

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

AFILIAS DOMAINS NO. 3 LIMITED,

Claimants

v.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS,

Respondent

ICDR Case No. _____

WITNESS STATEMENT OF JOHN L. KANE

15 October 2018

I. Personal and Professional Background

1. My full name is John L. Kane. I am a citizen of the United States of America and I presently reside in Wilmington, Delaware. I am the Vice President of Corporate Services for Afilias plc (“**Afilias**”), a global leader in advanced registry services.

2. In 1988, I graduated from Florida International University with a Bachelor of Science in Management. After graduation, I worked in the hospitality industry for several years before joining Pfizer.

3. I joined the Corporation Service Company (“**CSC**”) in 1997 and was promoted to Vice President in 1999. CSC provides a large variety of corporate services to law firms and Fortune 500 companies, including corporate identity management and brand protection solutions. I oversaw the entrepreneurial division and, with the pending breakup of Network Solutions, Inc.’s (“**NSI**”) registry/registrar monopoly business, I proposed that we enter the newly emerging registrar business. I built the business from its first customer to become a significant corporate registrar. CSC is an ICANN-accredited domain name registrar.

4. Since my involvement in CSC, I have remained in the domain name industry. I joined eNom, Inc. (“**eNom**”) in November 2004 as its Vice President of Business Development. eNom is the second-largest ICANN-accredited domain name registrar in the world, managing over 10 million domain names through the largest distribution network in the domain name industry. I became eNom’s President when it was acquired by Demand Media, Inc. (“**Demand Media**”) in 2006, at which point I also began serving as Demand Media’s Executive Vice President.

5. In 2008, I left both Demand Media and eNom to join Afilias as its Vice President of Corporate Services. Afilias provides registry services for several new generic top-level domains (“**gTLDs**”), including .INFO, .RED, .MOBI, .AERO, and .ASIA—and country-code top-level domains (“**ccTLDs**”). In my capacity as Afilias’ Vice President, I am deeply involved in its

registry services business. For instance, I recently headed up our efforts to migrate the .AU TLD to Afilias from Neustar, and have participated in over fifty applications for new gTLDs pursuant to the Internet Corporation for Assigned Names and Numbers' ("ICANN") New gTLD Program.¹

II. The New gTLD Program

6. ICANN intended its New gTLD Program to create competition for VeriSign, Inc. ("VeriSign"), which dominates the registry level of the DNS through its control of .COM and .NET.² When ICANN started the New gTLD Program in 2012, it had already introduced a few new gTLDs into the DNS through two trial application rounds in 2000 and 2003. The New gTLD Program was conceived with the intention of being materially different from the earlier two trial rounds or "proof of concept" rounds: ICANN was now accepting applications from all interested parties for the right to operate new gTLDs without any predetermined cap on the number of gTLDs it would add to the DNS.

7. The New gTLD Program is administered by ICANN pursuant to principles, rules, and procedures set forth in the gTLD Applicant Guidebook (the "**Guidebook**"). The Guidebook is the product of years of development within ICANN, reflecting the consensus of ICANN's various constituencies, including the Government Advisory Committee ("**GAC**") and the Generic Names Supporting Organization ("**GNSO**"). The Guidebook formally adopted the GNSO's 19 recommendations set forth in its 2007 report concerning the introduction of new gTLDs, as well

¹ I have been involved in, and am listed as the primary contact for, the following new gTLD applications: 手机, 信息, موقع, 移动, .AGAKHAN, .AKDN, .APP, .ART, .AVIANCA, .BET, .BLACK, .BLOG, .BLUE, .CASINO, .DESI, .DESIGN, .GREEN, .HAIR, .HEALTH, .HOME, .IMAMAT, .INC, .ISMAILI, .KIM, .KOSHER, .LGBT, .LLC, .LLP, .LOTTO, .LTD, .LTDA, .MAIL, .MEET, .MEMORIAL, .MLS, .NRA, .ORGANIC, .PET, .PINK, .POKER, .RADIO, .RED, .SARL, .SHAW, .SHIKSHA, .SRL, .TEAM, .TICKETS, .VOTE, .VOTO, .WEB, and .WINE. Of these 52 gTLDs, thirty have been delegated to the applicant.

² VeriSign is the registry operator for both the .COM and .NET gTLDs, which collectively control more than 75% of all gTLD domain name registrations. VeriSign's market position has not been diminished over the last 18 years.

as the recommendations of governments, individuals, businesses, and other constituencies. In short, the Guidebook reflects the consensus of the Internet community concerning not only how new gTLDs should be allocated but also the principles, rules, and procedures underlying their allocation.

