucial witnesses. Furthermore, due to ICANN's tardy production, we are still evaluating the import and responsiveness of these documents. They are certainly not responsive to many of the enumerated categories of our planned

Eric Enson, Esq.
September 24, 2014
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motion nor are documents the equivalent of a deposition. Finally, my firm was only admitted to this case on September 11 – so we have been counsel of record for less than two weeks.

Second, your argument that the depositions Plaintiffs seek are not relevant is not well taken. We have laid out in detail for you why such depositions are relevant and necessary. By contrast, you have failed to identify even one specific piece of evidence that would contradict the justifications set forth in my previous letter. With regard to Messrs. LeVee and Sims, I fully anticipated your objection based upon attorney client privilege/work product. However, we do not wish to invade the attorney client privilege. The fact of the matter is that ICANN and Jones Day have a deeply intertwined relationship. You know this and it is widely known that Jones Day played a central and controlling role in the ICANN formation story. That formation story, as laid out for you in my previous correspondence, is central to our ability to oppose ICANN's motion. ICANN cannot avoid this simply by wrapping itself in a blanket attorney client privilege. In fact, Messrs. Sims and LeVee have proudly recounted some of the broader strokes of their involvement in the press. They cannot now shrink from such assertions under a claim of privilege.

You continue only to stonewall and put forth general statements to the effect that "no contradictory evidence exists, no depositions are relevant and you need to accept my word as gospel because I'm a Jones Day lawyer". We do not believe this will cut it with the Court. Nor does it pass muster with the clients we proudly serve. Our clients have suffered greatly from horrific acts of terrorism, they deserve to know the truth and we are surprised by ICANN's obstruction of our search for truth and assets.

Third, your representations concerning documents are only representations and not under oath. Additionally, as you will see in our moving papers, your assertions are not true. ICANN has control of the Root Zone. The ccTLD's at issue reside in the Root and are, in fact, property of the judgment debtors. ICANN has the power to transfer, revoke or cancel ccTLD's. Many re-delegations and/or cancellations, both hostile and non-hostile, have taken place pursuant to ICANN's powers. We are simply amazed at your position that this is not so. Furthermore, it is disingenuous that all responsive documents are publicly available. It is not true and we know this because a few highly

Eric Enson, Esq.
September 24, 2014
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relevant responsive documents have dropped into our lap by luck rather than from ICANN or a subpoena.

Also, we understand that ICANN is non-profit but it is well funded. This is easily verified by reviewing its current balance sheet. Also, it is still sitting on hundreds of millions of dollars generated in the recent generic TLD auctions¹. As you know, it cost \$185,000 just to apply for a new generic TLD. Finally, ICANN spends over \$2,000,000 per year on legal fees with your law firm. ICANN is not a modest non-profit struggling to keep the lights on. It is a powerful juggernaut with near total control of one of the world's most lucrative resources. It also houses property belonging to many countries, companies and individuals. It needs to turn over the judgment debtors' property residing in the Root Zone.

Finally, your citation to *Falicia v. Advanced Tenant Servs., Inc.*, 235 F.R.D. 5, 10 (D.D.C. 2006) is not persuasive. We are not conducting a fishing expedition; we have provided you with specific categories of documents and witnesses and explained the relevance in detail. We are in full compliance with the controlling law. Similarly unconvincing is your citation to *Peterson v. Islamic Republic of Iran*, 938 F.Supp. 2d 93, 97 (D.D.C. 2013)(Lamberth, J.), *aff'd*, 561 F.App'x.9(D.C. Cir.2014). The key distinguishing phrase in that case is "legally accurate". ICANN's enumerated positions in its motion and your letter are not "legally accurate". To this end, we have identified documents and witnesses directly contradicting ICANN's position.

We wish that we could have worked this out. We do not want to file a motion but your positions have forced us to. We are duty bound to serve our clients and uncover assets that may be used to satisfy their judgments.

¹ ICANN's position in this case would appear to be troubling both to applicants and current owners of generic TLD's because clearly these parties have no property rights according to ICANN – despite spending exorbitant sums of money to obtain them. Who owns generic TLD's? ICANN?

Eric Enson, Esq.
September 24, 2014
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Please call me anytime to discuss our motion or the associated proceedings.

Sincerely,



Erik S. Syverson
of RAINES FELDMAN LLP

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

| | | |
|---|---|------------------------------|
| Shaul Stern, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 00-2602-RCL |
| |) | |
| The Islamic Republic of Iran, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |
| Susan Weinstein, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 00-2601-RCL |
| |) | |
| The Islamic Republic of Iran, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |
| Jenny Rubin, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 01-1655-RMU |
| |) | |
| The Islamic Republic of Iran, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |
| Seth Charles Ben Haim, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | CIVIL ACTION NO. 02-1811-RCL |
| |) | |
| v. |) | CIVIL ACTION NO. 08-520-RCL |
| |) | |
| The Islamic Republic of Iran, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

| | | | |
|--|-------------|---|-----------------------------|
| <hr/> | |) | |
| Ruth Calderon-Cardona, <i>et al.</i> , | |) | |
| | Plaintiffs, |) | |
| | |) | |
| v. | |) | MISC. NO. 14-648 |
| | |) | |
| Democratic People’s Republic of Korea, <i>et</i> | |) | |
| <i>al.</i> , | |) | |
| | |) | |
| | Defendants. |) | |
| <hr/> | |) | |
| Mary Nell Wyatt, <i>et al.</i> , | |) | |
| | Plaintiffs, |) | |
| | |) | |
| v. | |) | CIVIL ACTION NO. 08-502-RCL |
| | |) | |
| Syrian Arab Republic, <i>et al.</i> , | |) | |
| | |) | |
| | Defendants. |) | |
| <hr/> | |) | |

DECLARATION OF STEVEN T. GEBELIN

I, Steven T. Gebelin, declare pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney at law, duly licensed to practice before all courts of the State of California. I am an associate with the law firm Raines Feldman, LLP, counsel of record in this matter for the plaintiffs-judgment creditors (“Plaintiffs”) in this matter and I make this declaration in support of Plaintiffs’ Motion for Discovery pursuant to F.R.C.P. 69. Based on a review of the case file for this matter and my personal knowledge, I have knowledge of all of the facts contained in this Declaration and, if called as a witness, I could and would competently testify to all said facts.

2. Since at least early August 2014, Plaintiffs have been in communication with William “Bill” Manning, an internet infrastructure management and domain name systems

operations and development expert with extensive knowledge regarding top level domain and root functions, seeking his assistance to provide testimony regarding ICANN's control over the root zone and IP address assignments. In pursuit of that goal, Plaintiffs and Mr. Manning were able to reach an agreement and Mr. Manning executed an expert retention agreement with Plaintiffs on or about September 16, 2014. Attached hereto as **Exhibit A** is a true and accurate copy of a CV for Mr. Manning that is published by ICANN at <https://www.icann.org/en/system/files/files/manning-cv-01aug10-en.pdf>.

3. Following the execution of Mr. Manning's expert retention agreement, I participated in a conference call with Mr. Manning on September 17, 2014 to discuss the state of Plaintiffs' knowledge and evidentiary record regarding ICANN's control over and ability to transfer the country code top level domains ("ccTLDs") and internet protocol ("IP") addresses of the judgment debtors in these cases (the "Assets").

4. During that conversation, Mr. Manning stressed that ICANN had a monopoly or complete control over the "root zone" such that ICANN is wholly and solely responsible for the mapping of top level domains (including ccTLDs) to their respective registries / name servers.

5. Mr. Manning also discussed several instances in which ICANN changed and redirected who runs certain ccTLDs, including the ccTLDs .au, .co, .uk, and others in varying circumstances. Several of these ccTLD transfers were in conjunction with the "monetization" of the ccTLDs by their respective governments, including instances where the governments transferred control away from academic communities to government approved third parties that acquired contractual property rights to exploit the ccTLD and generate revenue.

6. Mr. Manning also provided intelligence regarding relevant individuals, third parties, and classes of documents outside of Plaintiffs' control that would provide evidence

regarding ICANN's control over and ability to transfer ccTLDs and IP addresses. Mr. Manning confirmed that the depositions of the following Persons with Relevant Knowledge are likely to provide evidence relevant to the issues before the court:

- a. Kim Davies, who is the current manager of IANA Root Zone services and works within ICANN. IANA Root Zone services is responsible for coordinating ccTLD delegations and insuring that such delegations comply with IANA's policies and procedures. Mr. Davies should have information showing that IANA is both authorized and able to transfer ccTLDs and has done so in the past. Attached hereto as **Exhibit B** is a true and correct copy of Mr. Davies' September 2008 presentation "An Introduction to IANA, ICANN At Large Community Briefing" as published by ICANN at <https://www.iana.org/about/presentations/davies-atlarge-iana101-080929.pdf>
- b. Jeffrey LeVee and Joe Simms. Mr. LeVee was a signatory of ICANN's Articles of Incorporation. Mr. LeVee was intimately involved in the formation of ICANN and formed ICANN with his law firm partner Joe Sims with input from Dr. Jon Postel. Mr. Levee and Mr. Sims should have information regarding ICANN's authority over the Root Zone, its history and control over the Root Zone, and government contracts granting ICANN authority over the Root Zone. Attached hereto as **Exhibit C** is a true and accurate copy of a 2011 interview of Mr. LeVee and Mr. Simms titled "Present At The Creations: ICANN's Birth, Domain Expansion And Jones Day's Role," published by The Metropolitan Corporate Counsel at <http://www.metrocorp counsel.com/pdf/2011/August/44.pdf>

- c. Jeff Neumann, vice president of Neustar, Inc.. Neustar is a publicly traded American company that purchased Columbia's ccTLD (.CO) for \$109 million in 2014. Mr. Neumann's testimony will directly counter ICANN's assertion that ccTLD's are not property; otherwise, Neustar will have spent a lot of money for nothing. Attached hereto as **Exhibit D** is a true and accurate copy of excerpts from the June 2014 Form 10-Q filed with the U.S. Securities and Exchange Commission filed by NeuStar, Inc., in which Neustar details its April 2014 acquisition of ".CO Internet S.A.S (.CO Internet) and certain associated assets," explaining that ".CO Internet is the exclusive operator of the worldwide registry for Internet addresses with the ".co" top-level domain."
- d. David Conrad, Chief Technical Officer for ICANN. Mr. Conrad works with internal and external stakeholders to develop a technology roadmap for the Internet identifiers system. He reports directly to Akram Atallah, president of ICANN's Global Domains Division. Mr. Conrad was formerly the general manager of IANA at ICANN, and also advised ICANN's Board of Directors regarding the removal of the .UM ccTLD from the root. A description of his current position and a short biography was published by ICANN at <https://www.icann.org/news/announcement-2014-06-20-en>.
- e. Kevin Robert Elz is a computer programmer who registered .AU and lost it pursuant to an ICANN revocation. He can testify as to ICANN's authority over the internet and its ability to re-delegate ccTLDs. Mr. Elz is believed to reside in Thailand.

- f. Person Most Knowledgeable from Verisign regarding Verisign's purchase of .TV and .CC. These transactions evidence that ccTLDs are economic assets freely capable of being transferred for economic consideration or for the benefit of judgment creditors similar to a piece of real estate such as an apartment building. Attached hereto as **Exhibit G** is a true and accurate copy of a New York Times article titled "As Online Video Surges, the .TV Domain Rides the Wave," by Noam Cohen, published on August 26, 2014 as retrieved from the website http://www.nytimes.com/2014/08/27/business/media/a-newly-valuable-virtual-address.html?_r=1, discussing the millions of dollars generated for the government of Tuvalu from its transfer of rights in the .TV ccTLD to Verisign.
- g. Lesley Cowley, former Chief Executive at Nominet UK and the former Chair of ICANN's ccNSO Council. She was involved in the transfer of .UK away from the academic community and is involved in high-level ccTLD policy. She lives in Britain.

7. Mr. Manning also confirmed that the following document categories are likely to provide evidence relevant to the issues before the court:

- a. All documents relating to ICP-1. ICP-1 refers to the Internet Coordination Policy first proposed by ICANN in May 1999. This policy states that in cases where there is misconduct, or violation of ICANN policies, the IANA (Internet Assigned Numbers Authority) reserves the right to revoke and to re-delegate a Top Level Domain to another manager. The underlying correspondence and internal notes related to this policy will reveal that ICANN is fully capable of transferring the Assets to plaintiffs.

- b. All documents relating to the re-delegations of ccTLDs of .ML (Mali); .KE (Kenya); .AU (Australia); .PN (Pitcairn Island); .EH (Western Sahara); .UM (US Minor Outlying Islands); and .CN (China). All of these ccTLDs have been re-delegated or re-assigned by ICANN. These documents will reveal that, contrary to ICANN's representations in its Motion to Quash, ICANN is fully capable of transferring the Assets to plaintiffs just as it has with respect to the aforementioned ccTLDs.
- c. All documents relating to the IANA function, including but not limited to documents referring to the scope, purpose and/or role of the IANA function. The IANA function has full control and authority over ccTLDs.
- d. All documents relating to Kim Davies' presentation at an ICANN meeting in Marrakesh in 2008. At this meeting Kim Davies discussed the scope, role and purpose of the IANA function.
- e. All documents related to payments ICANN receives from registrars that offer .IR domain registrations to the public. These registrars include, but are not limited to, Instra Corporation and Only Domains.com. These companies are conducting business with the judgment debtors and maintain an economic relationship with ICANN.
- f. All documents related to the ccNSO (Country Code Names Supporting Organization) Framework of Interpretation Working Group, including, but not limited to its introduction, background, charter and recent version of the Framework of Interpretation WG Progress Report of March 2014. These documents will show that a large and reputable group of country code TLD

and Government Advisory Committee representatives are working on policies with respect to delegation and re-delegation of ccTLDs that are in direct conflict with positions taken by ICANN in its Motion to Quash.

- g. Any documents related to the United States government overruling, setting aside or failing to implement or execute a ccTLD delegation or re-delegation requested by ICANN.
- h. All documents evidencing ccTLD registrars agreeing to provide funds to ICANN.
- i. Documents relating to the transfer to or acquisition of .TV and .CC by Verisign.
- j. Documents relating to the transfer to or acquisition of .CO by Neustar.

8. Following our conversation with Mr. Manning on Wednesday, September 17, 2014, Mr. Manning assured Plaintiffs that he would prepare a declaration regarding his knowledge regarding ICANN's treatment of ccTLDs and his insight regarding the above discovery topics, and that he intended have that declaration prepared by Friday, September 19, 2014. As of today's date, Plaintiffs have not received a declaration from Mr. Manning, and have received no response to numerous voicemails and emails made since Monday, September 22, 2014.

9. On September 23, 2014, Plaintiffs received a copy of a May 2, 2008 letter from the U.S. Department of Commerce's National Telecommunications and Information Administration ("NTIA") sent to Bill Manning regarding the Delegation Status of the .UM (United States Minor Outlying Islands) Top-Level Domain Name. A true and correct copy of the letter as received by Plaintiffs is attached as **Exhibit E**.

10. After reviewing Exhibit E, Plaintiffs then retrieved the minutes for the January 16, 2007 ICANN Board of Directors Special Meeting referenced within the letter from ICANN's website. A true and correct copy of those minutes as published by ICANN at <https://www.icann.org/resources/board-material/minutes-2007-01-17-en> is attached hereto as **Exhibit F**.

