



25 August 2016

Dear Göran Marby,

The Nameshop New gTLD application remains obstructed in the New gTLD process after several evaluation hurdles in its path, especially by ICANN's convenient *ex-post facto* rulemaking on its evaluation of the Nameshop Change Request for the string .Internet, as well as in the evaluation of its applicant support request. The request, which conformed to all criteria listed in the Applicant Guidebook and its Amendment regarding change requests, were denied without reason and to this day remain unexplained; moreover, the stipulated review and reconsideration processes extended the roadblocks to the timely delegation of the applied for string - .Internet.

Most of the Board Members recused themselves from New gTLD issues to cause Board decisions on new gTLD matters possibly decided without a due quorum. Such action by the responsible members of the ICANN Board denied their valuable expertise on new gTLD matters. On various communications sent by Nameshop, the Board and CEO were unresponsive and have been noticeably silent on significant questions and on the several points raised. The Board Reconsideration Committee perpetuated the unfairness by refusing to look into the substance of the issues and by refusing to reexamine the various points in good faith.

When Nameshop invoked the Cooperative Engagement Process (CEP), ICANN appointed the Head of ICANN's Legal Department as its Representative in the CEP. ICANN limited the scope of the CEP, which was fraught with delays, cancellations, and exhibited a total unwillingness to address the issues in good faith. During the very few occasions when there was any interaction, ICANN's pre-determined 'legal' postures proved to be far removed from justice. Most poignantly, ICANN unilaterally dictated and determined the flow of the CEP and declared the CEP closed.

Nameshop then approached the Office of the Ombudsmen for a neutral and independent intervention, but the Ombudsmen rashly dismissed the case brought before them without due examination and with the remark, "The underlying problem is that you are never going to have any prospect at all of getting this string. It doesn't matter what accountability processes you use, you are on a completely hopeless and lost cause." This statement conveys a predetermination on the part of the ICANN Board and Staff to unfairly deny Nameshop the

string .Internet. As a result, the Ombudsmen's rulings reflect internal communications and collusion between ICANN and the Ombudsmen.

There is a visible injustice in the manner in which ICANN treated the Nameshop New gTLD application during the evaluation and reconsideration processes, which can be seen from the records of all communication already available with you, copies of which can be furnished by Nameshop if required.

Nameshop formally sent a letter to the CEO and the Board over four months ago through the Cooperative Engagement Process. Neither the CEO nor the Board has responded to the letter (attached), which addresses ICANN's concerns in delegating the string .Internet to Nameshop based in India. Even before a response to this letter was received, the Cooperative Engagement Process was abruptly, unilaterally, and forcefully closed; this action is in total disregard of the objections made by Nameshop. All of these actions were not in good faith.

Both the CEO and the Chair have refrained from paying due and adequate attention to the issues surrounding the Nameshop application. Even at this stage, before moving to judicial processes, Nameshop remains steadfast in working amicably with ICANN. As such, Nameshop is formally requesting a meeting with you, as the CEO of ICANN, to review the history, address the unfairness and lack of due process that has occurred up to this point, and discuss the delegation of .Internet to Nameshop.

Please send us a time and location of your choosing to begin these discussions in good faith to address any and all concerns.

We look forward to your reply

Best regards,

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Nameshop

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