8. Broadly speaking, the Guidebook's process for new gTLD applications is as follows. *First*, the applicant is required to complete and submit an application based on more than 50 detailed questions, which requires the applicant to describe its business case for the proposed new gTLD, demonstrate that it has sufficient finances to operate the registry and achieve its business goals, as well as provide detailed technical information about how it intends to operate the registry. The application also requires the complete disclosure of all persons and entities associated with the application to allow ICANN to conduct due diligence of all parties associated with the operation of the registry.³ Non-confidential sections, which comprise the majority of the application, are published on the ICANN website so that the broader Internet community has transparency into who is applying for which new gTLDs and why.⁴

9. As I understand the purpose of these required disclosures, they are to enable ICANN, its application evaluators, the GAC, and the broader Internet community to have a meaningful opportunity to assess the merits of an application. In connection with this broad community review, certain constituencies, including the GAC and specific interested parties, are given standing to lodge formal complaints with ICANN concerning the merits of any particular application.⁵

³ ICANN, *gTLD Applicant Guidebook* (4 June 2012), [Ex. JLK-1], Sec. 1.2.1 (pp. 1-21 to 1-25).

⁴ *Id.*, Sec. 1.1.2.2 (p. 1-5).

⁵ *See, generally, id.*, Secs. 1.1.2.3-1.1.2.4 (pp. 1-5 to 1-8); *id.*, Module 3 (pp. 3-2 to 3-25).

10. In the Guidebook and its associated guidelines, ICANN requires applicants to promptly submit a change request in the event that any information (including omission of material information) in the application was, or became, untrue, incomplete, or otherwise misleading.⁶ This obligation endures throughout the Guidebook’s process, which only concludes once an applicant executes a registry agreement with ICANN.⁷ Moreover, change requests are not automatically approved; indeed, ICANN is required to evaluate whether any such changes would be approved pursuant to enumerated criteria.⁸ In sum, to me the Guidebook and its associated guidelines make it clear that ICANN, its various constituencies, and the broader Internet community would each have a meaningful opportunity to review, consider, and, if necessary, object to a final complete and truthful application.

11. *Second*, if an application is approved at the conclusion of the evaluation and objections period, the applicant is awarded the applied-for gTLD registry unless another applicant is also approved for the same or similar gTLD. In that event, ICANN groups all approved applicants for the same or similar strings into a “**contention set**.” If a gTLD becomes the subject of a contention set, the various members of the contention set have the option to resolve the “contention” among themselves and determine which entity will be awarded the rights to the gTLD (the “**Voluntary Resolution Period**”).

⁶ *Id.*, Sec. 1.2.7 (p. 1-30) (“If at any time during the evaluation process information previously submitted by an applicant becomes untrue or inaccurate, the applicant must promptly notify ICANN via submission of the appropriate forms.”); *id.*, Module 6 (p. 6-2) (“Applicant warrants that the statements and representations contained in the application . . . are true and accurate and complete in all material respects. . . . Applicant agrees to notify ICANN in writing of any change in circumstances that would render any information provided in the application false or misleading.”).

⁷ *Id.*, Sec. 1.2.7 (p. 1-30).

⁸ ICANN, New gTLD Application Change Request Process and Criteria, *available at* <https://newgtlds.icann.org/en/applicants/global-support/change-requests> (last accessed on 5 Sep. 2018), [Ex. JLK-2], p. 3.

12. While certain contention sets are resolved through the formation of joint ventures or other collaborative efforts regarding the operation of the relevant gTLD registry, the more common path is to resolve contention sets through private auction. The rules of these private auctions have varied to some degree, but in all cases the threshold requirement is that all contention set members must participate in the private auction. Under the private auction model, the proceeds from the winning bidder are divided among the losing bidders. As such, all contention set participants stand to benefit and are therefore incentivized to participate in the private auction.

13. *Third*, where the contention set cannot be resolved during the Voluntary Resolution Period, ICANN will administer an auction of last resort to determine the winning applicant. Only the successful applicants for the relevant gTLD are permitted to participate in the ICANN auction, which is subject to various deadlines and rules, as well as disclosures regarding sources of funds and the identity of any party that an applicant might designate to bid on its behalf. Unlike the private auction process, instead of the proceeds of the ICANN auction being divided among the losing applicants, the proceeds are paid to ICANN. For this reason, applicants normally should prefer a private auction because, if they do not win the private auction, they are still able to recover at least some (if not all) of the costs of the application process, and indeed make a significant amount of money.⁹ Attached as Annex A is a table indicating how various new gTLD contention sets have been resolved.