11. On September 19, 2014, ICANN produced approximately 1660 of pages of documents that appear to be correspondence relating to IANA functions and ccTLDs at issue in this proceeding.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

September 24, 2014



Steven T. Gebelin

EXHIBIT “A”

Bill Manning

Areas of Expertise

- Internet infrastructure management
- DNS operations and development
- Instrumentation and auditing

Projects

Bill Manning is a principal in EP.NET, LLC, a company dedicated to the assignment of unique identifiers for participants at telecommunication exchanges and funded the primary development of the UNBOUND resolver. Concurrently, he serves as a member of the research staff at USC's Information Sciences Institute, where he is principal investigator for the NSF LACE project. He has also served as a project manager on USC/ISI's brittle audit of the in-addr. arpa space and as operator of the INT. domain, L and B root servers. As a RA project manager there, he developed, deployed, and productized Internet exchange points and managed the programming team for the routing policy system language (RPSL) and route server daemon (RSd). Other projects at ISI involved running the RS.NET testbed – evaluating Ipv6 transport, IDN capabilities, and DNSSEC key management from 2001-2006. He currently is the program manager for the B root server and sits on the ICANN RSSAC committee.

Mr. Manning also acts as a director for OCHER networks, a submarine cable company, and consults for Dupont, Enron, G.E., PLDT, and China Telecom.

For the U.S. Presidential Council on Y2K Transition, he acted as Internet DNS system liaison. For IANA, he helped define the current Internet DNS root structure, allowing thirteen servers instead of the original nine.

At Texas Instruments, Mr. Manning was responsible for the deployment of IP networking, first in the company's semiconductor division and then throughout the corporation. He worked with MERIT to expand the NSFnet Regional Tech conference into NANOG, the North American Network Conference.

At Rice University, he worked as lead engineer for the NSFnet's SESQUINET regional network, then oversaw migration of SESQUINET and MIDnet from the NSFnet to commercial networks. He was then asked to assume a role in the NSF Routing Arbitor project at ISI.

Associations

Mr. Manning serves on the technical advisory boards of i-dns, and ultraDNS. He is a

technical advisor for UltraDNS, i-DNS, ICANN, and has served as ARIN Board Trustee, and a member of IEEE, ACM, USENIX, APIA, and ISP/C.

He has been active in IETF's DNS and Routing working groups, as active participant, working group chair, and code developer. He specified how to add NSAP support to the DNS, developed and implemented a plan to expand the Internet root server system to add four new nodes, and continues to work on enhancing DNS code to track the growth of IP networks. With IPv6 developers and implementers, he manages the IP6.INT domain—the functional equivalent of the in-addr.arpa zone.

Conferences

Mr. Manning has attended IETF as participant and has served as WG chair for the PIER, ROUTING, and DNS-Next segments of the conference. He has spoken regularly at RIPE/EOF, INET, and at APRICOT, where he served on the conference's executive committee. He has also served on the advisory council for NANOG, and attended the APNG, SIGCOM AFNOG, and Afrinic conferences.

Bibliography

Mr. Manning is the author of numerous RFCs, articles, and papers. His publishing credits include :

RFC 1706, DNS NSAP Resource Records, B. Manning and R. Collela, October 1994

RFC 1746, Ways to Define Users Expectations, B.Manning and D. Perkins, December 1994

RFC 1878, Variable Length Subnet Table, T.Pummill and B.Manning, January 1996

RFC 2010, Operational Criteria for Root Name Servers, B.Manning, and P.Vixie, October 1996

RFC 2042, Registering New BGP Attributes, B.Manning, January 1997

RFC 2929, DNS IANA Considerations, Eastlake, Brunner-Williams, Manning, September 2000

EXHIBIT “B”

An Introduction to IANA

ICANN At Large Community Briefing
September 2008

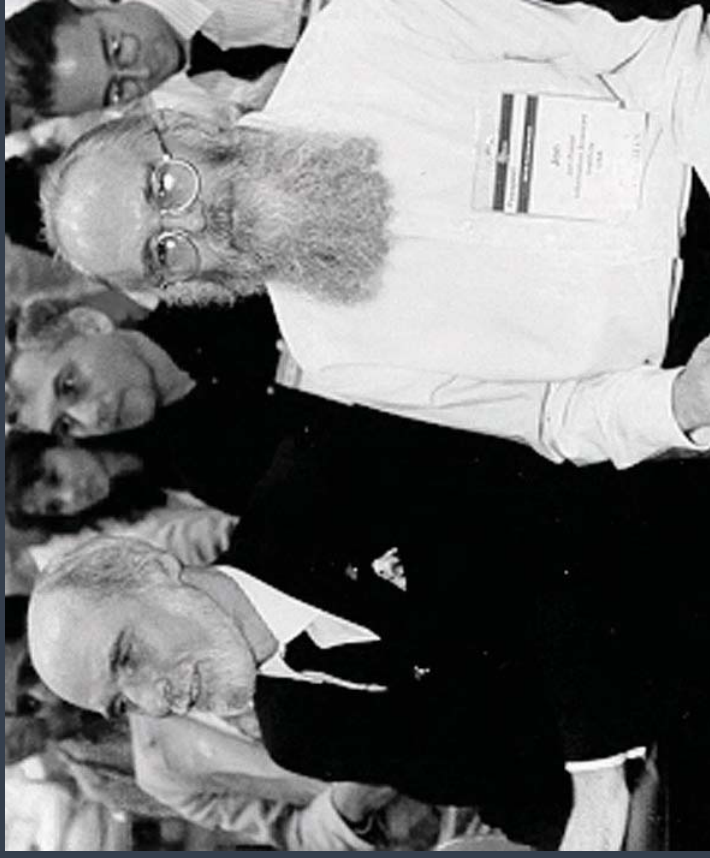
Kim Davies
Internet Assigned Numbers Authority



Internet Corporation for
Assigned Names & Numbers

What is IANA?

- ▶ “Internet Assigned Numbers Authority” is responsible for global Internet unique identifier systems.
- ▶ One of the oldest Internet institutions, its role dates back to 1970s.

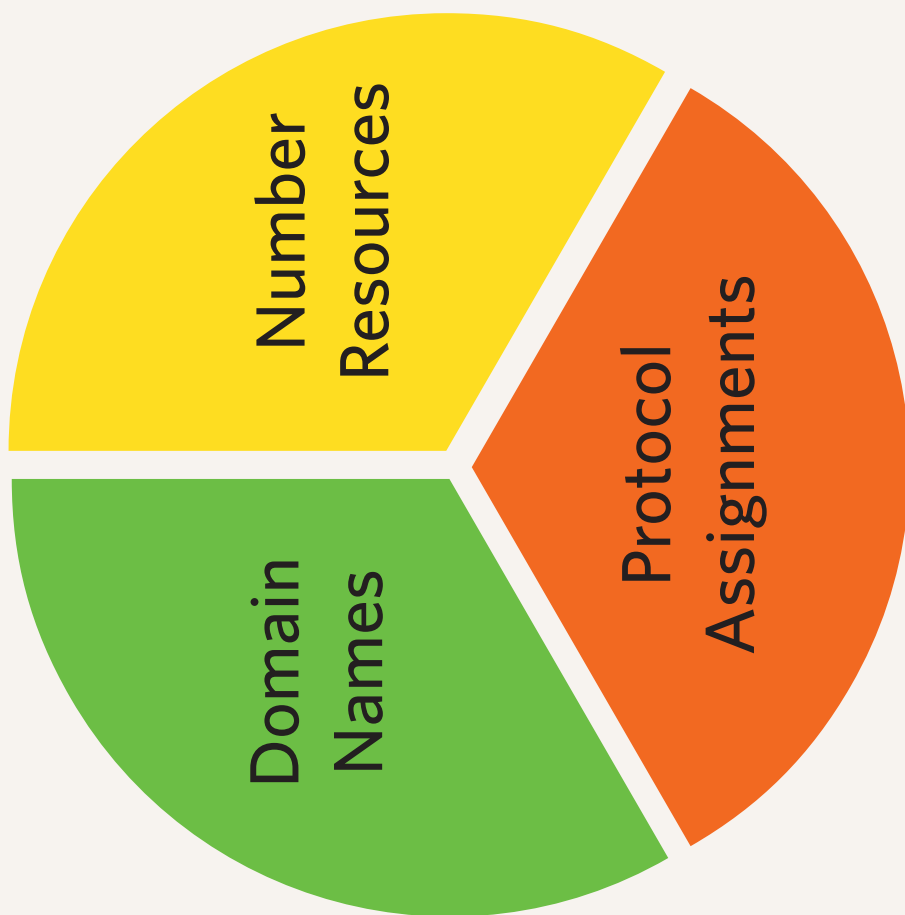


What is IANA?

- ▶ Since 1998, operated by ICANN - a non-profit internationally-organised entity setup by the global community as the steward for the IANA functions.
- ▶ Today, “IANA” may refer to either the functions, or the department within ICANN that runs the IANA functions.

Why does IANA exist?

- ▶ There is no central control of the Internet
- ▶ If computers did not use the same system of identifiers and numbers to talk to one another, the system would not interoperate
- ▶ IANA coordinates the numbering systems needed to ensure the Internet interoperates globally
- ▶ ICANN was devised to be the institutional home for the IANA

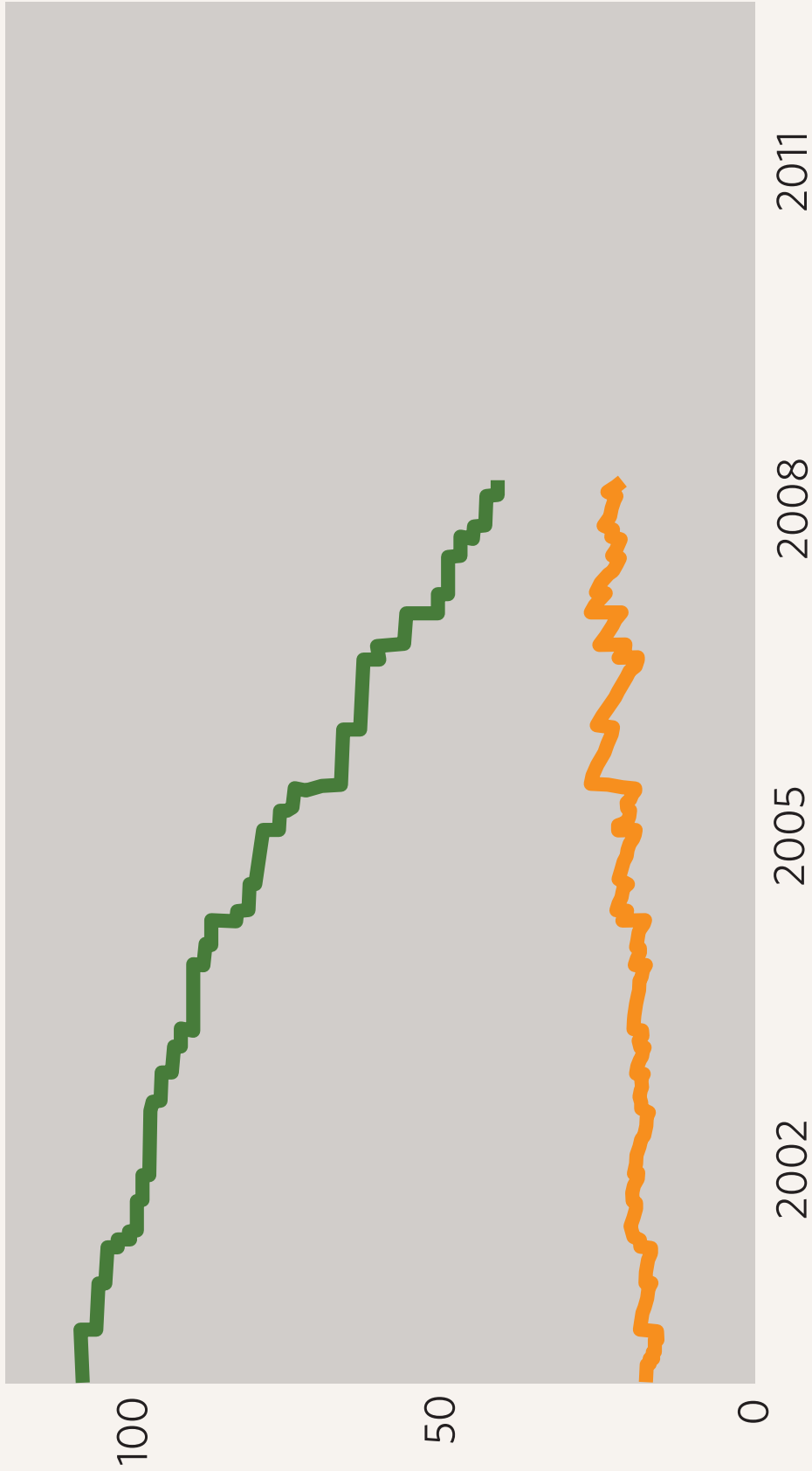


IANA services

Number Resources

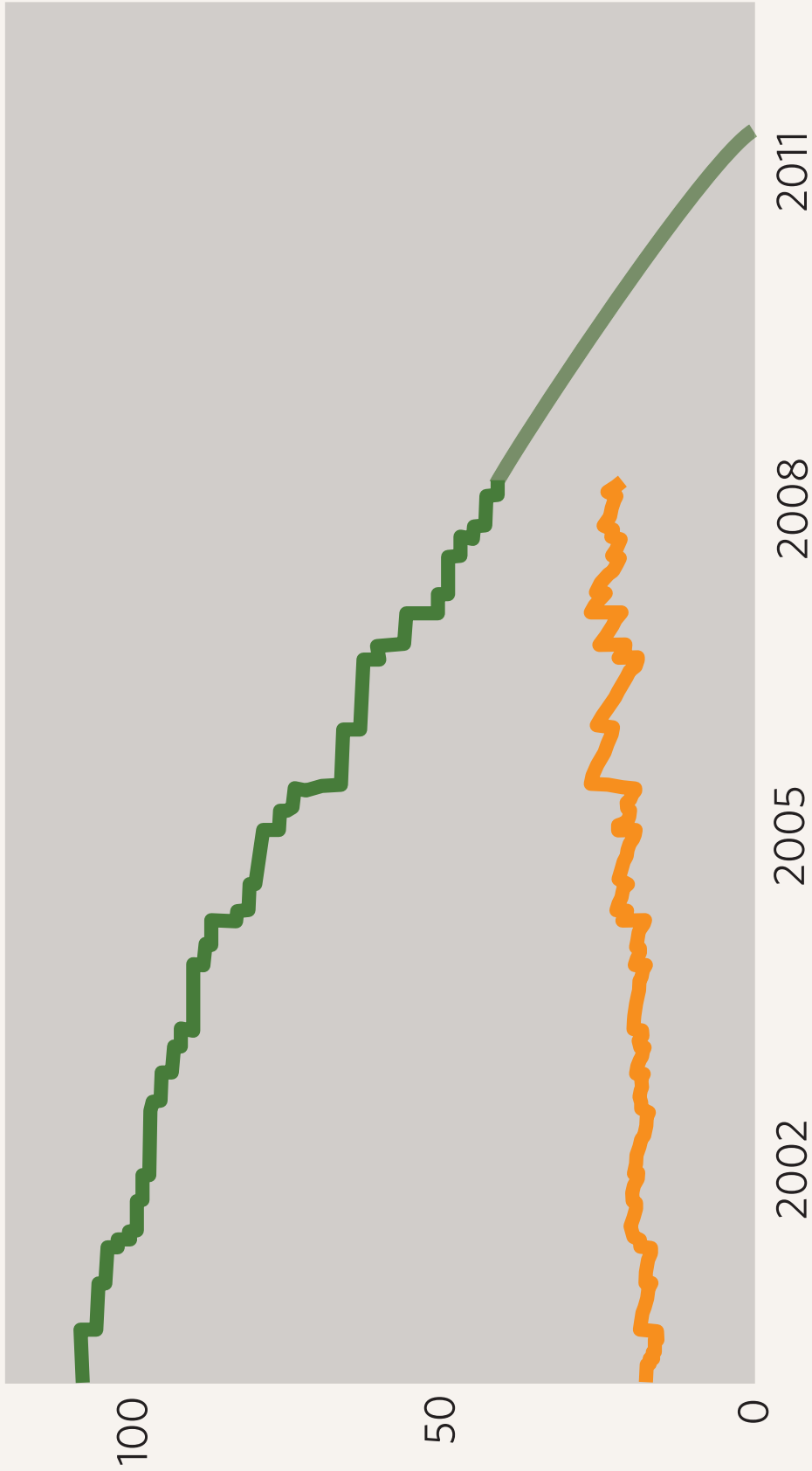
Number Resources

- ▶ Internet Protocol (IP) Addresses
 - ▶ Unique identifier for each computer connected to the public Internet
 - ▶ Version 4 — currently in use
 - ▶ Version 6 — under deployment
- ▶ Autonomous System (AS) Numbers
 - ▶ Unique identifier for each network that cross-connects with other networks



