



SUBMITTED VIA PUBLIC COMMENT FORUM AT:

January 31, 2017

Internet Corporation for Assigned Names and Numbers (“ICANN”)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
Email: didp@icann.org

Re: PUBLIC COMMENTS FOR UPDATED SUPPLEMENTARY PROCEDURES FOR INDEPENDENT REVIEW PROCESS (IRP) (<https://www.icann.org/public-comments/irp-supp-procedures-2016-11-28-en>)

Dear ICANN:

As the CEO of Dot Registry, LLC (“Dot Registry”), I submit the following public comments.

Dot Registry previously provided written submission of its public comments relating to the 2016 Draft New ICANN Bylaws¹. Dot Registry remains opposed to any process by which anyone, other than a neutral third party, can review an IRP Declaration. Constructing a “Standing Panel” of ICANN insiders or having an “Ombudsman” perform an IRP review when the Ombudsman is reviewed and compensated by the ICANN Board, will only lead to bias, impartiality, conflicts of interest, corruption, and/or discrimination. To date, there is no viable outside independent check on the ICANN Board, including IRP Declarations due to the litigation waiver contained in the Application and Applicant Guidebook.

Accountability Mechanisms, contained in ICANN’s Bylaws, are the only means for an aggrieved party to seek recourse for ICANN Board and ICANN staff actions and/or inactions. The ICANN Board has a 99% success rate at rejecting Reconsideration Requests and enjoys a greater than 75% success rate at prevailing in an IRP. Additionally, an IRP will cost over \$1 million USD. ICANN has managed to stack the odds against an aggrieved party before this issue(s) are even brought to light.

Therefore, there must be a viable mechanism in place for an independent review of IRP Declarations so that the review is applied neutrally and objectively and with fairness and integrity. Dot Registry’s position is that any challenge or review related to an IRP Declaration should only be made in a court of competent jurisdiction.

DOT REGISTRY, LLC

Sincerely,

Shaul Jolles,
Chief Executive Officer

A handwritten signature in black ink, appearing to read "S. Jolles", written over a horizontal line.

¹ See Draft New ICANN Bylaws, Report of Public Comments, at: <https://www.icann.org/public-comments/draft-new-bylaws-2016-04-21-en>