14. *Fourth*, following resolution of the contention set, unless the winner is disqualified or some reason arises that would cause ICANN to determine that it should not enter in to a registry agreement with the applicant, the prevailing applicant is obligated under the Guidebook to

⁹ The costs associated with applying for a gTLD are steep. The application fee is itself USD 185,000, on top of which applicants must invest significant time in providing technical and financial data.

negotiate and execute a registry agreement with ICANN for the applied-for gTLD and engage in pre-delegation testing. In the registry agreement, ICANN requires all registry providers to agree to “operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of the Registry Operator’s application to ICANN.”¹⁰ Once a registry agreement is concluded and the applicant passes all pre-delegation testing, ICANN will delegate the gTLD to the root (that is, add the gTLD to the DNS). Once the gTLD has been delegated, the Guidebook process is concluded.

III. The .WEB Contention Set

15. ICANN received seven applications for .WEB, as set forth in the following table:

APPLICANT	AFFILIATED ENTITY
Afilias Domains No. 3 Limited	Afilias plc
Charleston Road Registry Inc.	Google, Inc.
DotWeb Inc.	Radix FZC
NU DOT CO LLC	STRAAT Investments
Ruby Glen, LLC	Donuts, Inc.
Schlund Technologies GmbH	InterNetX GmbH
Web.com Group, Inc.	--

16. NU DOT CO LLC (“NDC”) was one of the smallest applicants for .WEB. During the Voluntary Resolution Period, I had numerous communications with representatives of each of the .WEB contention set members, including Jose Ignacio Rasco III, who was a founding member of NDC and NDC’s primary contact for its .WEB application. During these conversations, which are specifically authorized by the Guidebook, I was able to assess both the strategies and potential market valuation for .WEB. From these conversations and negotiations, as well as from the results of contemporaneous auctions of other gTLDs, I drew several conclusions:

1. I estimated that the market value for .WEB at auction would be somewhere around USD 70-75 million.

¹⁰ ICANN, Base Registry Agreement (31 July 2017), [Ex. JLK-3], Specification 11(2) (p. 97).

2. It did not appear that many of the contention set applicants were willing to pay anything close to that amount at auction for .WEB. At that level, a losing applicant in a private auction would stand to earn more than USD 10 million on their USD 185,000 investment. Most applicants were willing to take that profit. This was, in part, driven by the marketing costs for .WEB, which were projected to be considerable. Given Afiliias' good relationships with leading registrars, we held a considerable advantage over the other members of the contention set, who would need to spend more than we would on marketing.
3. It appeared that our primary competition for .WEB would be from three other applicants: Web.com Group, Inc.; Ruby Glen, LLC; and DotWeb Inc.
4. Because Afiliias valued .WEB based on its long-term competitive prospects, our valuation was materially different from most of the other .WEB applicants.

For these reasons, we were confident that no other member of the .WEB contention set would outbid Afiliias at auction.

17. The .WEB contention set had not set a schedule for a private auction because ICANN was still in the process of resolving how to deal with an application for the .WEBS gTLD. As of the fall of 2015, the contention set had been on hold for approximately two years. Ultimately, in October 2015, ICANN determined how .WEBS should be treated in connection with the .WEB contention set. Thereupon, the contention set members began discussing in earnest the schedule for the private auction.

18. Over the course of the next several months, I took the lead in trying to organize a voluntary resolution of the contention set by way of a private auction. During this time, in coordination with the private auction house, I had regular communications with representatives of all members of the contention set, largely by phone or text message.

19. During the period between October 2015 and April 2016, I had numerous communications with Rasco of NDC. On numerous occasions during this period, he told me that he fully supported resolution by private auction.

20. ICANN set a date for the ICANN-administered auction on 27 April 2016. As expected, the contention set members quickly moved to discuss scheduling a private auction. I took the lead again. Over the course of the next few days, I or the private auction house spoke with members of the contention set to confirm that they were “in” for a private auction. This included NDC, with whom the private auction house had communicated.

21. On 11 May 2016, I therefore sent an email to all of the contention set members stating “Good news! I have spoken directly with most members of the contention set and/or saw confirmation in email that everyone is willing to participate in a .WEB only auction. If for any reason anyone’s position has changed please let the group or the auction house know ASAP.”¹¹ No one replied to my email contradicting my understanding of the state of play. I therefore instructed the private auction house to move forward.

22. On 17 May 2016, the private auction house sent the auction agreement to each member of the contention set and identified a number of deadlines. According to the schedule, the signed agreements needed to be returned to the private auction house by 1 June 2016 and deposits paid by 10 June 2016. The auction would be held from 15-16 June 2016. Afilias submitted its signed agreement on 19 May 2016.

23. On 31 May 2016, I communicated with the private auction house to confirm receipt of Afilias’ application, as well as the applications of the other members of the contention set.¹²

¹¹ Email Communications between .WEB Applicants (*various dates*), [Ex. JLK-4], p. 1 (email from J. Kane dated 11 May 2016).