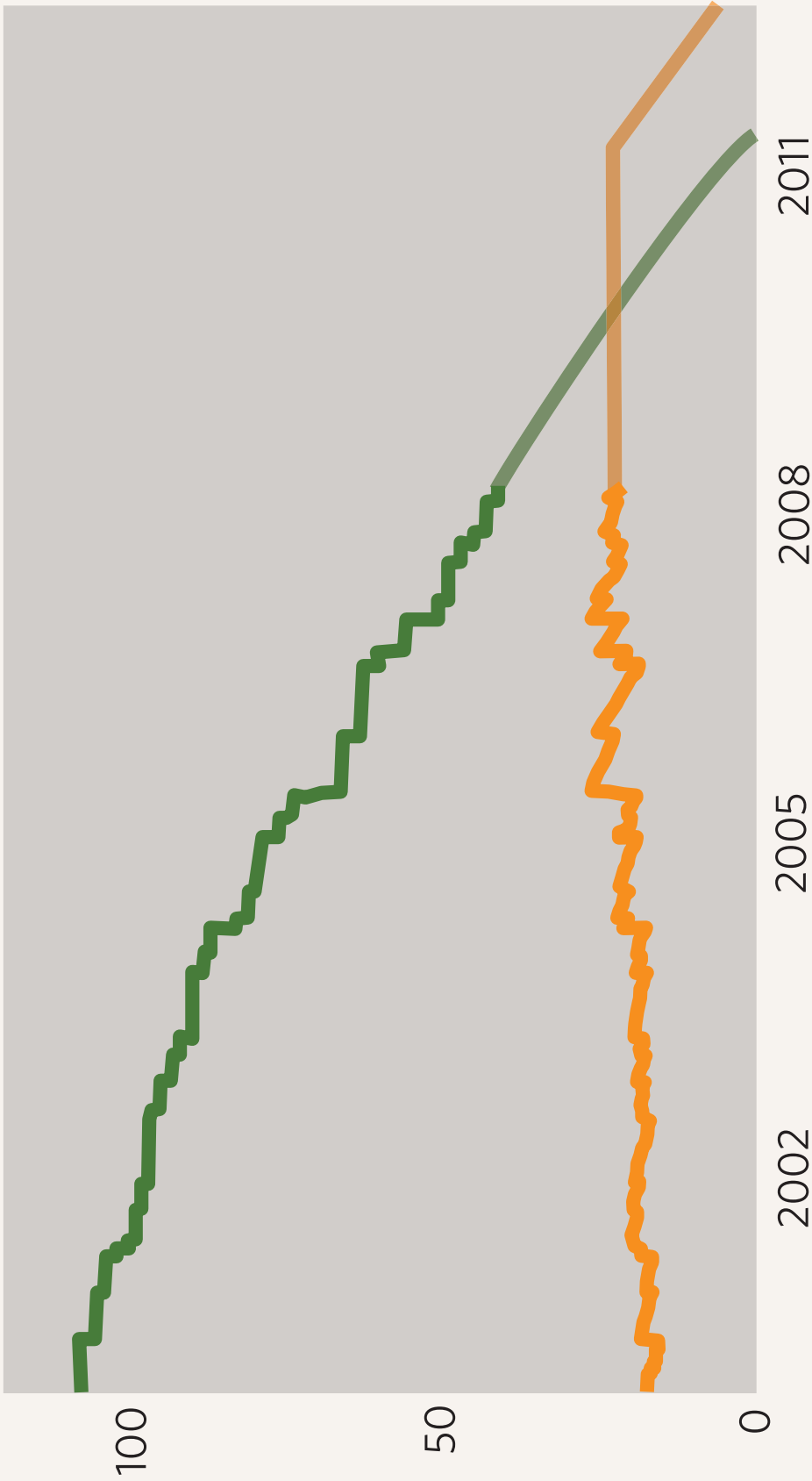
IPv4 Availability

- ▶ Dwindling stocks ...



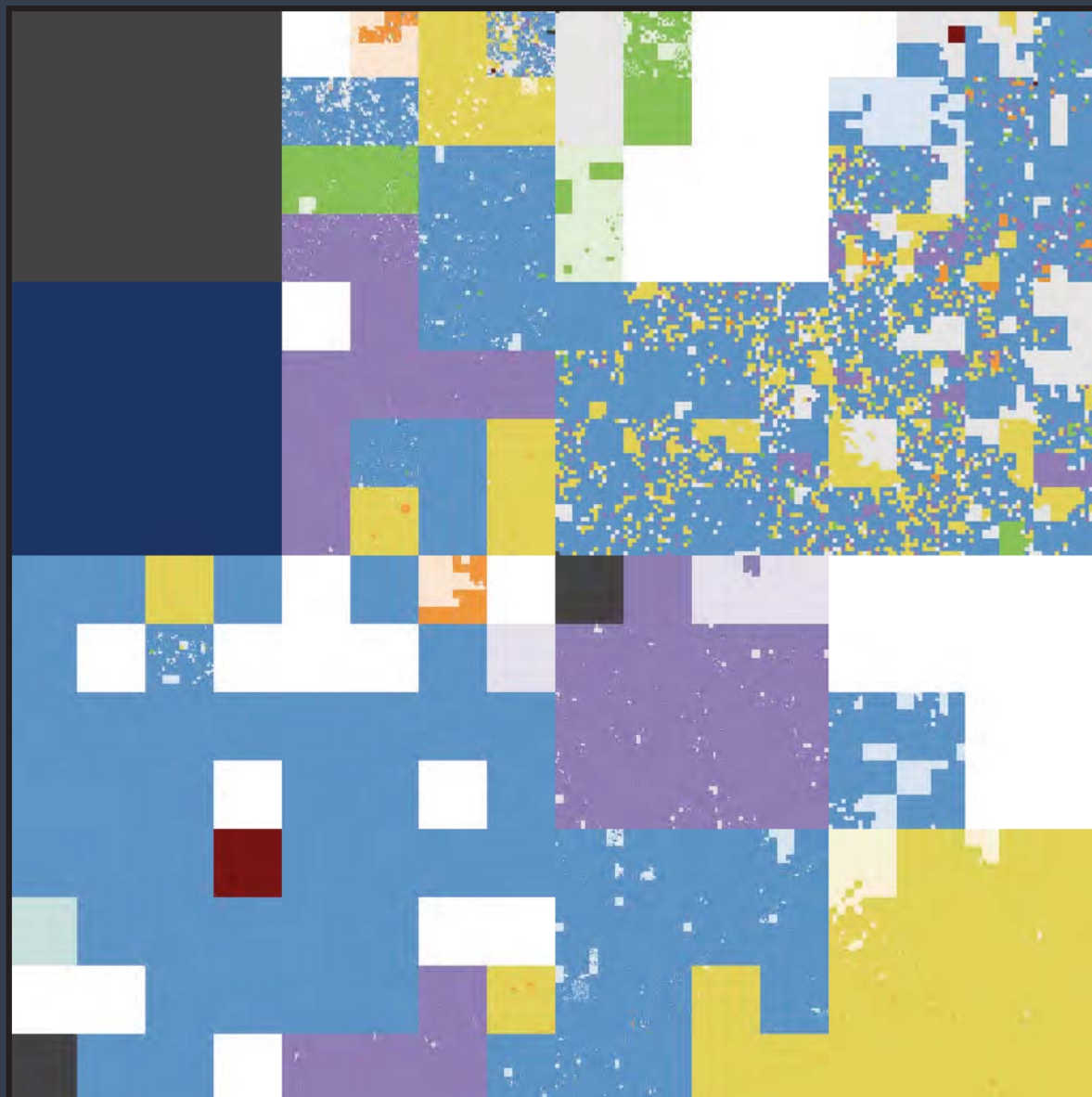
IPv4 Availability

- ▶ Dwindling stocks ...



IPv4 Availability

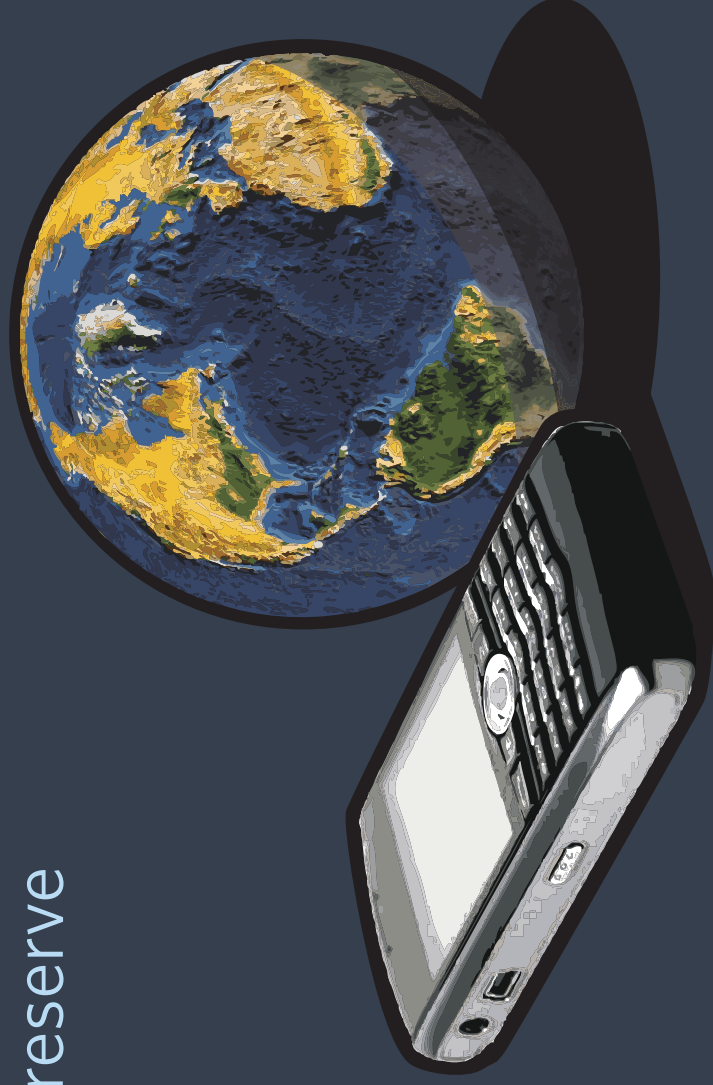
- ▶ Dwindling stocks ...

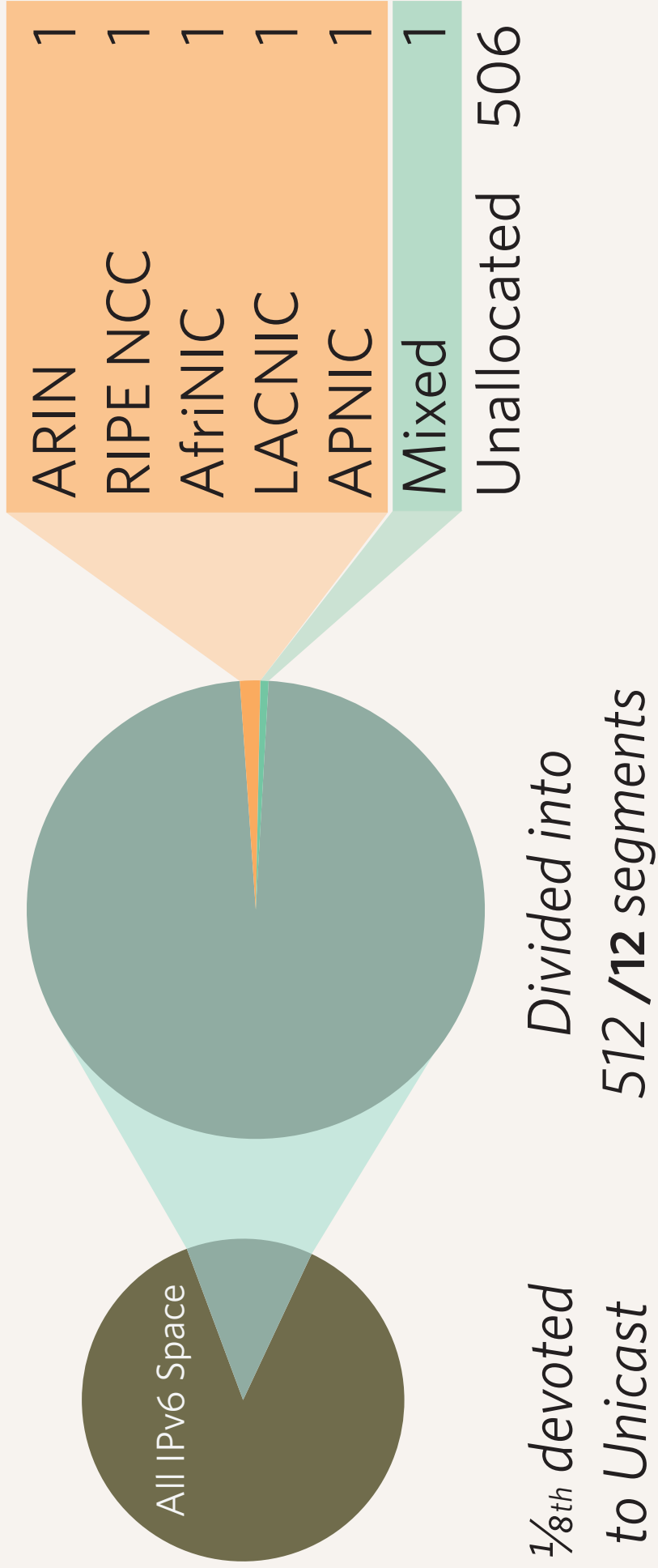


IPv4 Consumption as a map

IPv6 in a nutshell

- ▶ 128-bit address space
- ▶ 340,282,366,920,938,463,374,607,431,768,211,456 addresses
- ▶ IANA still has lots in reserve



