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May 14, 2013

VIA E-MAIL

Mr. Tom Simotas
International Centre for Dispute Resolution
1633 Broadway, 10th Floor
New York, NY 10019
SimotasAt@adr.org

Re: *VeriSign Inc. vs. United TLD Holdco Ltd.* (50 504 T 0229 13)
– Consolidation of Objections

Dear Mr. Simotas:

This firm represents United TLD Holdco Ltd. (“United TLD”). We write in response to dot Agency Limited’s April 24, 2013 email regarding the proposed consolidation of the objections filed by VeriSign, Inc. (“VeriSign”) to applications for the .cam gTLD filed by United TLD, dot Agency Limited, and AC Webconnecting Holding B.V. (collectively the “Applicants”).

United TLD opposes dot Agency Limited’s proposal to consolidate these objections pursuant to Article 12 of ICANN’s Procedure and respectfully requests that the Centre not consolidate these objections. Consolidation has the potential to prejudice the Applicants if all Applicants’ arguments are evaluated collectively, without regard to each Applicant’s unique plan for the .cam gTLD and their arguments articulating why such plans would *not* cause confusion. Moreover, consolidation could result in the disclosure of proprietary and confidential information among competitors.

Although dot Agency Limited asserts that VeriSign’s objections should be “identical in each case,” each Applicant may have a different basis for responding to these objections. Consolidating these objections and evaluating their merits collectively to reach a universal ruling has the potential to harm one or more of the Applicants. Similar reasoning is applied by U.S. Courts, which typically do not allow consolidation of trademark claims by a single plaintiff against multiple unrelated parties because allegations of infringement relating to a single trademark or patent by one plaintiff against multiple defendants generally is not sufficient to satisfy the “transaction-or-occurrence” requirement to join multiple parties under Fed. R. Civ. Proc. 20. *See In re EMC Corp.*, 677 F.3d 1351, 1357 (Fed. Cir. 2012); *see also Golden Scorpio Corp. v. Steel Horse Bar & Grill*, 596 F. Supp. 2d 1282, 1285 (D. Ariz. 2009) (holding that “allegations against multiple and unrelated defendants for acts of patent, trademark, and copyright infringement do not support joinder under Rule 20(a)”); *SB Designs v. Reebok Int’l, Ltd.*, 305 F. Supp. 2d 888, 892 (D.Ill. 2004) (“The fact that the

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** STRATEGIC ALLIANCE

defendants allegedly violated the same trademark does not mean that plaintiffs' claims against them arise out of the same transaction or occurrence.”).

United TLD has a unique proprietary plan for the *.cam* gTLD that should be evaluated independently. Consolidation likely would result in Applicants and third parties gaining valuable competitive information about one another and their separate plans for *.cam* that could adversely affect them in the next phase of the gTLD application process when the Applicants might participate in an auction to determine ownership of the *.cam* gTLD. Consolidation at this stage, therefore, is improper.

If, however, the Centre decides to consolidate these objections, United TLD requests that the Centre permit Applicants to redact sensitive business information from those copies of their responses served on other Applicants to prevent the prejudice that otherwise would result from forcing companies with different, proprietary plans for *.cam* to disclose their plans to competitors. United TLD further requests that, if the objections are consolidated, that the Centre order VeriSign to keep confidential information designated as proprietary business information by the Applicants until such time as one of the Applicants is given the right to commercialize *.cam*. While United TLD recognizes that VeriSign should be permitted to review the unredacted submissions of each of the Applicants, it should not be permitted to disclose this information to Applicants or third parties, which otherwise could materially impact the outcome of an auction between the Applicants.

Thank you very much for your attention to these concerns.

Yours sincerely,



Ian C. Ballon

cc:

United TLD Holdco, LTD (via email)

VeriSign, Inc, (via email)

AC Webconnecting Holding B.V. (via email)

dot Agency Limited (via email)