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8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES - CENTRAL**
11

12 DOTCONNECTAFRICA TRUST, a Mauritius
13 charitable trust,

14 Plaintiff,

15 v.

16 INTERNET CORPORATION FOR
17 ASSIGNED NAMES AND NUMBERS, a
California corporation; ZA Central Registry, a
18 South African non-profit company, and DOES
1 through 50, inclusive,

19 Defendants.
20

Case No. BC607494

[Assigned for all purposes to Hon. Howard L.
Halm, Dept. 53]

**REPLY DECLARATION OF SOPHIA
BEKELE ESHETE IN SUPPORT OF
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION**

Date: February 2, 2017
Hearing: 8:30 a.m.
Courtroom: 53

1 **DECLARATION OF SOPHIA BEKELE ESHETE**

2 I, Sophia Bekele Eshete, hereby declare as follows:

3 1. I am the founder and executive director of DotConnectAfrica Trust (“DCA”) and I
4 coordinated DCA’s application for the .Africa generic Top-level Domain (“gTLD”). The matters
5 referred to in this declaration are based upon my personal knowledge, and if called as a witness, I
6 could and would testify competently thereto.

7 2. Contrary to what Defendant Internet Corporation for Assigned Names and
8 Numbers (“ICANN”) and Intervenor ZA Central Registry (“ZACR”), DCA is a Trust dully
9 incorporated under the laws of Mauritius.

10 3. DCA Registry is also a legal entity incorporated under the laws of Kenya, and
11 wholly-owned by DCA, that will be responsible for the operation of the .Africa gTLD if it is
12 awarded to its parent company, DCA. Thus, if DCA were precluded from being awarded the
13 .Africa gTLD, both DCA and DCA Registry would be harmed. DCA Registry has also been active
14 and participates in various meetings and trainings as indicated by the press-releases issued by
15 DCA at the following links: [http://archive.constantcontact.com/fs123/1102516344150/archive](http://archive.constantcontact.com/fs123/1102516344150/archive/1112726519810.html)
16 [/1112726519810.html](http://archive.constantcontact.com/fs123/1102516344150/archive/1113857527436.html); [http://archive.constantcontact.com/fs123/1102516344150/archive/1113](http://archive.constantcontact.com/fs123/1102516344150/archive/1113857527436.html)
17 [857527436.html](http://archive.constantcontact.com/fs123/1102516344150/archive/1113857527436.html). I have also stated in my deposition that DCA Registry is engaged in
18 communications services such as website, blogging, media dissemination, and technical support
19 services. The only reference made in my deposition to “not doing anything” was that of .Africa
20 gTLD.

21 4. ICANN claims to be unaware of the April 16, 2010 purported withdrawal letter
22 from the AUC. However, on various occasions in communicating with ICANN, I referred to the
23 letter. Attached hereto as **Exhibit A** is a true and correct copy of a November 22, 2010 letter that
24 I sent to ICANN, that refers to the April 16, 2010 letter from the AUC.

25 5. In response to the AUC’s letter, I also wrote another letter on May 20, 2010,
26 clarifying DCA’s explanation that it “fully supported the ICANN open process for application and
27 [that it was] quite confident based on [its] due diligence, to be one of the leading contenders.” In
28 this correspondence, DCA did not mean that it supported the AUC’s Request for Proposal, but

1 rather ICANN’s open process for applying for the .Africa gTLD. Attached hereto as **Exhibit B** is
2 a true and correct copy of the May 20, 2010 letter that I sent to the AUC along with the email.

3 6. At various times, DCA objected to the endorsements submitted by ZACR in support
4 of its endorsements, even before the application process opened and sensitized the issue to ICANN
5 that ZACR is misrepresenting their endorsements publicly. Attached hereto as **Exhibit C** is a true
6 and correct copy of an April 2, 2013 letter I wrote to ICANN objecting to the endorsement from
7 Namibia for ZACR. Similar to other endorsement letters that ZACR submitted during its
8 application, the purported endorsement letter submitted on Namibia’s behalf, endorses the AUC’s
9 reserved-names initiative, which was already rejected by ICANN in response to the request,
10 however, appropriated by ZACR as its own for application at ICANN. Despite, ICANN accepted
11 these 30 + endorsements.

12 7. I have reviewed ZACR’s endorsement letters attached to the Reply Declaration of
13 Sara C. Colón as **Exhibit 1**, and only found that four of the attached letters reference ZACR
14 (known as Uniform ZA at that time) by name.

15 8. DCA also objected to the fact that ZACR had various inconsistencies and issues
16 with its application including background screening, legal and administrative oversight issues,
17 application submission on behalf of the “African Community”, misrepresentation of its
18 endorsements, legal rights, and financial capability. As to the extent of my knowledge, ICANN
19 made no response to DCA’s submission of its objections to the evaluators. DCA’s objections are
20 publicly available on ICANN’s website and attached hereto as **Exhibit D**.

21 9. ICANN was also well-aware of the issues of the AUC’s April 16, 2010 letter and
22 the objections by DCA to the AUC’s Request for Proposal through the press releases issued on
23 DCA’s website. DCA’s website tracks through email who has reviewed and sent such press
24 releases, and members of ICANN were involved.

25 10. DCA also made clear its concerns with ICANN’s processing of DCA’s application
26 after the IRP had concluded, ICANN’s haste in adopting a board resolution prior to the next
27 scheduled ICANN Board meeting, and ICANN countenance of ZACR’s commentary and concerns
28 with the processing of DCA’s application through the remainder of the of the new gTLD process.

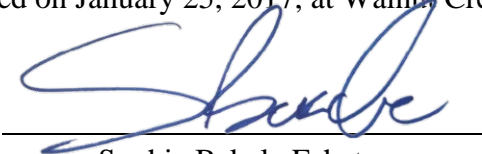
1 Attached hereto as **Exhibit E** is a true and correct copy of a letter that DCA sent ICANN on July
2 21, 2015.

3 11. Even after ICANN was found at fault for accepting the GAC’s improper
4 advice, ICANN Board Chairman wrote to the GAC post-IRP, and stated that the ICANN
5 Board would reconsider any additional advice or information the GAC presented to it, in the
6 event that DCA’s application was successful. DCA fought this action successfully by
7 responding to the ICANN Board’s that communication as well, and attached hereto as **Exhibit**
8 **F** is a true and correct copy of DCA’s letter to ICANN.

9 12. DCA also raised its objection with ICANN as to the July 20, 2015 letter written
10 by UNECA Secretary of the Commission and Legal Advisory claiming that UNECA’s
11 endorsement of DCA should not be considered valid. DCA pointed out that the letter was in
12 response to a request by the AUC and various other legitimate issues as to why it is not valid
13 with the July 20, 2015 letter. A true and correct copy of DCA’s October 13, 2015 letter to
14 ICANN is attached hereto as **Exhibit G**.

15 13. DCA received little or no response from ICANN as to the letters sent and issues
16 raised.

17
18
19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed on January 25, 2017, at Walnut Creek, California.

21
22 
23 _____
24 Sophia Bekele Eshete