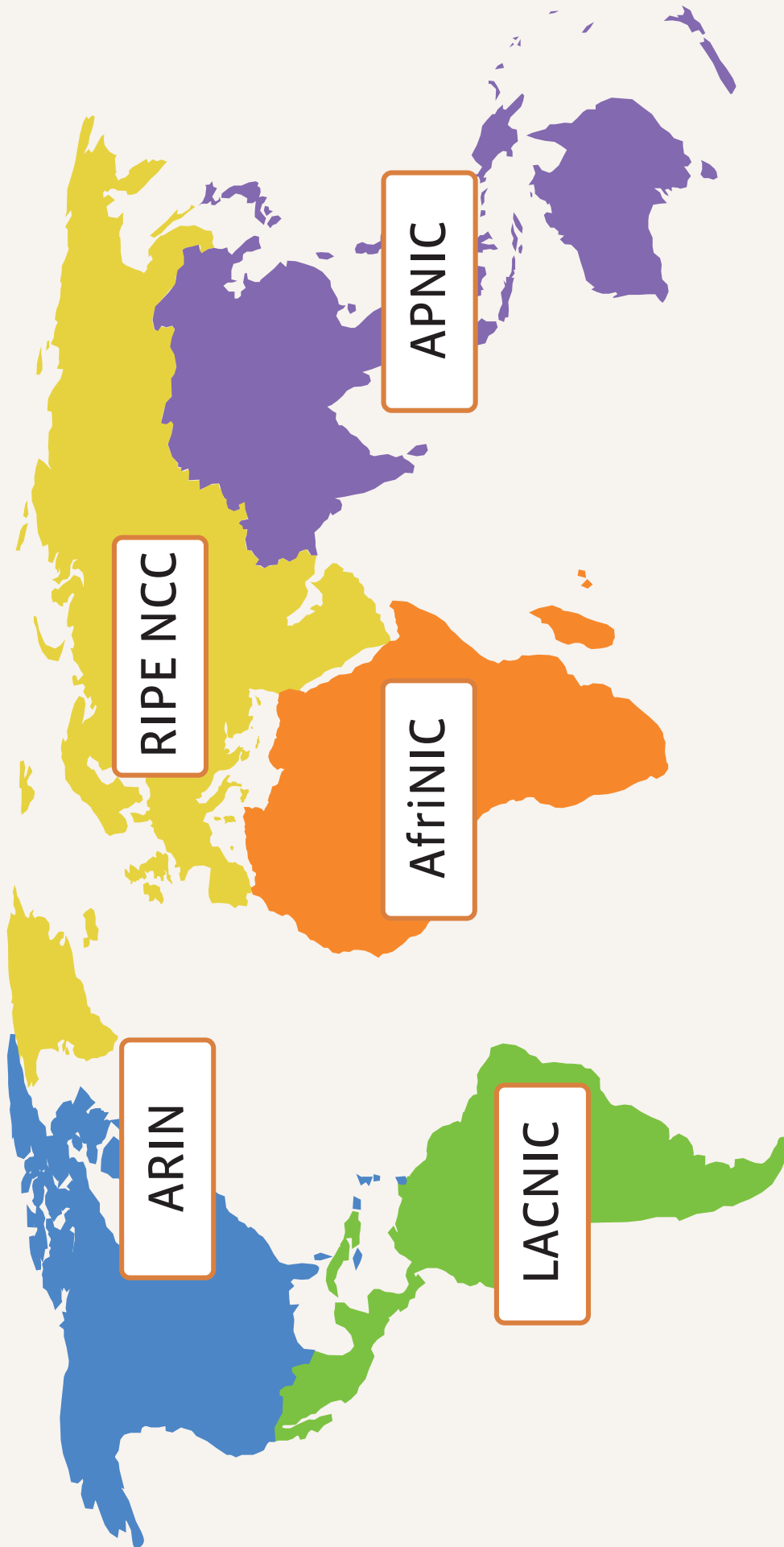


IPv6 Availability

- ▶ Approximately 1% of Unicast designated space is allocated to RIRs.

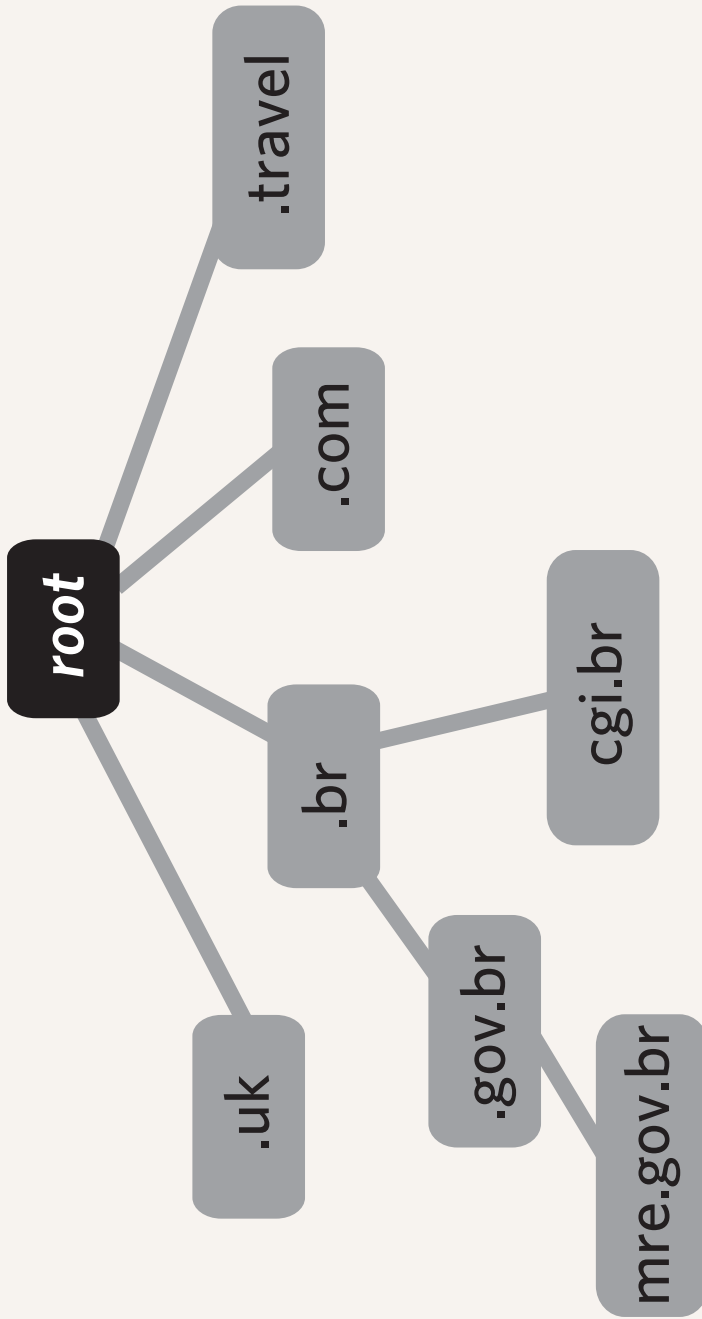
Number Allocation Systems

- ▶ Most numbers allocated in large blocks to Regional Internet Registries
- ▶ Some blocks held by IANA for special purposes (private use blocks, etc.)
- ▶ Some blocks allocated directly by IANA (multicast address space, protocol specific use)

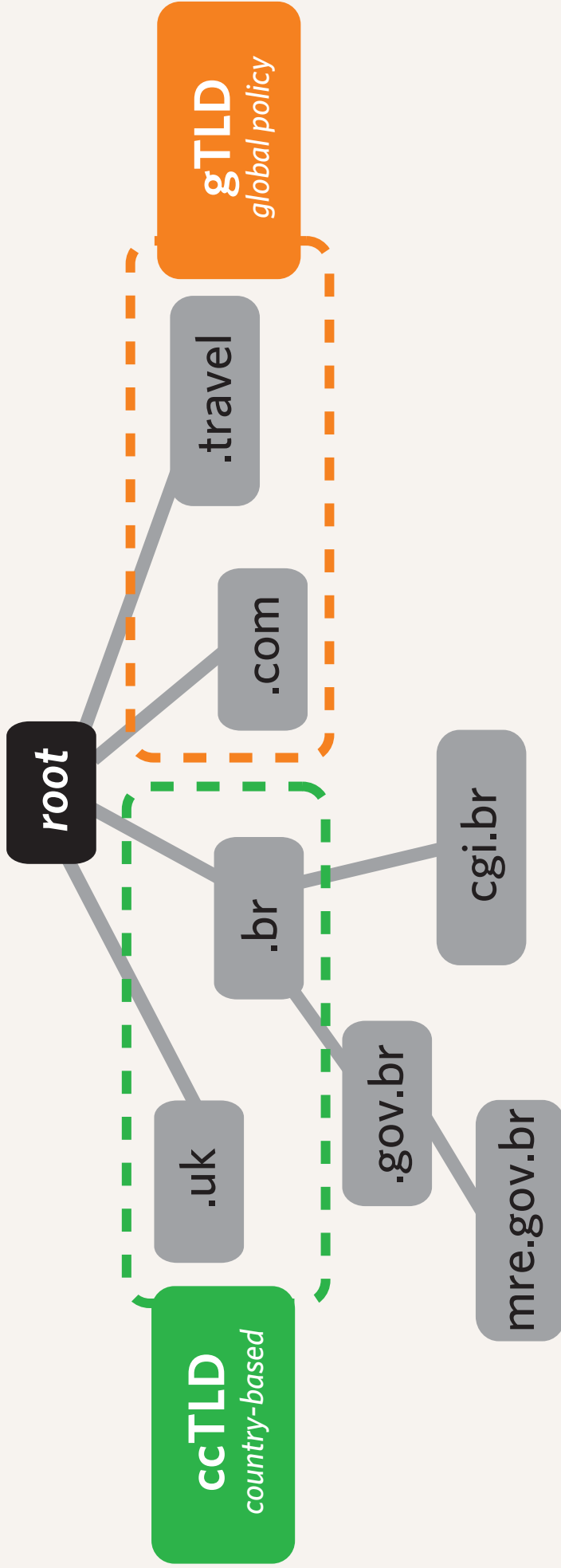


Regional Internet Registries

Domain Names

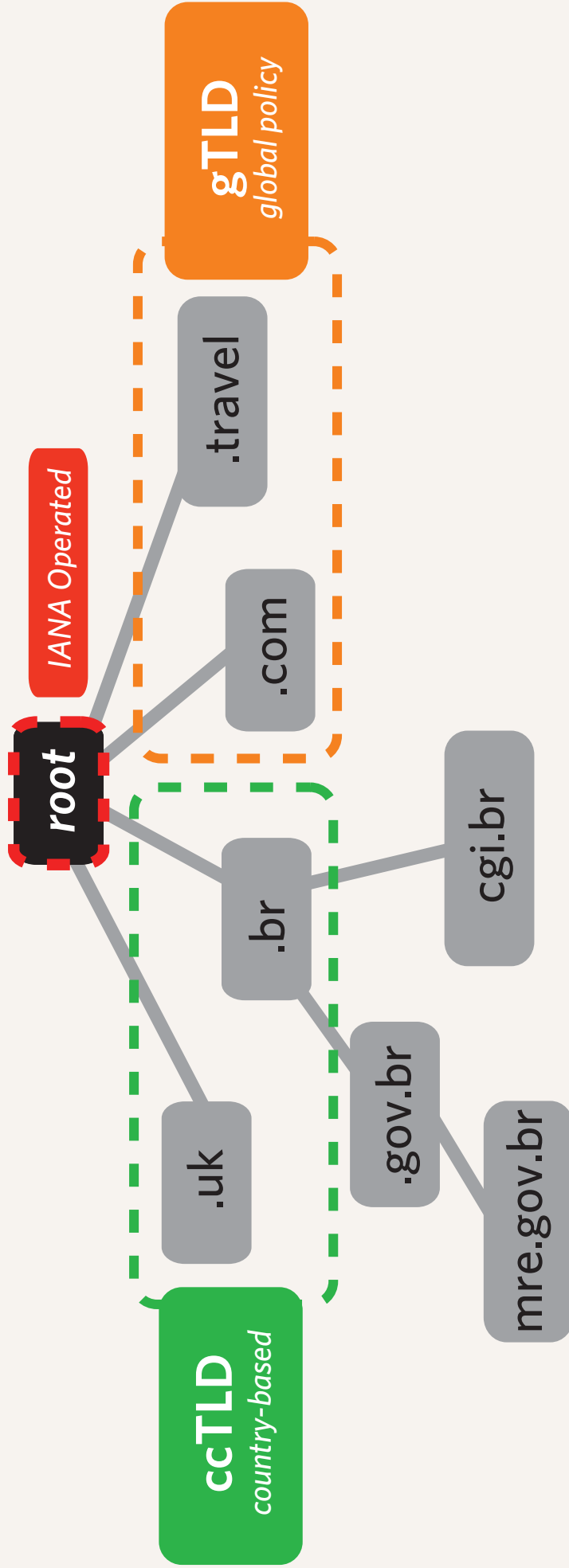


Domain structure



Domain structure

- ▶ Nominally split between ccTLDs and gTLDs



Domain structure

- ▶ IANA runs the DNS root

Domain Names — The Root Zone

- ▶ Delegates top-level domains
- ▶ Root Zone Database is like a regular domain registry, albeit with different policy
- ▶ Top-Level Domain Operators maintain their registration records with IANA
- ▶ gTLD Delegations governed by ICANN contracts
- ▶ ccTLD Delegations governed by Local Internet Community principles

How we manage the root zone

- ▶ Maintain data for the DNS root
 - ▶ Technical data (NS records, “glue”)
 - ▶ Social data (admin and tech contacts, sponsoring organisations, WHOIS, Registration URLs)
- ▶ Two types of changes
 - ▶ Routine (easy)
 - ▶ Confirm authenticity, check for technical problems, implement
 - ▶ Redelegations (hard)
 - ▶ Perform evaluation, submit to ICANN board, implement as appropriate.

What we don't do

- ▶ Don't set policy
- ▶ We follow precedent where possible, encourage review of our operations by the community.
- ▶ Don't decide what the two letter codes should be
- ▶ ISO 3166-1 standard provides these
- ▶ Don't decide who runs a ccTLD
- ▶ The local Internet community decides this.
- ▶ IANA performs due diligence to ensure requests accord with LIC view

Assignment of ccTLD Operators

- ▶ “selecting a designated manager for a domain that was able to do an equitable, just, honest and competent job”
- ▶ “These designated authorities are trustees for the delegated domain, and have a duty to serve the community. The designated manager is the trustee of the top-level domain for both the nation and the global Internet community”

Assignment of ccTLD Operators

- ▶ IANA performs due diligence on
- ▶ Operator's technical and operational competency
- ▶ Legal structure of organisation
- ▶ Government views
- ▶ Local Internet community views
- ▶ Transfer plans and other stability issues
- ▶ Compliance with various principles (GAC principles, RFC 1591)
- ▶ IANA's report is presented to the ICANN Board for final approval of a request
- ▶ Condensed public reports published

Domain Names — Other functions

- ▶ .INT domains — Intergovernmental treaty organisations
- ▶ .ARPA domains — technical plumbing
- ▶ IDN tables — registries share IDN language practices

Protocol Assignments

Protocol Assignments

- ▶ Most unique identifiers are allocated directly by IANA to protocol developers and/or end users, with no politics or middle-men
- ▶ Number Resources and Domain Names are just specialised cases of protocol assignments
 - ▶ They are hierarchically allocated
 - ▶ Disproportionately policy-laden and/or political

How do protocols eventuate?