¹² See Email from J. Kane to H. Lubsen (7 July 2016), [Ex. JLK-5].

My contact at the private auction house told me that they had received signed applications for everyone except for NDC.¹³ My contact further stated that they had tried to contact NDC about the outstanding agreement without success.¹⁴

24. On 1 June 2016, I sent a text to Rasco about the outstanding agreement. Rasco replied that NDC's Board had instructed him to not participate in the June private auction, but to proceed to the July ICANN auction.

25. NDC's position made no sense to me. First, while Rasco had implied that the decision not to proceed with the private auction was not his, this did not make sense: to my knowledge, NDC's board consisted of Rasco, Juan Diego Calle, and Nicolai Bezsonoff. Second, withdrawing from the private auction would cost NDC a considerable amount of money. If my projections were correct, NDC stood to walk away with more than USD 10 million as a losing bidder. And, third, given my discussions with NDC during the Voluntary Notification Period, it seemed clear to me that they were in it for the payout, which necessitated participating in a private auction. I therefore followed up with Rasco, specifically asking how "his board" could have rejected the private auction when he was one of the three board members. Rasco reiterated that it was a board decision and refused to elaborate further, skirting the issue.

26. At the time, I assumed that NDC was merely holding out for a larger guaranteed payment, as other contention set members had done in the past. I therefore prepared a proposal that would guarantee NDC a larger payday should it lose the private auction. NDC rejected this plan, stating again that it was committed to proceeding to the ICANN auction.

¹³ *See id.*

¹⁴ *See id.*

27. In early July 2016, one of contention set members, Ruby Glen, LLC (“**Ruby Glen**”) asked ICANN to postpone the auction until ICANN could fully investigate allegations concerning a change in ownership of NDC.¹⁵ Ruby Glen asked Afiliias to join in that effort, but we declined, mainly because we were confident that we would win either a private auction or ICANN auction for .WEB and so we did not see delaying the auction as being in our interest.

28. On 13 July 2016, Christine Willett, the Vice President of ICANN’s gTLD Operations, wrote to the members of the contention set, informing us that ICANN had completed its investigation of NDC and had not found any reason to suspend the auction.¹⁶ At the time, we had no reason to think that ICANN had not looked in to the matter thoroughly.

Confidential Information Redacted

Rumors had been circulating in the market that VeriSign and NDC had entered in to some sort of arrangement. Confidential Information Redacted

29. The .WEB ICANN auction therefore proceeded as scheduled with all but one other bidder exiting the market after the USD 71.9 million round. We did not know who the other bidder was. We kept bidding in the follow-on rounds, but we were capped out at USD 135 million. The

¹⁵ See *Ruby Glen, LLC v. ICANN*, Case No. 2:16-cv-05505 (C.D. Ca.), Exhibit D to Declaration of Christine Willett in Support of ICANN’s Opposition to Plaintiff’s *Ex Parte* Application for Temporary Restraining Order (25 July 2016), [Ex. **JLK-6**], p. 5 (email from Jon Nevett dated 3 July 3, 2016).

¹⁶ Letter from ICANN to .Web Auction Members (13 July 2016), [Ex. **JLK-7**], p. 1.

exit bid for the last round of the auction was USD 142 million. We submitted a bid at USD 135 million and were shortly informed that our bid was not successful.

30. During the final rounds of the auction, something did not appear right to us. No gTLD had ever been auctioned for more than USD 50 million. Even gigantic corporations like Google had declined to bid USD 50 million to secure gTLDs they had applied for. Considering our opposition, our USD 135 million cap had seemed more than sufficient to win the day. At the close of the auction, we were dumbfounded. We could not believe that any member of the contention set had outbid us.

31. As it turned out, the rumors that had been circulating were right. Hours after the auction concluded, VeriSign filed its 10-Q for the second quarter of 2016 with the SEC, stating that it had committed to pay approximately USD 130 million for the future assignment of contractual rights. Immediately, numerous media sources were reporting that VeriSign had likely acquired .WEB. Days later, on 1 August 2016, VeriSign issued a press release confirming that it “provided the funds for [NDC’s] bid for the .web TLD” in exchange for NDC’s commitment to “seek to assign the [.WEB] Registry Agreement to VeriSign upon consent from ICANN.”¹⁷

32. On 8 August 2016, we sent a letter to Mr. Atallah, informing ICANN that VeriSign’s acquisition of the rights in the NDC application for .WEB constituted a violation of the Guidebook and asking that ICANN undertake an investigation of the matter and take appropriate action against NDC.¹⁸ As we explained in our letter, VeriSign’s acquisition of NDC’s rights constitutes a violation of Paragraph 10 of the Terms and Conditions set forth in the Guidebook,

¹⁷ The press release reads in part: “The Company entered into an agreement with Nu Dot Co LLC wherein the Company provided funds for Nu Dot Co’s bid for the .web TLD. We are pleased that the Nu Dot Co bid was successful.” Verisign, *Verisign Statement Regarding .Web Auction Results* (1 Aug. 2016), [Ex. JLK-8].

