

DECLARATION OF EIU Contact Information Redacted

I, EIU Contact Information Redacted, declare as follows:

1. I am the EIU Contact Information Redacted of The Economist Intelligence Unit (“EIU”) and have been employed by the EIU for seventeen years. I have personal knowledge of the matters set forth herein and am competent to testify thereto. I am responsible for all business and content aspects of the EIU’s public policy business, which includes relationships with governments, regulators, NGOs and non-profits. I have led the EIU’s engagement with ICANN since the EIU first responded to ICANN’s Request for Proposals in 2009. I negotiated the EIU’s services contract with ICANN and have communicated regularly during the last six years with ICANN’s senior management on the gTLD program. During this time, I also served as EIU Contact Information Redacted for EIU’s work on behalf of ICANN.

2. I make this declaration in conjunction with the Independent Review proceeding that Dot Registry has initiated against ICANN, ICDR Case No. 01-14-0001-5004. I understand that the Panel in the proceeding has ordered that certain documents in ICANN’s possession that reflect communications with the EIU should be produced to Dot Registry, and the EIU does not object to this disclosure in connection with the Panel’s work. Indeed, ICANN has now posted on its website the contract between ICANN and the EIU. As discussed herein, however, the EIU requests that the disclosure be limited for use in the Independent Review proceeding only so that these documents do not enter the public realm, for example, by being posted on ICANN’s website or used by other gTLD applicants.

3. The EIU is a privately held company working as a vendor to ICANN. We are not a gTLD decision-maker but simply a consultant to ICANN. Beginning in 2010, when we began contract discussions with ICANN, the EIU made it clear to ICANN that its public involvement in the application review process should be limited. The parties agreed that EIU, while performing its contracted functions, would operate largely in the background, and that ICANN would be solely responsible for all legal matters pertaining to the application process. Although the names of all vendors, including EIU, were disclosed on the ICANN website, ICANN assured us that the EIU would have no direct involvement with the applicants.

4. One of the EIU's functions was to perform Community Priority Evaluations or "CPE" for gTLD applicants that submitted the necessary paperwork to have their applications considered as "community" applications. Dot Registry is one such applicant. In this regard, ICANN told the EIU that the EIU's work papers would not be disclosed or published beyond a limited number of general-process documents. The EIU therefore had an expectation of privacy and believes that it would be inappropriate for our communications with ICANN to be at risk of public release.

5. Release of our communications with ICANN would undoubtedly have a chilling effect on future communications between EIU and ICANN, and could compromise the quality of future Community Priority Evaluations. All gTLD applications are evaluated in accordance with the gTLD Applicant Guidebook (the "Guidebook"), and there are occasions where questions arise as to processes under the Guidebook. Accordingly, the EIU and ICANN have engaged in many discussions around processes (e.g., issuing clarifying questions to applicants) and ensuring that the analysis

set forth in the evaluation results is clear, concise and consistent with the Guidebook. This has, at times, necessitated wide-ranging discussions. Such open and frank discussions would be much less likely to occur if the EIU knew that its communications with ICANN were subject to public disclosure. As a result, if the Panel orders the production of documents without confidentiality protections, the EIU is quite concerned that the quality and consistency of future CPE determinations would be negatively impacted.

6. There is also a significant risk that an applicant or other party to the application process – including Dot Registry and other applicants that have been involved in the CPE process or have monitored CPE applications of other applicants – will take an email or other communication between ICANN and the EIU out of context, thereby misinterpreting or misunderstanding it or the ultimate result of the EIU’s work. Indeed, by definition, any excerpt taken from an e-mail or other document will be out of context (for example, a single word, phrase, or data point) because it is only a snapshot of a long and iterative process. From the EIU’s perspective, this poses substantial reputational risk to the company because inaccurate, inappropriate or incorrect judgments could be made about EIU’s role and views based on individual communications. The EIU is part of The Economist Group, a well-known and highly regarded publishing company, publisher of The Economist magazine. Given the adversarial nature of ICANN’s accountability processes—disappointed applicants hiring legal counsel to challenge ICANN’s processes—the EIU and its parent company face considerable, and we believe inappropriate, reputational risk. The EIU has always strictly followed the procedures laid out in the Guidebook. The reputation of EIU and its parent firm, which have been

carefully built and preserved over more than 170 years, should not be subject to damage in the public arena because of administrative or legal challenges that are solely and exclusively the province of ICANN.

7. Although it is our understanding that, under the Guidebook and the application that all gTLD applicants submitted, gTLD applicants are not entitled to file lawsuits against ICANN or its vendors (including the EIU) to challenge ICANN's determinations, we remained concerned that disappointed applicants may seek legal redress against the EIU. While such suits would be groundless and frivolous, the EIU would be forced to defend them, imposing potentially considerable costs on our company.

8. The EIU is performing its CPE services for ICANN under a fixed price-per-application process. Administrative challenges by applicants to ICANN have, of necessity, required the further and extensive participation of EIU staff; this has already posed a considerable cost and resource burden on EIU, which we are unlikely to be able to recover from ICANN. If our communications with ICANN are at risk of disclosure through the current process, other disappointed applicants are likely to seek similar redress. This could open the floodgates and compel ICANN to make additional and extensive requests of EIU, imposing yet more costs on EIU (such as additional consultations with our legal counsel, document review, etc).

9. Finally, if the IRP Panel rejects ICANN's request to keep the EIU's documents confidential, the EIU would, at a minimum, request that the names of any individuals employed by, or working for, EIU be redacted from emails or other documents that are produced. The Guidebook does not require the disclosure of these names to applicants, and the EIU has not disclosed any of the names to applicants. There

is considerable risk to the personal safety of our staff if these names are published. On a number of occasions during the CPE period, applicants and other third parties have improperly contacted EIU staff or contractors regarding evaluations. ICANN has explicitly stated that such contact by applicants and third parties with EIU staff and contractors should not happen. Nonetheless, it has occurred. More importantly, a reading of blogs, web posts and other public communications associated with the ICANN application process makes it clear that some members of the wider community are hostile, angry and feel aggrieved by the new gTLD process. We believe it would be extremely inappropriate to place our staff at risk of harassment, or of personal harm, by potentially disclosing their identities through any of the ICANN administrative proceedings.

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and accurate. This declaration was signed on April 13th, 2015 at 4:30pm.

EIU Contact Information Redacted