- ▶ IETF is the main venue for Internet standardisation
- ▶ Technical standards documents are part of a documentation series known as RFCs (Request for Comments)
 - ▶ Maintained by the RFC Editor (a former sister of IANA)
- ▶ RFCs nominate IANA registries, and IANA maintains these registries with guidance from the Internet Engineering Steering Group (IESG), and Internet Architecture Board (IAB)

IANA — Protocol Registries

IANA — Protocol Registries

1P <http://www.iana.org/protocols/> Google

Open Shortest Path First v3 (OSPFv3)

[OSPFv3 LSA Function Codes](#) [RFC 4970](#)
 0 Reserved, 1-255: Standards Action, 256-8175: Reserved, 8176-8183: Experimentation, 8184-8191: Vendor Private Use

[OSPFv3 Options](#) [RFC 4940](#)
 Standards Action

[OSPFv3 Prefix Options](#) [RFC 4940](#)
 Standards Action

[OSPFv3 Router LSA Link Type](#) [RFC 4940](#)
 0 Reserved, 1-127: Standards Action, 128-255: Reserved

[OSPFv3 Router Properties Registry](#) [Internet Draft draft-ietf-ospf-ospfv3-update-23](#)
 Standards Action

[Open Systems Interconnection \(OSI\) Network Service Access Point Addresses \(NSAPA\) Internet Code Point](#)

[OSI NSAPA Internet Code Point](#) [Internet Draft draft-gray-1888bis-03](#)
 2-9999 IETF Consensus

[Operating System Names](#)

[Operating System Names](#) [RFC 952 \(?\)](#)
 (?)

[Specific Parameters](#) [RFC 3659](#)
 First Come First Serve

[OPES Callout Protocol Core](#)

[OCP Features](#) [RFC 4037](#)
 Designated expert review for standards-track registration

[Optimized Link State Routing Protocol \(OLSR\)](#)

[Optimized Link State Routing Protocol \(OLSR\)](#) [RFC 3626](#)
 5-127: Standards Action (section 22) 128-255: Reserved for Private/Local use. (section 22)

[Per Hop Behavior Identification Codes](#)

Protocol Assignments

- ▶ All protocol assignments are free
- ▶ Eligibility criteria varies, usually either open-to-all, or requires standard action to implement
- ▶ Some popular registries have automated or specialised approaches to allocation
 - ▶ Private Enterprise Numbers
 - ▶ Port Numbers
 - ▶ etc.

The US Government and IANA

US Government and IANA

- ▶ ICANN performs the functions of IANA governed by a contract with the US Government
- ▶ IANA reports on its performance to the US Government
- ▶ US Government authorises all changes to the DNS root zone
- ▶ IANA does all the processing, and when a change is ready, it is sent to the USG as the final step before implementation.

Our work in progress

Improved processing efficiency

- ▶ Working on automation solutions for the root zone management workflow
 - ▶ Allow lodgment and status tracking via new web interface
 - ▶ Improved interface between IANA, USDOC and VeriSign
- ▶ Working with USDOC on compliance testing for production deployment
- ▶ Aim to start parallel operations as soon as possible
 - ▶ Possibility of “pilot” operations if there are significant delays

Improved technical procedures

- ▶ Clarifying the technical requirements for top-level domain operators
- ▶ Providing tools to performing testing
- ▶ Introducing streamlined acceptance criteria for certain types of IPv6 changes
- ▶ Adding new requirements in light of recent DNS security issues

New internationalised ccTLDs

- ▶ Work on internationalised ccTLDs
- ▶ “Fast track” process under development for areas of high demand (e.g. Cyrillic-script countries)
- ▶ Process will closely match existing IANA redelegation process
- ▶ Additional IDN-specific requirements
- ▶ No “ISO 3166-1” equivalent, so another label selection criteria will be implemented
- ▶ Public process has not yet begun. Once applications are permitted the process will be announced.

New security work


- ▶ DNSSEC test-bed
- ▶ Outreach on DNS vulnerability issue

Summary


Summary

- ▶ IANA maintains the registries of unique numbering systems, that keep the Internet interoperating
- ▶ Most IANA registries are straightforward, and are not generally visible to the end-user
- ▶ High-profile, hierarchically-delegated, registries are used for the Domain Name System and Number Resources. IANA maintains the global “root” for these.
- ▶ IANA operates its registry functions under the auspices of a contract between ICANN and the US Government


For reference




An introduction to IANA
Presentation Notes




EN




Présentation de l'IANA
Notes de présentation



FR



Una introducción a IANA
Notas de presentación



ES

Fecha 29 de septiembre de 2008

Contacto Kim Davies, Gerente de Root Zone Services
kim.davies@icann.org

Si bien Internet es reconocida como una red internacional sin coordinación central, existe la necesidad técnica de que ciertas partes clave estén coordinadas globalmente, y es la *Autoridad para la asignación de números de Internet* (IANA) quien cumple esta función de coordinación.

De manera específica, IANA asigna y mantiene códigos y sistemas de numeración únicos utilizados en los estándares técnicos ("protocolos") que permiten que los ordenadores y otros dispositivos se comuniquen entre sí a través de Internet.

Los requisitos de mantenimiento de los diferentes protocolos varían por naturaleza, pero básicamente procuran asegurar que los números y los códigos utilizados para implementar los estándares de Internet sean únicos y se usen de manera uniforme en todo el mundo. Tal coherencia es clave para garantizar la interoperabilidad de Internet.

IANA funciona gracias a un pequeño grupo de expertos que procesan las solicitudes para las diferentes áreas de responsabilidad de este organismo. El equipo mantiene

M...

Thanks!

kim.davies@icann.org

EXHIBIT “C”

Present At The Creations: ICANN's Birth, Domain Expansion And Jones Day's Role

The Editor interviews Joe Sims and Jeff LeVee, Partners of Jones Day.

Editor: Can you briefly describe your backgrounds for our readers?

Sims: I am Jones Day's senior antitrust lawyer and, beginning in 1997, took primary responsibility for development of its technology practice. In addition to ICANN, I have represented clients such as Apple, Chevron, Dell, Texas Instruments, General Motors, Procter & Gamble, Sirius-XM, Comcast, Hertz and CBS in a full range of antitrust issues. I believe I am the only antitrust lawyer ever recognized (twice, in 2001 and 2009) as "Dealmaker of the Year" by *The American Lawyer*, and in 2010 the *National Law Journal* named me one of "The Decade's Most Influential Lawyers." Many of my most significant transactions have been in the technology/Internet field.

LeVee: I am the coordinator of Jones Day's antitrust practice in California, based in our Los Angeles office. I am primarily an antitrust litigator and counselor, although I also litigate in a variety of other areas including health care. When Joe Sims formed Jones Day's technology practice in 1997, I was one of the members of the practice and have been active in the technology field ever since. From January 2009 to June 2011, I was the partner-in-charge of Jones Day's Silicon Valley office. My clients include Apple, Brocade, CBS, Procter & Gamble, Merz Pharmaceuticals, Sutter Health, Cedars-Sinai Hospital, Banner Health and TMC Healthcare. I have litigated all of ICANN's litigation matters since ICANN was formed in 1998 and took over day-to-day responsibility for Jones Day's relationship with ICANN some years ago.

Editor: How did ICANN find Jones Day? What were the early challenges?

Sims: Jones Day was originally retained by one of the great founders of the Internet, Jon Postel. Back in the 1970s, Jon was a UCLA graduate student who literally kept all of the Internet's addresses on a notepad. This was not terribly difficult because there were only a handful of Internet addresses, mostly associated with major universities. As the Internet grew, and as the demand for Internet names increased, Jon (and the U.S. government) understood that the technical aspects of the Internet's Domain Name System had to be operated by an entity that had input and support from a wide array of users. Jon was advised to get help, and searched for law firms with expertise in corporate (to create the entity), antitrust (since there would be issues of control over Internet infrastructure), litigation (he anticipated a lot), and of course Washington. Jeff and I went to see John in his office in Marina del Rey, California, and agreed to represent him on a pro bono basis for a few months.

The Internet was created mostly with government grants from the Defense Advanced Research Projects Agency and the National Science Foundation. As the list of addresses proliferated, the Domain Name System was introduced in the mid-1980s to assign strings of letters (easier to remember) to the numeric addresses then



Joe Sims



Jeff LeVee

being used to identify specific locations. Jon created the Internet Assigned Numbers Authority to maintain that first database, giving us the now familiar seven Top Level Domains (TLDs) of .com, .org, etc. By 1995, Jon realized that the one-man IANA was not a long-term practical solution and began an effort to establish a nonprofit organization to take over. But Jon was not a policy or business guy, and he underestimated the various tsunamis that were precipitated by this effort. Governments raised questions whether this important technology should be under private control. Large businesses, particularly in the U.S., complained that Jon was trying to "steal" the Internet and move it to Switzerland. By now, the agency within the U.S. government that had the lead on this was the National Telecommunications and Information Administration of the Department of Commerce, but the NSF, the Pentagon, the State Department and the U.S. national security apparatus all remained interested in how this turned out.

Editor: Was the relationship what you expected?

Sims: Not exactly. We thought that the entire project would take a few months and perhaps involve \$50,000 or \$100,000 worth of fees and costs that Jones Day would write off as its contribution to this public enterprise. But Jon's proposal for how the new entity would be structured turned out to be just one of many that wound up being debated on the Internet and in meetings in Washington, Geneva, Berlin and Singapore that Jeff or I attended along with Jon and hundreds of others who were interested in the outcome. I also spent a lot of time with Ira Magaziner, who had the lead on this for the Clinton administration, in addition to representatives of many other governments. Finally, in October 1998, the U.S. government recognized Jon's new entity – the Internet Corporation for Assigned Names and Numbers – as the provisional body to work with it to try to privatize the management of the Domain Name System.

Editor: I take it that Jones Day must have continued to work with Postel and ICANN?

LeVee: Unfortunately, Jon had a heart attack and passed away that month. He was in the hospital on the day that we filed the organizing papers for ICANN with the California Secretary of State, so I signed ICANN's first Articles of Incorporation, and Jones Day's legal assistants filed all of the necessary paperwork on Jon's behalf. Jon and Joe had, with the help of lots of others including Vint Cerf – one of Jon's close friends and another founding father of the Internet, who eventually became the

chairman of ICANN's Board – found a group of people who agreed to serve on a volunteer basis as ICANN's first Board of Directors. They met in November 1998 in New York to commence operations. Because ICANN had no source of funds at that time, Jones Day agreed to continue providing legal advice on a pro bono basis.

Editor: What were the early days of ICANN like?

Sims: Gaining U.S. approval for ICANN was only the beginning. ICANN did not have a penny to pay for operations so it needed loans, all eventually paid back, from various technology companies interested in the subject matter. With no governmental powers to compel compliance, ICANN's management of Internet addressing has to be done by private contract. It took time to persuade the various private entities involved in the Internet to give ICANN oversight authority. In particular, Network Solutions, Inc., which helped operate the first TLDs, had little interest in creating competition or agreeing to ICANN oversight. Today, a consumer can subscribe to a domain name for a dollar or two a year, but in 1998, NSI, the only company offering domain name subscriptions, charged \$35 a year. Eventually, ICANN began collecting fees from NSI and others, which allowed Jones Day to convert ICANN into a paying albeit heavily discounted client. ICANN's first employee, general counsel Louis Touton, had been a Jones Day IP partner and rejoined after finishing his ICANN service.

Editor: Did ICANN start to create new Top Level Domains immediately?

LeVee: Adding TLDs raised difficult political, technical and economic issues, so ICANN focused initially on creating competition in the retail space, accrediting hundreds of registrars to serve as intermediaries between operators of the TLDs and the companies and individuals that acquire domain names. ICANN then turned to the technical feasibility of adding new TLDs. There were concerns this would hurt the basic security and stability of the Internet. In 2000, ICANN's Board approved seven new TLDs as a "proof of concept," giving us .biz, .info and .name, among others. In 2004-05, the Board approved a handful more, including .mobi and .jobs, to be operated for "sponsored communities" on the Internet. Technically, all went smoothly, but each new TLD had its own logistical issues, and there was litigation or threats of litigation associated with nearly all of them.

Editor: What about the big expansion of the TLD space that just occurred in June?

Sims: Jon Postel first proposed adding new TLDs in the mid-1990s. One of ICANN's constituencies started working hard on this in 2006. It literally took thousands of hours and hundreds of meetings all over the world for people to get comfortable with the concept. Even today there are governments and officials who remain concerned with how the new TLDs might affect their particular con-

stituents. And, of course, businesses throughout the world have been concerned with trademark issues given the problems many have had with cybersquatting.

Editor: What exactly did ICANN approve in June 2011?

Sims: ICANN's Board authorized a potentially unlimited expansion to the Domain Name System that literally will create a new paradigm for the Internet. Under the approved process, as many as 500 new TLDs will be added in the next two years, with no limit on the number that could be added thereafter. Of course, the addition of so many TLDs required the creation of an enormous number of "rules," including an extensive process by which entities could object to the creation of new TLDs that offend basic rules of morality or civilization. In addition, ICANN had to create a process by which intellectual property interests held all over the world could be protected. The law in these respects varies from country to country, of course, and so creating rules that would work in every country was quite a challenge, given that a word that is benign in one country might literally be a crime to speak in another. Working closely with Jones Day lawyers from our offices in Los Angeles, Paris, Silicon Valley, Irvine, San Diego, Washington, Columbus, Cleveland, Brussels, and Shanghai, ICANN created a process – via a lengthy "Guidebook" that went through multiple drafts that ICANN published over the course of two years – that will allow individuals, governments, organizations, corporations and others to apply for new TLDs that will, we hope, not offend trademark interests across the world and will also conform to "international standards."

Editor: Where does ICANN go from here, and what will be Jones Day's involvement?

LeVee: ICANN's relationships with the world's governments are continuing to evolve; many governments now participate in ICANN's Government Advisory Committee. ICANN itself is undergoing substantial change in understanding how to deal with the technical and policy issues that continue to arise, such as the addition of many different languages to a Domain Name System that was historically accessible only with ASCII characters and the deployment of a new set of unique identifiers (IPv6) that are needed to replace the original IPv4 identifiers because they are literally running out. No doubt unforeseeable new challenges will arise in years to come. This unique public/private entity, with no governmental powers, but what certainly appears to many to be significant regulatory influence if not authority over the most powerful force for communication and commerce ever invented, has already survived longer and accomplished more than almost anyone would have predicted, and it is likely to continue that path for many years to come. Jones Day's involvement will of course be at the pleasure of the client, and we certainly enjoy the cutting edge work. ICANN is a unique entity, and the new issues that constantly arise are the kind of challenging problems that lawyers love to deal with.

Please email the interviewees at jsims@jonesday.com or jleee@jonesday.com with questions about this interview.

EXHIBIT “D”

10-Q 1 nsr-2014630x10q.htm 10-Q

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**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

FORM 10-Q

QUARTERLY REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the quarterly period ended June 30, 2014

OR

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the transition period from _____ to _____

Commission file number 001-32548

NeuStar, Inc.

(Exact name of registrant as specified in its charter)

Delaware

(State or other jurisdiction of
incorporation or organization)

52-2141938

(I.R.S. Employer
Identification No.)

21575 Ridgetop Circle

Sterling, Virginia 20166

(Address of principal executive offices) (zip code)

(571) 434-5400

(Registrant's telephone number, including area code)

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes No

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T (§232.405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files). Yes No

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, or a smaller reporting company. See the definitions of "large accelerated filer", "accelerated filer", and "smaller reporting company" in Rule 12b-2 of the

Exchange Act. (Check one):

Large accelerated filer Accelerated filer

Non-accelerated filer (Do not check if a smaller reporting company) Smaller reporting company

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). Yes No

There were 56,089,727 shares of Class A common stock, \$0.001 par value, and 3,082 shares of Class B common stock, \$0.001 par value, outstanding at July 18, 2014.