¹⁸ Letter from S. Hemphill (Afilias) to A. Atallah (ICANN) (8 Aug. 2016), [Ex. JLK-9].

which prohibits applicants from reselling, assigning, or transferring their rights in connection with an application.¹⁹ We requested that ICANN suspend any further action in the matter, including entering into a registry agreement for .WEB with NDC. We simultaneously filed a complaint with the ICANN Ombudsman regarding the same.

33. On 9 September 2016, we sent a follow-up letter to Mr. Atallah, explaining that NDC had violated the Guidebook and that it was ICANN's duty to deny NDC's application, disqualify NDC's bid, and proceed with the contracting of a registry agreement with the second-highest bidder, Afilias.²⁰

34. On 16 September 2016, Ms. Willett wrote to us requesting further comment on the matter.²¹ We sent a response letter on 7 October 2016 answering the questions posed by ICANN and reaffirming our position that the actions taken by NDC and VeriSign should result in disqualification of NDC as a member of the contention set for .WEB and should invalidate NDC's bid.²² We again urged ICANN to disqualify NDC's bid and prevent VeriSign from obtaining control over .WEB.²³

35. Over a year passed without any additional communication from ICANN regarding the matter. On 23 February 2018, we wrote to the ICANN Board requesting an update on its investigation and requesting several documents under ICANN's Documentary Information Disclosure Policy ("**DIDP**").²⁴ ICANN responded to our request and deemed our request for an

¹⁹ *Id.*, p. 1.

²⁰ Letter from S. Hemphill (Afilias) to A. Atallah (ICANN) (9 Sep. 2016), [Ex. **JLK-10**].

²¹ Letter from C. Willett (ICANN) to J. Kane (Afilias) (16 Sep. 2016), [Ex. **JLK-11**].

²² Letter from J. Kane (Afilias) to C. Willett (ICANN) (7 Oct. 2016), [Ex. **JLK-12**].

²³ *Id.*, p. 1.

²⁴ Letter from A. Ali (Counsel for Afilias) to C. Chalaby (Chairman, ICANN Board) regarding DIDP Request 20180223-1 (23 Feb. 2018), [Ex. **JLK-13**].

update on the investigation to be “beyond the scope” of our DIDP request and therefore did not address our request.²⁵ ICANN further denied disclosure of certain categories of documents.

36. We wrote to the ICANN Board again on 16 April 2018 to request an update on the investigation.²⁶ We also submitted a limited reconsideration request on 23 April 2018 requesting that ICANN reconsider its denied disclosure of certain documents in response to our DIDP request.²⁷ ICANN responded and categorically rejected our requests.²⁸

37. ICANN took the .WEB contention set off hold on 6 June 2018. We submitted questions to ICANN regarding the .WEB registry agreement on 14 June 2018,²⁹ but ICANN refused to even consider our questions.³⁰

38. While I do not know all the terms of NDC’s agreement with VeriSign, that agreement appears inconsistent with the rules set forth in the Guidebook. Unlike traditional financing arrangements, NDC does not appear to be liable for any of the monies used to pay ICANN for .WEB. NDC may have mechanically submitted the electronic bids on 27-28 July, but it did so on VeriSign’s behalf, pursuant to VeriSign’s instruction and using VeriSign’s money. NDC, to our knowledge, never informed anyone that it would be bidding on VeriSign’s behalf, or that it had entered in to some sort of an arrangement with VeriSign to sell, assign, or transfer its application. NDC’s agreement with VeriSign is also unlike more common changes to gTLD

²⁵ Communication to A. Ali (Counsel for Afilias) regarding Response to DIDP Request 20180223-1 (24 Mar. 2018), [Ex. **JLK-14**], p. 1.

²⁶ Letter from A. Ali (Counsel for Afilias) to ICANN Board of Directors (16 Apr. 2018), [Ex. **JLK-15**].

²⁷ Afilias Domains No. 3 Limited Reconsideration Request (23 Apr. 2018), [Ex. **JLK-16**]; *see* Letter from A. Ali (Counsel for Afilias) to ICANN Board of Directors regarding ICANN’s Response to DIDP Request No. 20180223-1 (23 Apr. 2018), [Ex. **JLK-17**].

