

September 10, 2002

ICANN .org Evaluation Committee

Dear Sirs:

ISOC: SUPPLEMENTAL QUESTION NO. 7

We refer to the undated letter from Afilias Limited (“Afilias”) regarding the provision of “documentation supporting Afilias’ rebuttal” of allegations allegedly made by AusRegistry Pty. Ltd. (“AusRegistry”), a copy of which is attached for identification purposes and ease of reference.

1. As a preliminary matter, AusRegistry has not made the allegation quoted by Afilias in its letter.

Unity Registry SA commented on Section 9: Transition Considerations of ISOC, but we understand that they also have not made the quoted allegation referred to in the letter from Afilias.

2. More importantly, however, and as you will note from the letter from Afilias there is an issue about whether the documentation provided to you by Afilias is confidential and whether the use or disclosure of such documentation would result in a breach of obligations of confidentiality owed to AusRegistry or Registrars Asia Pty. Ltd. (“RegistrarsAsia”). Refer also the “Supplemental Schedule to ISOC’s Request for Confidential Treatment” attached to the letter from Afilias.

We do not wish to interfere with the timely consideration of the review by ICANN of proposals from applicants seeking to become the successor operator for .org, but as we trust you will appreciate we are not in a position to waive any confidentiality we may have in relation to documentation of which we have not had an opportunity to review ourselves.

Likewise (given that ICANN has been put on notice by Afilias that such information may be commercially sensitive confidential information of AusRegistry or RegistrarsAsia (not of Afilias)), we are not (at this stage) able to advise whether the consideration or review, disclosure or use of such documentation by ICANN would cause ICANN to breach its duties to AusRegistry or RegistrarsAsia nor are we able to consent to the review, consideration, disclosure or use of such information by ICANN until we have been provided with and reviewed such documentation.

(We do note that Afilias have provided a schedule of such documentation, but it is important (as we trust you will appreciate) for us to review the actual documentation itself.)

We therefore request that you undertake to AusRegistry not to consider or review, disclose or use such information:

- (a) until we have been provided with copies of, and had an opportunity to review, such documentation; and
- (b) without providing us with at least 14 days prior notice of your intention to consider or review, disclose or use such information.

In that regard, a copy of this correspondence is being sent to Afilias with a request that they provide us with copies of the documentation in the sealed box accompanying their letter for our review and comment.

As we trust you will appreciate, we expressly reserve all of our rights in relation to such information.

Yours faithfully,
AUSREGISTRY PTY. LTD.



SIMON DELZOPPO
Director

cc: Afilias Limited