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NEUSTAR, INC.
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| EX – 101 DEFINITION LINBASE DOCUMENT | |
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| EX – 101 PRESENTATION LINKBASE DOCUMENT | |

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NEUSTAR, INC.
NOTES TO UNAUDITED CONSOLIDATED FINANCIAL STATEMENTS
FOR THE THREE AND SIX MONTHS ENDED JUNE 30, 2013 AND 2014

The estimated fair values of the Company's financial instruments are as follows (in thousands):

| | December 31, 2013 | | June 30, 2014 | |
|---|-------------------|------------|-----------------|------------|
| | Carrying Amount | Fair Value | Carrying Amount | Fair Value |
| Cash and cash equivalents | \$ 223,309 | \$ 223,309 | \$ 245,852 | \$ 245,852 |
| Restricted cash (current assets) | 1,858 | 1,858 | 2,249 | 2,249 |
| Notes receivable | 1,008 | 1,008 | — | — |
| Marketable securities (other assets, long-term) | 3,567 | 3,567 | 3,918 | 3,918 |
| Deferred compensation (other liabilities, long-term) | 3,620 | 3,620 | 3,566 | 3,566 |
| 2013 Term Facility (including current portion, net of discount) | 316,264 | 316,264 | 312,278 | 312,278 |
| 2013 Revolving Facility | — | — | 175,000 | 175,000 |
| Senior Notes (including current portion) | 300,000 | 273,375 | 300,000 | 269,280 |

Restricted Cash

As of December 31, 2013 and June 30, 2014, cash of \$1.9 million and \$2.2 million, respectively, was restricted as collateral for certain of the Company's outstanding letters of credit and for deposits on leased facilities.

Recent Accounting Pronouncements

In May 2014, the FASB issued Accounting Standards Update (ASU) 2014-09, *Revenue from Contracts with Customers* (Topic 606). Under this standard, revenue is recognized when promised goods or services are transferred to customers, in an amount that reflects the consideration to which a company expects to be entitled in exchange for those goods or services. The standard will be effective for annual and interim periods beginning after December 15, 2016. The standard allows for either full retrospective adoption, meaning the standard is applied to all of the periods presented, or a modified retrospective adoption, meaning the standard is applied only to the most current period presented. The Company is currently evaluating the impact of adoption on its consolidated financial statements.

In April 2014, the FASB issued ASU 2014-08, *Presentation of Financial Statements (Topic 205) and Property, Plant, and Equipment (Topic 360): Reporting Discontinued Operations and Disclosures of Disposals of Components of an Entity*. The standard raises the threshold for a disposal to qualify as a discontinued operation and requires new disclosures of both discontinued operations and certain other disposals that do not meet the threshold for a discontinued operation. The standard will be applied prospectively and will be effective for disposals that occur within annual periods, and interim periods within those annual periods, beginning after December 15, 2014. The Company does not currently expect the adoption of this guidance to have a material impact on its consolidated financial statements.

3. ACQUISITIONS

The application of the acquisition method of accounting for business combinations requires management to make significant estimates and assumptions in the determination of the fair value of the assets acquired and liabilities assumed in order to properly allocate purchase price consideration. These assumptions and estimates include a market participant's expected use of the asset and the appropriate discount rates from a market participant's perspective. The Company's estimates are based on historical experience and information obtained from the management of the acquired company, and are determined with assistance from an independent third-party. The Company's significant assumptions and estimates made in connection with the application of the acquisition method of accounting for business combinations include the cash flows that an acquired asset is expected to generate in the future, the weighted-average cost of capital, long-term projected revenue and growth rates, and estimated replacement costs.

On October 29, 2013, the Company acquired Aggregate Knowledge, Inc., a leading campaign and predictive analytics platform for advertising agencies and brand marketers. The total preliminary purchase price was \$117.4 million, consisting of cash consideration of \$116.5 million, and non-cash consideration of \$0.9 million attributable to replacement equity awards granted to employees of the acquired company. Of the total purchase price, the Company initially recorded \$66.8 million of goodwill and \$31.0 million of definite-lived intangible assets. During the six months ended June 30, 2014, the Company

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NEUSTAR, INC.
NOTES TO UNAUDITED CONSOLIDATED FINANCIAL STATEMENTS
FOR THE THREE AND SIX MONTHS ENDED JUNE 30, 2013 AND 2014

adjusted its preliminary valuation of its acquired net deferred tax assets based upon new information pertaining to acquisition date fair values of the acquired company's federal research and development tax credits pertaining to pre-acquisition tax periods. As of June 30, 2014, the adjusted goodwill balance related to this acquisition was \$65.6 million. The consolidated balance sheet as of December 31, 2013 has been retrospectively adjusted to include the effect of the measurement period adjustments. As of June 30, 2014, the allocation of the purchase price is preliminary pending the finalization of the fair value of acquired deferred tax assets and assumed income and non-income based tax liabilities.

On January 15, 2014, the Company acquired an entity that designs, develops, and maintains software tools and applications that enable North American communications service providers to exchange back-office provisioning information within and between carriers' networks. Total consideration for this purchase included cash consideration of \$14.1 million, of which \$12.1 million was paid at closing and \$2.0 million was retained by the Company as a reserve fund for satisfaction of potential indemnification claims. The transaction was accounted for under the acquisition method of accounting in accordance with the Business Combinations Topic of the FASB ASC and the results of operations have been included in the Company's consolidated statement of operations since the date of the acquisition. Of the total purchase price, the Company recorded \$5.9 million of definite-lived intangible assets and \$7.7 million of goodwill. The allocation of the purchase price is preliminary pending finalization of the fair value of acquired deferred tax assets and assumed income and non-income based tax liabilities. Goodwill is expected to be deductible for tax purposes. During the three months ended March 31, 2014, the Company recorded \$0.3 million of acquisition costs in general and administrative expense related to this transaction.

On April 14, 2014, the Company acquired .CO Internet S.A.S (.CO Internet) and certain associated assets. .CO Internet is the exclusive operator of the worldwide registry for Internet addresses with the ".co" top-level domain. This acquisition expands the Company's registry services, which includes the .biz and .us top-level domains. Total consideration for this purchase, which is subject to certain customary working capital adjustments, includes cash consideration of \$113.7 million, of which \$86.7 million was paid at closing and \$27.0 million was deposited into escrow for the satisfaction of potential indemnification claims and certain performance obligations. In addition, the Company may be required to make a contingent payment of up to \$6.0 million prior to or during the first quarter of 2020 in the event that the sellers satisfy certain post-closing performance obligations (see Note 5). The transaction was accounted for under the acquisition method of accounting in accordance with Business Combination Topic of the FASB ASC. Of the total purchase price of \$114.8 million, the Company recorded \$85.1 million of definite-lived intangible assets and \$36.3 million of goodwill. The allocation of the purchase price is preliminary pending the finalization of the working capital amounts, and the fair value of acquired deferred tax assets and assumed income and non-income based tax liabilities. Goodwill is expected to be deductible for tax purposes. During the three and six months ended June 30, 2014, the Company recorded \$0.8 million and \$2.1 million, respectively, of acquisition costs in general and administrative expense related to this transaction.

4. GOODWILL AND INTANGIBLE ASSETS

Goodwill

The Company's goodwill as of December 31, 2013 and June 30, 2014 is as follows (in thousands):

| | December 31, 2013 ⁽¹⁾ | Adjustments | Acquisitions | June 30, 2014 |
|-------------------------|-------------------------------------|-------------|--------------|------------------|
| Gross goodwill | \$ 736,414 | \$ (1,149) | \$ 43,981 | \$ 779,246 |
| Accumulated impairments | (93,602) | — | — | (93,602) |
| Net goodwill | \$ 642,812 | \$ (1,149) | \$ 43,981 | \$ 685,644 |

(1) Balance as originally reported at December 31, 2013, prior to the reflection of measurement period adjustments.

During the six months ended June 30, 2014, the Company adjusted its preliminary valuation of acquired deferred tax assets and assumed income and non-income based tax liabilities related to its acquisition of Aggregate Knowledge, Inc. (see

Note 3).

[Table of Contents](#)**Item 2. Management's Discussion and Analysis of Financial Condition and Results of Operations****Forward-Looking Statements**

This quarterly report on Form 10-Q contains forward-looking statements, including, without limitation, statements concerning the conditions in our industry, our operations and economic performance, and our business and growth strategy. In some cases, you can identify forward-looking statements by terminology such as “may,” “will,” “should,” “expects,” “intends,” “plans,” “anticipates,” “believes,” “estimates,” “predicts,” “potential,” “continue” or the negative of these terms or other comparable terminology. These statements relate to future events or our future financial performance and involve known and unknown risks, uncertainties and other factors that may cause our actual results, levels of activity, performance or achievements to differ materially from any future results, levels of activity, performance or achievements expressed or implied by these forward-looking statements. Many of these risks are beyond our ability to control or predict. These forward-looking statements are based on estimates and assumptions made by our management that we believe to be reasonable but are inherently uncertain and subject to a number of risks and uncertainties. These risks and uncertainties include, without limitation, those described in this report, in Part II, “Item 1A. Risk Factors” and in subsequent filings with the Securities and Exchange Commission. We undertake no obligation to publicly update or revise any forward-looking statement as a result of new information, future events or otherwise, except as required by law.

Overview

During the second quarter, revenue increased 8% to \$237.5 million. Revenue from information services and analytics, which represents 50% of total revenue, increased 9% and NPAC Services revenue increased 6% compared to the prior year. In particular, Marketing Services increased 19% and Security Services increased 28%. Of this increase in Security Services, our recent acquisition of .CO contributed 12%.

On April 14, 2014, we completed our acquisition of .CO Internet S.A.S for cash consideration of \$113.7 million, subject to certain customary working capital adjustments. .CO Internet is the exclusive operator of the worldwide registry for Internet addresses with the “.co” top-level domain. This acquisition expands our registry services, which includes the .biz and .us top-level domains.

On June 9, 2014, the Wireline Competition Bureau of the Federal Communications Commission, or FCC, issued a public notice seeking comment on the North American Numbering Council's, or NANC, recommendation to select Telcordia Technologies, Inc. as the sole vendor to serve as the next Local Number Portability Administrator, or LNPA. The FCC established a deadline of July 25, 2014 for comments on the NANC recommendation and August 8, 2014 for reply comments. The authority to select the vendor to serve as the next LNPA rests with the FCC. We continue to compete vigorously in the selection process and maintain the positions that we have set forth in our filings with the FCC to date.

On June 17, 2014, Moody's downgraded our corporate credit rating due to an increase in perceived NPAC-related business risk. Downgrades in our credit ratings do not accelerate the scheduled maturity dates of our debt, or affect the interest rates charged on any of our debt, our debt covenant requirements, or cause any other operating issue.

Further, we continued to execute our capital allocation strategy through share repurchases. During the quarter, we purchased approximately 3.7 million shares of our common stock at an average price of \$26.48 per share for a total of \$99.1 million. As a result of these repurchases, we have approximately \$58.8 million remaining capacity under our \$200 million share repurchase plan as of June 30, 2014.

Our Services

Our primary services are as follows:

Marketing Services

Our Marketing Services provide clients the ability to plan and execute marketing strategies and measure the effectiveness of advertising campaigns across multiple channels with advanced marketing analytics, custom segmentation and media optimization. Using our workflow solutions, marketers are able to tailor their media spending plans, efficiently reach target

audiences, and measure campaign performance across an array of channels and devices. In particular, our services help our clients identify and target their highest value potential customers and reach them through online and offline channels. These workflow solutions enable clients dealing with large volumes of continuous customer interactions and data to make informed and high-impact decisions designed to promote their businesses and increase customer retention. Our privacy-by-design

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marketing suite of services enhances our clients' ability to achieve greater campaign success and increase their return on investment.

Our Marketing Services provide:

- *Marketing analytics and segmentation.* We provide scientific, cloud-based solutions that enable marketers to analyze their customer base and build granular, highly predictive segmentation in real time. This provides our clients with a consistent view of customer and prospect groups most highly predisposed to purchase their products and services based on attributes such as demographics, geography, and buying propensities. Our services enable clients to plan data-driven marketing strategies, develop high-impact advertising and lead generation campaigns and execute informed media planning for consistent execution across multiple channels.
- *Customer targeting.* Our customer targeting services enable effective online display ad targeting of prospect audiences and customers. Our predictive segmentation and geo-targeting capabilities enable clients to reach highly predisposed online customers with relevant messages, either by deploying propensity, geography or a combination of each, in a privacy compliant manner.
- *Identity verification and scoring.* We provide services that allow clients to interact efficiently with their customers, for example, to validate customer data, distinguish between an existing customer and a prospect, enhance leads and assign a lead quality rating. Our lead scoring service assigns a real-time predictive score to inbound telephone and web leads and predicts which prospects are most likely to convert into customers and/or become high-value customers, or which current customers are likely to respond to additional offers.
- *Local search and licensed business data.* We provide a business listing and identity management solution that serves search platforms, national brands, authorized channel partners and local businesses. This service provides businesses, national brands and channel partners the essential tools to verify, enhance and manage the identity of local listings on search platforms across the Web, and offers search platforms an accurate, complete and up-to-date database of local business listings for online publishing.
- *Measurement and attribution.* We provide campaign conversion analytics that enable clients to measure advertising effectiveness, for example, by assessing the offline consumer behavior of persons exposed to online advertising campaigns, consistent with privacy-by-design principles. We also provide a single, neutral media intelligence platform for measurement and optimization of multi-channel, multi-device advertising campaigns and conversion-attribution analytics.

Security Services

We provide a suite of domain name systems, or DNS services, built on a global directory platform. These services play a key role in directing and managing the flow of Internet traffic, resolving Internet queries and providing security protection against cyber attacks. We also provide the management of authoritative domain-name registries.

Our Security Services provide:

- *DDoS protection.* We provide Distributed Denial of Service, or DDoS, alerting and detection systems, as both a stand-alone DDoS mitigation solution, or together with advanced services to strengthen and protect an enterprise's defenses. By identifying suspicious traffic, we reduce risk, downtime and revenue loss for our clients. We help protect an enterprise's intellectual capital by providing early warning of attacks so it can act quickly to minimize damage.
- *Registries.* We operate the authoritative registries of Internet domain names for the .biz, .us, .co, .tel, and .travel top-level domains, and provide international registry gateways. We provide back-end support for generic top-level domains, or gTLDs. All Internet communications routed to any of these domains must query a copy of our directory to ensure that the communication is routed to the appropriate destination.
- *Internet infrastructure.* Our solutions protect an enterprise's Internet ecosystem and defend most standard transmission control protocol based applications, including, among others, websites, email servers, application

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- *Website performance monitoring.* We help clients identify a wide range of online performance issues, and set up synthetic and real user monitors from a single interface. In addition, we provide load-testing analysis to help an enterprise prepare for severe stress to new and existing systems. Our extensive diagnostics and multi-domain views give customers a holistic perspective both inside and outside the firewall.

Data Services

We manage large, complex data sets that enable clients to process decisions and transactions in real time. Our workflow solutions enable the exchange of essential operating information with multiple carriers in order to provision and manage services. Our services assist clients with fast and accurate order processing, and immediate routing of customer inquiries.