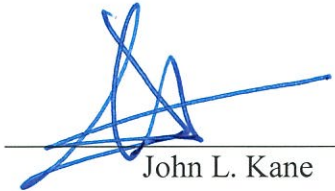
²⁸ Letter from J. LeVee (Jones Day) to A. Ali (Counsel for Afilias) (28 Apr. 2018), [Ex. **JLK-18**].

²⁹ Email from A. de Gramont (Counsel for Afilias) to J. LeVee (Jones Day) (14 June 2018), [Ex. **JLK-19**].

³⁰ Email and attachments from J. LeVee (Jones Day) to A. de Gramont (Counsel for Afilias) (16 June 2018), [Ex. **JLK-20**].

applications. While applicants have substituted parent or other affiliated entities as the applicant, NDC agreed to step aside so that the dominant registry could acquire its next best potential competitor. In other cases, applicants have substituted back-end registry service providers, a change that required re-evaluation and a 30-day notice period. NDC, however, agreed to step aside so that VeriSign could operate .WEB itself, both on the front-end and the back-end. I do not see how such a drastic change to NDC's application could be consistent with ICANN's rules, policies, and procedures. To me, rules of fair play and transparency, as well as the specific requirements of the Guidebook, require that NDC have disclosed that it was selling or assigning its application to VeriSign, or that NDC would be bidding on behalf of VeriSign. If what VeriSign and NDC did is permissible, then I see no point to the detailed process and rules that the ICANN community painstakingly created through years of effort, or the requirements and disclosures of the ICANN auction rules. However, ICANN has done nothing to address NDC's subterfuge, or VeriSign's end-run around the New gTLD Program.

I affirm that the foregoing statement is true and correct to the best of my knowledge and belief.



John L. Kane

Date: 15 October 2018

ANNEX A
TABLE OF NEW GTLD CONTENTION SET RESOLUTIONS

New gTLD	Contention Set Status	Contention Set Resolution Method³¹
AFRICA	Resolved	Private
APARTMENTS	Resolved	Private
APP	Resolved	ICANN Auction (25 Feb. 2015) Winning Price: USD 25,001,000
ART	Resolved	Private
AUCTION	Resolved	Private
AUDIO	Resolved	Private
AUTO	Resolved	Private
BABY	Resolved	ICANN Auction (17 Dec. 2014) Winning Price: USD 3,088,888
BAND	Resolved	Private
BANK	Resolved	Private
BAR	Resolved	Private
BASEBALL	Resolved	Private
BASKETBALL	Resolved	Private
BEAUTY	Resolved	Private
BET	Resolved	Private
BINGO	Resolved	Private
BLOG	Resolved	Private
BOATS	Resolved	Private
BOOK	Resolved	Private
BOX	Resolved	Private
BROADWAY	Resolved	Private
BROKER	Resolved	Private
BUY	Resolved	ICANN Auction (17 Sep. 2014) Winning Price: USD 4,588,888
CAFÉ	Resolved	Private
CAM	Resolved	Private
CARS / CAR	Resolved	Private
CASA	Resolved	Private
CASINO	Resolved	Private
CHARITY	Resolved	Private
CHAT	Resolved	Private
CHURCH	Resolved	Private
CITY	Resolved	Private
CLOCK	Resolved	Private
CLOUD	Resolved	Private

³¹ All auction amounts are in USD and based on information provided by ICANN. See ICANN, New gTLD Auction Results, available at <https://gtdresult.icann.org/applicationstatus/auctionresults> (last visited 26 July 2018).

CLUB	Resolved	Private
COACH	Resolved	Private
COLLEGE	Resolved	Private
CONSTRUCTION	Resolved	Private
CORP	Resolved	ICANN Board Resolution (4 Feb. 2014)
COUNTRY	Resolved	Private
COUPON	Resolved	Private
COUPONS	Resolved	Private
CPA	On-Hold	--
CRICKET	Resolved	Private
CRUISE	Resolved	Private
DATA	Resolved	Private
DDS	Resolved	Private
DEAL	Resolved	Private
DEALS	Resolved	Private
DELIVERY	Resolved	Private
DESI	Resolved	Private
DESIGN	Resolved	Private
DEV	Resolved	Private
DIET	Resolved	Private
DIRECT	Resolved	Private
DISCOUNT	Resolved	Private
DIY	Resolved	Private
DOCS	Resolved	Private
DOCTOR	Resolved	Private
DOG	Resolved	Private
DOT	Resolved	ICANN Auction (19 Nov. 2014) Winning Price: USD 700,000
DRIVE	Resolved	Private
EARTH	Resolved	Private
ECO	Resolved	Private
ENERGY	Resolved	Private
EXPERT	Resolved	Private
EXPRESS	Resolved	Private
FAMILY	Resolved	Private
FASHION	Resolved	Private
FILM	Resolved	Private
FISH	Resolved	Private
FISHING	Resolved	Private
FIT	Resolved	Private
FLOWERS	Resolved	Private
FOOD	Resolved	Private
FOOTBALL	Resolved	Private
FORSALE	Resolved	Private
FORUM	Resolved	Private