Our Data Services provide:

- *Carrier provisioning.* We provide network services that permit our carrier customers to exchange essential operating information with multiple carriers to provision and manage services for their subscribers. In addition, we offer inventory management services to allow our carrier customers to manage efficiently their assigned telephone numbers and associated resources.
- *Caller-name identification.* We offer caller-name and related information to telephony providers, which drives customer satisfaction with authoritative, accurate and current caller-name data.
- *Common short codes.* We operate the authoritative common short codes registry on behalf of the U.S. wireless industry.
- *User authentication and rights management.* We operate the user authentication and rights management system, which supports the UltraViolet™ digital content locker that consumers use to access their entertainment content.

NPAC Services

NPAC Services includes the dynamic routing of calls and text messages among all competing communications service providers in the United States and related connection services and system enhancements.

Our NPAC Services provide:

- *Numbering.* We operate and maintain authoritative databases that help manage the increasing complexity in the telecommunications industry. Our numbering services include number portability administration center services, or NPAC Services, in the United States and number inventory and allocation management. The NPAC is the world's largest and most complex number portability system with connections to over 4,800 individual customers and is a critical component of the national telecommunications network infrastructure. Our NPAC Services provide a key foundation for subscriber acquisition and for a robust and competitive telecommunications market. These services also support the industry's needs for real-time network and resource optimization, emergency preparedness and disaster recovery, and efficient telephone number utilization.

Critical Accounting Policies and Estimates

The discussion and analysis of our financial condition and results of operations are based on our unaudited consolidated financial statements, which have been prepared in accordance with U.S. generally accepted accounting principles, or U.S. GAAP. The preparation of these financial statements in accordance with U.S. GAAP requires us to utilize accounting policies and make certain estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingencies as of the date of the financial statements and the reported amounts of revenue and expense during a fiscal period. The U.S. Securities and Exchange Commission, or SEC, considers an accounting policy to be critical if it is important to a company's financial condition and results of operations, and if it requires significant judgment and estimates on the part of management in its application. We have discussed the selection and development of the critical accounting policies with the audit committee of our Board of Directors, and the audit committee has reviewed our related disclosures in this report.

Although we believe that our judgments and estimates are appropriate and reasonable, actual results may differ from

those estimates. In addition, while we have used our best estimates based on the facts and circumstances available to us at the time, we reasonably could have used different estimates in the current period. Changes in the accounting estimates we use are reasonably likely to occur from period to period, which may have a material impact on the presentation of our financial condition and results of operations. If actual results or events differ materially from those contemplated by us in making these

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estimates, our reported financial condition and results of operations could be materially affected. See the information in our filings with the SEC from time to time, including Part II, “Item 1A. Risk Factors” of this Quarterly Report on Form 10-Q for the quarter ended June 30, 2014, for certain matters that may bear on our results of operations.

The following discussion of selected critical accounting policies supplements the information relating to our critical accounting policies described in Part II, “Item 7. Management’s Discussion and Analysis of Financial Condition and Results of Operations – Critical Accounting Policies and Estimates” in our Annual Report on Form 10-K for the year ended December 31, 2013.

Stock-Based Compensation

We recognize stock-based compensation expense in accordance with the Compensation – Stock Compensation Topic of the FASB ASC which requires the measurement and recognition of compensation expense for stock-based awards granted to employees based on estimated fair values on the date of grant.

See Note 7 to our Unaudited Consolidated Financial Statements in Item 1 of Part I of this report for information regarding our assumptions related to stock-based compensation and the amount of stock-based compensation expense we incurred for the periods covered in this report.

We estimate the fair value of our restricted stock unit awards based on the fair value of our common stock on the date of grant. Our outstanding restricted stock unit awards are subject to service-based vesting conditions and performance-based vesting conditions. We recognize the estimated fair value of service-based awards, net of estimated forfeitures, as stock-based compensation expense over the vesting period on a straight-line basis. Awards with performance-based vesting conditions require the achievement of specific financial targets at the end of the specified performance period and are subject to the employee’s continued employment over the vesting period. We recognize the estimated fair value of performance-based awards, net of estimated forfeitures, as stock-based compensation expense over the vesting period, which considers each performance period or tranche separately, based upon our determination of the level of achievement of the performance targets. At each reporting period, we reassess the level of achievement of the performance targets within the related performance period. Determining the level of achievement of the performance targets involves judgment, and the estimate of stock-based compensation expense may be revised periodically based on changes. If any performance goals specific to the restricted stock unit awards are not met, we do not recognize any compensation cost for such awards, and we reverse any such compensation cost to the extent previously recognized. As of June 30, 2014, the level of achievement of the performance target awards for the 2014 performance year was 100%.

EXHIBIT “E”



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

May 2, 2008

Mr. Bill Manning
Managing Partner
USMIR, LLC
Post Office Box 12317
Marina del Rey, CA 90295

Subject: Delegation Status of the .UM (United States Minor Outlying Islands) Top-Level Domain Name

Dear Mr. Manning:

The National Telecommunications and Information Administration (NTIA) is in receipt of your April 22, 2008 letter in which you claim to be the operator of the .UM (United States Minor Outlying Islands) country-code top-level domain name (ccTLD) and protest the return of the domain to unassigned status. NTIA has seen no evidence to substantiate your claim. To the contrary, the information that has been provided to NTIA supports the decision to return the .UM ccTLD to unassigned status.

The .UM ccTLD is associated with the United States Minor Outlying Islands (Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Palmyra Atoll, Wake Island, Navassa Island), which are part of the Pacific Remote Islands under the jurisdiction of the United States Government. As such, the .UM ccTLD is a United States Government asset.

Since December 4, 1997, the University of Southern California's Information Sciences Institute (USC/ISI), on behalf of the United States Government, has acted as the administrator for the .UM ccTLD. On October 3, 2006, ICANN received correspondence from USC/ISI indicating they no longer wish to perform the administrator function for .UM ccTLD. Also, in this correspondence, USC/ISI indicated there were no sub-delegations for the .UM ccTLD. On January 16, 2007, during a Special Meeting of the ICANN Board of Directors, the Board Resolved (07.04) that the delegation of the .UM ccTLD be removed from the DNS root, and that it be returned to unassigned status. The minutes of this meeting are publically available at <http://www.icann.org/minutes/minutes-17jan07.htm>.

As is appropriate for the relevant governmental authority for the .UM ccTLD, NTIA, on behalf of the United States Government, notified ICANN on March 12, 2008 that the United States Government supports the ICANN Board of Directors' proposal to place the .UM ccTLD in an unassigned status. NTIA also instructed ICANN that the United States Government must approve any decisions regarding the redelegation of the ccTLD.

Sincerely,



Vernita D. Harris
Contracting Officer's Technical Representative

cc: Barbara Roseman, IANA General Manager, ICANN

EXHIBIT “F”

Translations Français Español العربية

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русский 中文



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Special Meeting of the Board Minutes

17 Jan 2007

A Special Meeting of the [ICANN](#) Board of Directors was held via teleconference on 16 January 2007 and was called to order at approximately 1:00 P.M. PST US.

Chairman Vinton G. Cerf presided over the meeting. The following other Board Directors participated in all or part of the meeting: Raimundo Beca, Susan Crawford, Peter Dengate Thrush, Roberto Gaetano, Demi Getschko, Steven Goldstein, Joichi Ito, Alejandro Pisanty, Rajashekar Ramaraj, Rita Rodin, Vanda Scartezini, and Paul Twomey. Board Members Njeri Rionge and Dave Wodelet were not present at the meeting.

The following Board Liaisons participated in all or part of the meeting: Vittorio Bertola, [ALAC](#) Liaison; Janis Karklins, [GAC](#) Liaison Elect; Mohammed Sharil Tarmizi, [GAC](#) Liaison; and Suzanne Woolf [RSSAC](#) Liaison.

John Jeffrey, General Counsel and Board Secretary; Paul Levins, Executive Officer and Vice President, Corporate Affairs; Doug Brent, Chief Operating Officer; Kurt Pritz, Vice President, Business Operations; Denise Michel, Vice President Policy Development; David Conrad, [IANA](#) General Manager; Kim Davies, [IANA](#) Technical Liaison; Barbara Roseman, [IANA](#) Operations Manager; Theresa

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Swinehart, Vice President of Global and Strategic Partnerships; and, Dan Halloran, Deputy General Counsel also participated in the meeting.

Approval of December 2006 Board Minutes

Vint Cerf introduced the two separate sets of minutes for the Board Meetings, which occurred in December 2006.

-- Approval of 7 December 2006 Minutes

Following this discussion, Vint Cerf moved and Vanda Scartezini seconded the following resolution:

Resolved (07.01), the minutes of the Board Meeting of 7 December 2006 are approved.

Resolution (07.01) was approved unanimously by a voice vote of the Board Members present on the call (12 Members). In addition to the Board Members not present for the call, Demi Getschko was not available to vote.

-- Approval of 8 December 2006 Minutes

Steve Goldstein moved and Alejandro Pisanty seconded a request for a vote on the following resolution for approval of the 8 December 2006 Minutes:

Resolved (07.02) the minutes of the Board Meeting of 8 December 2006 are approved.

Resolution (07.02) was approved unanimously by a voice vote of the Board Members present on the call (12 Members). In addition to the Board Members not present for the call, Demi Getschko was not available to vote.

Two Character New Registry Service Proposal from .NAME Registry

The Chairman referred to the comprehensive work done by staff on this issue and that full information had been provided to the Board by ICANN staff. The Chair asked Kurt Pritz to provide background

Kurt advised that GNR is the sponsor of the .NAME registry and that they have been examining ways to make this registry more vibrant and so they have submitted a proposal to ICANN for the limited release of two character names. Two character names on the second level would be shared just like other common surnames are currently shared on the second level in .name. The proposal would release two character names for third level registrations and email only (so for example joe@li.name) meaning that the actual second level two character names cannot be registered.

ICANN staff performed an initial technical evaluation, and referred the matter to the RSTEP process. The RSTEP panel considered the security and stability impacts of the proposal, which focused on unexpected responses being received from the DNS for both existing and non-existing domains, as well as simply user confusion where the idea of two letter second-level domains is unfamiliar.

Kurt advised that the RSTEP report found that the proposal "does not create a reasonable risk of a meaningful adverse effect on security and stability." Its study included analysis of name server data to determine if an abnormal number of queries for TLDs within TLDs were received by top-level domain operators, as well as registering experimental domains that would be susceptible to technical problems. Research of UDRP cases had found no evidence of user confusion from earlier registrations of two letter domain names. Public comments were evaluated and taken into consideration by the Board and there was specific discussion of the negative comments made by .DE, .CN and .UK during the process.

The Chairman opened discussion on this item.

Sharil Tarmizi asked whether GNR Registry had received feed back from the GAC on this proposal. Both Kurt Pritz and Paul Twomey confirmed that the matter was raised informally by the GAC at ICANN's Melbourne meeting in March 2001 but that the only comment made formally was at ICANN's Montevideo meeting in September 2001 and that was specific to .AERO and two letter names. The contract with .AERO has been changed since. Sharil also asked that when reviewing TLD's, staff should note the GAC ccTLD principles that were approved by the GAC in Capetown,

Susan Crawford noted that the RSTEP process seems to be working well and security and stability issues are being well explored.

Following this discussion, Susan Crawford moved and Roberto Gaetano seconded a request for a vote on the following resolution:

Whereas, Global Name Registry submitted a request <http://www.icann.org/registries/rsep/GNR_Proposal.pdf> for the limited release of two-character names under Appendix K of the .NAME Registry Agreement and under the Registry Services Evaluation Policy <<http://www.icann.org/registries/rsep/rsep.html>>.

Whereas, ICANN conducted its review of the request and determined that although there were no significant competition issues, ICANN did not have sufficient information to conclude there are no significant security and stability issues and referred the proposal to the Registry Services Technical Evaluation Panel for further evaluation.

Whereas, on 4 December 2006, the Registry Services Technical Evaluation Panel review team completed its report on the proposal <<http://www.icann.org/registries/rsep/RSTEP-GNR-proposal-review-team-report.pdf>>. The review team determined that the proposal does not create a reasonable risk of a meaningful adverse effect on security and stability. The report was posted for public comment during the ICANN Annual Meeting in Sao Paulo, Brazil.

Whereas, based on the report of the Registry Services Technical Evaluation Panel, internal experts and other public comments, ICANN has concluded that there are no significant security and stability issues related to introduction of the proposal.

Resolved (07.03), the President and General Counsel

are authorized to enter into an amendment of the .NAME Registry Agreement to implement the proposed registry service.

The Board approved the resolution by a unanimous voice vote of all Board Members attending the Meeting (13 Board Members. Demi Getschko had joined the call prior to this vote.

Discussion of Proposal for .MOBI sTLD Contract Amendment Regarding ICANN Fees

The Chair asked Kurt Pritz to background this item. Kurt advised that the .MOBI Registry proposes to amend their agreement with ICANN to change the amount of fees paid to ICANN. Vittorio Bertola advised the Board that he would abstain from discussion of this item as he was a member of the .MOBI Policy Advisory Board.

.MOBI was negotiated early in the sTLD process using the .NET model for setting fees. The .NET agreement provides for a \$0.75 transaction fee based on a \$4.50 per registration price. The .MOBI agreement provides for a \$0.75 fee based on a projected \$7.50 to \$12.00 price that is about 6 to 10% of the registration price. Since the original agreement was struck, negotiations for several sTLD's have been concluded and the transaction fee is generally 3 to 5% of the per registration price. In discussions on this issue ICANN suggested to the .MOBI Registry that they model their fee proposal on the .TEL agreement model, which would mean that the transaction fee would be about 5% of the registration price. .MOBI has also suggested that there be a fee cap of \$0.75 per transaction.

During the discussion, Kurt indicated that the proposal from .MOBI in part was based upon the position that had been negotiated by Telnic in the .TEL Registry Agreement. Upon learning this, Rita Rodin similarly advised of her intention to recuse herself from the discussion as she represented .TEL as their attorney during that negotiation before she was a member of the Board of Directors.

Steve Goldstein asked if the \$0.75 fee was proposed by .MOBI Registry and whether it meant they should be held to the \$0.75 cap for the duration of the contract. Steve expressed the view that changes to the contract should not be made during the term of the agreement and that .MOBI should be forced to live up to the terms

that they had negotiated. Staff confirmed that the fee had been proposed by .MOBI during the negotiations. Vint Cerf indicated that there have been previous examples of contracts being negotiated during their term, so this was not precedent setting. Steve Goldstein questioned whether the Board should not publicly advise of this proposed contractual change, so that there can be no suggestion that this process was not transparent. Susan Crawford agreed that public advice and consultation was desirable. The Board was reminded that an option presented by the Staff was to put this matter out for public comment. Susan Crawford indicated that while this request is entirely appropriate, the Board should not approve changes to a contract in private, without any opportunity for public input. The Chairman asked the Secretary whether this required a board vote and the Secretary recommended a "sense of the board" as an acceptable option for staff to move this to a public comment period. The Chair asked whether there was a view amongst the Board that it decide to provide a public comment period of no less than 21 days on this item, and not approve the proposed contract amendment at this meeting. There was no objection from any Board Member.

Discussion Regarding Proposed Re-delegation of .GW [Guinea-Bissau]

The Chair asked if any Board members would object to obtaining clarification on some points of detail from the applicant. There were no objections. Accordingly, no formal resolution was passed by the ICANN Board on this issue during this meeting.