FREE	Resolved	Private
FUN	Resolved	Private
FURNITURE	Resolved	Private
FYI	Resolved	Private
GAME / GAMES	Resolved	Private
GARDEN	Resolved	Private
GAY	On-Hold	--
GDN	Resolved	Private
GIFT	Resolved	Private
GIFTS	Resolved	Private
GLOBAL	Resolved	Private
GMBH	Resolved	Private
GOLD	Resolved	Private
GOLF	Resolved	Private
GOO	Resolved	Private
GRATIS	Resolved	Private
GREEN	Resolved	Private
GROCERY	Resolved	Private
GROUP	Resolved	Private
GUARDIAN	Resolved	Private
GUIDE	Resolved	Private
HAIR	Resolved	Private
HEALTH	Resolved	Private
HELP	Resolved	Private
HOCKEY	Resolved	Private
HOME	Resolved	ICANN Board Resolution (4 Feb. 2014)
HOSTING	Resolved	Private
HOT	Resolved	Private
HOTEL	On-Hold	--
HOTELS / HOTEIS	Resolved	ICANN Auction (18 Nov. 2015) Winning Price: USD 2,200,000
IMMO	Resolved	Private
INC	Resolved	Private
INSURANCE	Resolved	Private
JEWELRY	Resolved	Private
JUEGOS	Resolved	Private
KID / KIDS	Active	Private
LATINO	Resolved	Private
LAW	Resolved	Private
LAWYER	Resolved	Private
LEGAL	Resolved	Private
LIFE	Resolved	Private
LIVE	Resolved	Private
LIVING	Resolved	Private
LLC	Resolved	Private

LLP	Resolved	Private
LOANS	Resolved	Private
LOL	Resolved	Private
LOVE	Resolved	Private
LTD	Resolved	Private
LUXURY	Resolved	Private
MAIL	Resolved	ICANN Board Resolution (4 Feb. 2014)
MAP	Resolved	Private
MARKETING	Resolved	Private
MBA	Resolved	Private
MED	Resolved	Private
MEDIA	Resolved	Private
MEMORIAL	Resolved	Private
MERCK	On-Hold	--
MLS	Resolved	ICANN Auction (17 Dec. 2014) Winning Price: USD 3,359,000
MOBILE	Resolved	Private
MOM	Resolved	Private
MONEY	Resolved	Private
MONSTER	Resolved	Private
MOTO	Resolved	Private
MOVIE	Resolved	Private
MUSIC	On-Hold	--
NEWS	Resolved	Private
NOW	Resolved	Private
OKASKA	Resolved	Private
ONE	Resolved	Private
ONLINE	Resolved	Private
PARTY	Resolved	Private
PAY	Resolved	Private
PET / PETS	Resolved	Private
PHD	Resolved	Private
PHONE	Resolved	Private
PHOTOGRAPHY	Resolved	Private
PING	Resolved	ICANN Auction (25 Mar. 2015) Winning Price: USD 1,501,000
PIZZA	Resolved	Private
PLACE	Resolved	Private
PLAY	Resolved	Private
PLUS	Resolved	Private
POKER	Resolved	Private
PROPERTY	Resolved	Private
RACING	Resolved	Private
RADIO	Resolved	Private
REALESTATE	Resolved	Private

REALTY	Resolved	ICANN Auction (22 Oct. 2014) Winning Price: USD 5,588,888
RED	Resolved	Private
RENT	Resolved	Private
RESTAURANT	Resolved	Private
REVIEW	Resolved	Private
RIP	Resolved	Private
RUGBY	Resolved	Private
RUN	Resolved	Private
SALE	Resolved	Private
SALON	Resolved	ICANN Auction (22 Oct. 2014) Winning Price: USD 5,100,575
SARL	Resolved	Private
SAS	Resolved	Private
SAVE	Resolved	Private
SCHOOL	Resolved	Private
SCIENCE	Resolved	Private
SEARCH	Resolved	Private
SECURE	Resolved	Private
SECURITY	Resolved	Private
SEX	Resolved	Private
SHOP	Resolved	ICANN Auction (27 Jan. 2016) Winning Price: USD 41,501,000
SHOPPING	Resolved	Private
SHOW	Resolved	Private
SITE	Resolved	Private
SKI	Resolved	Private
SOCCER	Resolved	Private
SPA	On-Hold	--
SPORT / SPORTS	Resolved	Private
SPOT	Resolved	ICANN Auction (22 Oct. 2014) Winning Price: USD 2,200,000
SRL	Resolved	ICANN Auction (25 Mar. 2015) Winning Price: USD 400,000
STORAGE	Resolved	Private
STORE	Resolved	Private
STREAM	Resolved	Private
STUDIO	Resolved	Private
STYLE	Resolved	Private
SUCKS	Resolved	Private
TALK	Resolved	Private
TAXI	Resolved	Private
TEAM	Resolved	Private
TECH	Resolved	ICANN Auction (17 Sep. 2014) Winning Price: USD 6,760,000