Revocation of .UM [United States Minor Outlying Islands]

The Chair asked Kim Davies to provide background information on this item. Kim advised that in 1997, management of .UM was delegated to the University of Southern California's Information Sciences Institute. At that time it also operated the IANA function, and the registry was run by ISI staff. However, when ICANN assumed operation of the IANA function, and the .US registry was spun out of ISI, the .UM registry remained at ISI.

He reported that the .UM registry had no usage, and for much of 2006 was a "lame delegation" in the root zone. In October 2006, ISI formally communicated to ICANN that it no longer wished to operate

the zone, that it was empty, and that the delegation should be removed. ICANN's view is that this would be an appropriate action, and would not prevent a suitably qualified operator from running .UM in the future if they met all the normal criteria for delegation of a ccTLD.

The Chair said there might be side effects if people are using software that tests for the existence of valid country-code domains. He added that as long as there was widespread notice of the re-delegation, then this should not be an issue.

Paul Twomey pointed out that this would be the first country-code domain to be removed from the root that wasn't the result of ISO 3166 changes caused by a country changing its name or dissolving (such as Zaire and Czechoslovakia). Kim Davies clarified that this would bring the list of undelegated country-codes to five, the others being Montenegro (ME), North Korea (KP), Serbia (RS), and Western Sahara (EH).

Steve Crocker asked whether there were particular difficulties with reinstating the name, should it be necessary or desirable. David Conrad advised that there were no more difficulties with resurrecting this domain than in other ccTLD delegations.

Paul Twomey pointed out that ICANN already had a consultation process on the revocation of TLDs, however it was clarified that this is a separate matter only involving countries that no longer existed. In this case, UM is still recognized as an official code by the ISO 3166-1 standard.

Following this discussion Susan Crawford moved and Rita Rodin seconded a request for a vote on the following resolution:

Whereas, the .UM top-level domain was originally delegated in December 1997 <<http://www.iana.org/root-whois/um.htm>>.

Whereas, the currently assigned operator is the University of Southern California's Information Sciences Institute.

Whereas, the .UM domain is not in active use, and the

Whereas, ICANN has reviewed the request, and has determined that the returning the domain to unassigned status is the appropriate action to reflect its status.

Recognizing, this would not prohibit future delegation of the domain to another party that meets the regular ccTLD delegation criteria.

Resolved (07.04), that the delegation of .UM be removed from the DNS root, and that it be returned to unassigned status.

The Board approved the resolution by roll call vote 12-0. In addition to the Board Members not present for the call, Steve Goldstein was not available to vote.

Election of Doug Brent as an Officer of ICANN and Provision of Signatory Authority

Paul Twomey provided background information to the Board on this proposed resolution. Paul Twomey explained that Doug Brent's appointment as Chief Operating Officer had already been approved by the Board. This resolution was to approve of Doug's appointment as an Officer of the Corporation under the Bylaws and to allow him to enter into financial commitments on behalf of the Corporation, pursuant to the policy approved by the ICANN Board and posted in October 2006.

Paul Twomey moved for a vote on the following resolution and Vanda Scartezini seconded:

Resolved (07.05), Doug Brent is elected as Chief Operating Officer, to serve at the pleasure of the Board and in accordance with the Bylaws of the Corporation, and shall hold his office until his resignation, removal, or other disqualification from service, or until his successor shall be elected and qualified.

Resolved (07.06), that as Chief Operating Officer, Doug Brent may authorize contractual commitments and

disbursements of ICANN's funds in accordance with the senior operations executive role identified as position #5 in paragraph 3 of the "Financial Control Procedures: Corporate Officer Signing Authorities" adopted by the Board on 18 October 2006
<http://www.icann.org/financials/finl_control-signing_authority.htm>.

All Board Members present (12 Board Members) approved this resolution by a unanimous voice vote. In addition to the Board Members not present for the call, Steve Goldstein was not available to vote.

Discussion of Lisbon Schedule

The Chairman asked Susan Crawford as Chair of the Board Meetings Committee to lead this discussion. Susan Crawford explained that, given the tight schedule at ICANN meetings, the Meetings Committee had proposed that the BGC or Finance Committees meet on Saturday 24-March 2007, two days before the official start of the ICANN Meeting on March 26, instead of one day before the start of the meeting. Susan explained that the BGC and Finance Committees had not agreed to this proposal. Accordingly, arrangements are proceeding to ensure that all Board Members arrive on time and are available for Board Committee Meetings to take place from the start of Sunday morning March 25. Susan believed it important that all Board Committees should meet on a regular schedule between ICANN Meetings. The Chair asked whether meeting on Sunday would allow all Board Committees to meet. Susan replied that some committees would certainly need to meet outside of Lisbon to avoid meetings being scheduled at night, thereby cutting into valuable consultation time with the community.

Discussion of Proposed .XXX Registry Agreement with ICM

Kurt Pritz explained that staff had posted on 5-January, 2007 a new contract to establish a .XXX Registry. This followed additional discussions with the applicant, ICM resulting from their request to resubmit a registry agreement relating to their pending application from the unresolved sTLD round. Kurt explained that there was an extensive background to this proposal and that this had been posted on the ICANN website on 5-January 2007. He noted that an

important element of the history of the consideration of the .XXX Registry had been the communiqué from the Governmental Advisory Committee (GAC) received by the Board during the ICANN Wellington Meeting in March 2006. Kurt explained that when the Board considered this issue at its meeting of 10 May 2006, the decision by the Board was not to reject the application, but to reject the contract that ICM requested that the Board vote on at that time. ICM believes that it has in its new proposed contract addressed many issues that were of concern to the Board and the GAC. Materials were also posted on the ICANN website regarding the changes and ICM's view that they had met the requirements set out in the previously mentioned GAC Communiqué.

The Chair asked whether Staff would be able to provide to the Board outside of this meeting an outline of the criteria that would be required for ICM to comply with the terms of the agreement, if implemented. John Jeffrey stated that it was possible to supply that information and that Staff would endeavor to do so. He also added that there had already been good dialogue regarding some of the legal issues among a number of the Board members.

Steve Goldstein requested clarification about the fee per registration under this proposal. He was concerned that the figure may be extremely high. Staff clarified that the figure being proposed by the ICM was close to \$90 per registration.

Sharil Tarmizi restated that the GAC had expressed strong concerns based on the previous contract proposed by ICM and that these concerns had been set out in the GAC Communiqué during the ICANN Wellington Meeting. He suggested that a number of members of the GAC were of the understanding that this issue had been decided upon by the Board in May 2006 and had asked for clarification about why the matter was now being considered again. Sharil made it clear that the GAC was advised of the reasons for ICANN's review of a revised agreement on the same day that he was made aware which was 5 January 2007. However, he also made it clear that the deadline for consultation by 5 February 2007 was an insufficient time to respond for all members of the GAC. While some members were already analyzing the contract, it was unlikely that there would be a complete response from the GAC until ICANN's Lisbon meeting. Janis Karklins as GAC Chair-elect also

supported Sharil's view that many on the GAC felt that the .XXX matter had been decided previously and that some were not aware that the contract was still under discussion. The Chair stated that he would provide a further communication to Sharil as current Chair of the GAC and Janis as Chair-elect explaining clearly that the Board was considering a new contract and that the application for a .XXX domain had remained in place.

Sharil also stated that the application was a volatile issue. In previous discussions in the GAC, there had emerged very diverse responses from GAC members. These included: opposition on moral grounds; views that ICM did not meet sponsorship criteria; concern about the enforcement of Registry agreement provisions. Eventually the GAC brought its views formally to expression through its communiqué at Wellington.

Susan Crawford said that she had looked carefully at this new contract. She is concerned that the current draft still puts ICANN in the position of a "hands-on" role in relation to ICM's administration of the proposed Registry, and that this situation was not appropriate.

Paul Twomey indicated that the process of consideration so far for this proposed registry application was very clear. The decision that the Board took at its meeting on 10 May 2006 was a vote on the contract to establish the Registry not a denial of ICM's application. The decision of the Board in voting down the contract was posted in the preliminary report and minutes of that board meeting and there was media coverage that included this delineation.

Paul was also made clear that the applicant applied to go through the Board's reconsideration process. There was communication about the reconsideration process in the President's report to the GAC at meetings since the Wellington meeting. On 4 January 2007, an update on the sTLD round was posted and the fact that the .XXX domain proposal was still being considered as a live application amongst other sTLDs was included.

Finally a posting of the new proposed contract from ICM and a comprehensive background was posted on 5 January 2007. Paul Twomey said that while he appreciated that some may have thought that the Board's decision of 10 May 2006 was a decision to reject the proposal it was a decision to reject the contract and there has

been a consistent communications process about this since May 2006. He also pointed out that if there is any perception that the consideration of this new contract was sudden, that perception may have been driven by the timing of the revised contractual framework, which was only discussed and made clear by the applicant after ICANN's Sao Paulo meeting.

Sharil Tarmizi also wanted it noted that whilst ICM has stated that this new proposed contract addressed the GAC's concern there had been no communications between the applicant and the GAC. He differentiated between the documents outlining ICM's contention that they have met the conditions set out by the GAC as not being the same as the GAC determining the conditions have been met.

Rita Rodin stated as a new member of the Board she believed that there was clear knowledge that the contract could be re-submitted after the Board's decision of 10 May 2006. However, she acknowledged that there might be some confusion on the part of observers.

Janis Karklins asked whether the Board considered this as a new proposal from ICM or a revision of the previous one, because different procedural provisions would apply. The Chair stated that it can not be considered a new proposal because it is not new. He reiterated that it was consideration of a contract to establish a .XXX domain that resulted from an Request For Proposal response in 2004. Paul Twomey added again that in May 2006 ICM had asked the Board to vote up or down on the contractual agreement and that is exactly what happened, concluding that the Board did not take the step of voting down the application at that time.

The Chair drew discussion on this item to a conclusion noting the consultation period remained open until 5 February 2007, and that it would be discussed again at the next meeting on 12 February 2007.

Re-alignment of Board Agenda

The Chair noted that discussion of the previous items had absorbed the majority of the time allocated for the Board meeting call. He suggested that the agenda item on the Discussion of .EH (Western Sahara) and "other business" matters be continued until the February Board Meeting.

Status of GNSO Review

The Chair asked Denise Michel to speak to status of the GNSO Review. Denise advised that the GNSO constituencies had submitted comments and suggestions on the review and proposals for response to the Board Governance Committee.

Roberto Gaetano, Chair of the Board Governance Committee (BCG) stated that at a teleconference of the BGC on 15 January 2007, it was decided that there would be a report produced for the Board following the next Board Governance Committee Meeting and after Board consideration of that report it was hoped that the BGC would meet with the GNSO Council in Lisbon.

Conclusion of Meeting

The Chair moved for an adjournment of the Meeting at 3:06 PM PST and multiple board members seconded that motion.



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As Online Video Surges, the .TV Domain Rides the Wave

By NOAM COHEN AUG. 26, 2014

You've heard of the dot-com boom. Is the dot-tv boom next?

On Monday, Amazon said it would pay \$1.1 billion for a website that streams people playing video games. The website is called Twitch — but its address is not Twitch.com, but Twitch.tv.

It's a distinction easily overlooked, but one that highlights an inexorable shift in how people — especially young people — consume video.

Today, as video is watched on smartphones and laptops rather than on living room couches, the .tv suffix — owned, improbably, by the tiny South Pacific island nation of Tuvalu — has become for some companies a chance to signal that they are showing video the way people are increasingly used to seeing it. Last month, 190 million Americans watched online video content, according to comScore.

A .tv web address has become “important from a branding point of view,” said Tony Lorenz, the chief executive of BOB.tv, a company that streams videos related to best business practices.

The sudden prominence of .tv is the latest twist in one of the Internet's more unusual tales. In the 1990s, the suffix .tv was assigned to Tuvalu (Britain received .uk; France, .fr; and so on). At the height of the Internet gold rush, in 1999, a start-up named DotTV paid Tuvalu \$50 million over 12 years for the right to sell .tv to other companies. The .tv suffix represented two of the most recognizable letters in the world, and DotTV's founders

believed .tv could be bigger than .com because TV viewing would soon migrate to the web.

China.tv was sold for \$100,000 a year to an Internet service provider in China, according to Lou Kerner, a venture capitalist who, in 2000, left his job at Goldman Sachs to become chief executive of DotTV.

DotTV was onto something, though the idea was a bit premature, as a lack of broadband limited the growth and quality of online video.

In 2002, Verisign, a large manager of web addresses, acquired the company and still operates the .tv domain today. It agreed in 2011 to manage the .tv address through 2021, and the payments to Tuvalu's government are said to be a couple million dollars a year.

Those dividend payments are an important revenue source for the country, which has a population of barely 10,000 who live on a tiny cluster of coral atolls and islands about halfway between Australia and Hawaii.

The economic success of Tuvalu and .tv has led other countries to try to leverage their domain names into a consistent revenue source: Montenegro, for example, has the extension. me that can offer a personal touch to a Web address; and Colombia's .co has emerged as a logical, less expensive substitute for .com.

But only Tuvalu's domain name speaks to the changing nature of media consumption around the world.

"The original vision upon which DotTV was founded is coming true before our eyes," Mr. Kerner said. "It's just taken longer than we thought, but it could be even bigger than we thought."

Of course, the fact that a site with a .tv address can vault to extreme popularity speaks to the shrinking importance of the web browser as the way of viewing digital media, as smartphone and tablet apps, and gaming consoles like Xbox and PlayStation, take the lead. But while Verisign does not break out its revenues from .tv domain sales, Internet entrepreneurs and branding consultants say that the .tv suffix has grown in popularity.

There are several examples of major organizations that rely on the .tv domain as the home for video content. Among the most prominent is

MLB.tv; the address has been the home for baseball's paid streaming video offerings dating back 12 years, when the service streamed a Texas Rangers-New York Yankees game to 30,000 fans. FYI.tv streams programming for a newly branded cable channel owned by A&E Networks. Another recognizable brand is Redbull.tv, a web video enterprise owned by the beverage company that streams extreme sports and live entertainment.

Small businesses are also seeing the benefits to .tv. Harry Calbom, who eight years ago helped start a video production company, recently decided to re-brand his company and described how hard it was to find a new name, in part because it was hard to find a suitable website address.

"That's been the problem to brand yourself the way you want to brand yourself," he said, adding that "in this market investors have bought up all the names."

They chose Society, and made inquiries about buying Society.com, and the owner "wouldn't even quote a price, weren't interested selling," though Mr. Calbom said he assumed the price would have been in the mid-six figures. The company bought society.tv for \$15,000, he said, "and the nice thing about .tv, it does say something."

And as different suffixes become more common, there is less stigma attached. "I was once shocked when I saw someone using an alternative ending, I thought they were dooming themselves," said Josh Bourne, a managing partner at FairWinds Partners, a consultant on domain names. "But I've changed my opinion," he said, rattling off prominent examples like Ask.fm (fm for Micronesia) and Bit.ly (ly for Libya). In April 2013, LinkedIn paid \$90 million for Pulse.me, a news aggregator.

But occasionally, these unconventional addresses create confusion. Peter Kay has owned Twitch.com since the mid-1990s. Before Twitch.tv, which was started just three years ago, he had barely any traffic to his site. Now, he routinely gets 40,000 unique visitors a day for his site, which promotes his music educational apps; on Tuesday, he got 60,000 visitors. Yesterday, he sold 10 apps about Vivaldi's "Four Seasons" at \$5.99 each.

"I had no master plan," he said. "But it keeps me in beer money."

A version of this article appears in print on August 27, 2014, on page B1 of the New York edition with the headline: A Prized Waterfront Property.

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