TENNIS	Resolved	Private
THEATER	Resolved	Private
TICKETS	Resolved	Private
TIRES	Resolved	Private
TOUR / TOURS	Resolved	Private
TRADING	Resolved	Private
TUBE	Resolved	Private
UNICOM / UNICORN	Resolved	Private
VIDEO	Resolved	Private
VIP	Resolved	ICANN Auction (17 Sep. 2014) Winning Price: USD 3,000,888
VOTE	Resolved	Private
WEB / WEBS	On-Hold	ICANN Auction (27 July 2016) Winning Price: USD 135,000,000 / USD 1
WEBSITE	Resolved	Private
WEDDING	Resolved	Private
WEIBO	Resolved	Private
WINE	Resolved	Private
WORLD	Resolved	Private
WOW	Resolved	Private
YOGA	Resolved	Private
YOU	Resolved	Private
YUN	Resolved	Private
信息	Resolved	ICANN Auction (4 June 2014) Winning Price: USD 600,000
娱乐	Resolved	Private
广东	Resolved	Private
微博	Resolved	Private
点看 / 點看	Resolved	Private
盛貿飯店/ 盛貿饭店	Resolved	Private
网址	Resolved	Private
网店	Resolved	Private
网站	Resolved	Private

LIST OF EXHIBITS

Exhibit No.	Description
JLK-1	ICANN, <i>gTLD Applicant Guidebook</i> (4 June 2012)
JLK-2	ICANN, New gTLD Application Change Request Process and Criteria, <i>available at</i> https://newgtlds.icann.org/en/applicants/global-support/change-requests (last accessed on 5 Sep. 2018)
JLK-3	ICANN, Base Registry Agreement (31 July 2017)
JLK-4	Email Communications between .WEB Applicants (<i>various dates</i>)
JLK-5	Email from J. Kane to H. Lubsen (7 July 2016)
JLK-6	<i>Ruby Glen, LLC v. ICANN</i> , Case No. 2:16-cv-05505 (C.D. Ca.), Exhibit D to Declaration of Christine Willett in Support of ICANN's Opposition to Plaintiff's <i>Ex Parte</i> Application for Temporary Restraining Order (25 July 2016)
JLK-7	Letter from ICANN to .Web Auction Members (13 July 2016)
JLK-8	Verisign, <i>Verisign Statement Regarding .Web Auction Results</i> (1 Aug. 2016)
JLK-9	Letter from S. Hemphill (Afilias) to A. Atallah (ICANN) (8 Aug. 2016)
JLK-10	Letter from S. Hemphill (Afilias) to A. Atallah (ICANN) (9 Sep. 2016)
JLK-11	Letter from C. Willett (ICANN) to J. Kane (Afilias) (16 Sep. 2016)
JLK-12	Letter from J. Kane (Afilias) to C. Willett (ICANN) (7 Oct. 2016)
JLK-13	Letter from A. Ali (Counsel for Afilias) to C. Chalaby (Chairman, ICANN Board) regarding DIDP Request 20180223-1 (23 Feb. 2018)
JLK-14	Communication to A. Ali (Counsel for Afilias) regarding Response to DIDP Request 20180223-1 (24 Mar. 2018)
JLK-15	Letter from A. Ali (Counsel for Afilias) to ICANN Board of Directors (16 Apr. 2018)
JLK-16	Afilias Domains No. 3 Limited Reconsideration Request (23 Apr. 2018)
JLK-17	Letter from A. Ali (Counsel for Afilias) to ICANN Board of Directors regarding ICANN's Response to DIDP Request No. 20180223-1 (23 Apr. 2018)
JLK-18	Letter from J. LeVee (Jones Day) to A. Ali (Counsel for Afilias) (28 Apr. 2018)
JLK-19	Email from A. de Gramont (Counsel for Afilias) to J. LeVee (Jones Day) (14 June 2018)
JLK-20	Email and attachments from J. LeVee (Jones Day) to A. de Gramont (Counsel for Afilias) (16 June 2018)