Atallah Exhibit 1

INDEPENDENT REVIEW PROCESS

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION

AMAZON EU S.À R.L., Claimant, and INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS, Respondent.	ICDR CASE NO. 01-16-0000-7056

WITNESS STATEMENT OF AKRAM ATALLAH

ATALLAH
EXHIBIT 1

I, Akram Atallah, declare:

Witness Background

1. I am the Interim President and Chief Executive Officer for the Internet Corporation for Assigned Names and Numbers ("ICANN"), a position I have held since 16 March 2016. Before that, I was the President, Global Domains Division of ICANN from July 2013. Before that, I was Chief Operating Officer of ICANN from September 2010. In these roles, I have been extensively involved in the design and operation of ICANN's New gTLD Program. A major part of my responsibilities has been to gather information for and to brief ICANN Board's New gTLD Program Committee Board, as well as other Board committees, on matters pertinent to their oversight and decision-making responsibilities. I have personal knowledge of the matters set forth herein and am competent to testify as to those matters.

Role of the GAC Under the ICANN Bylaws

2. The Governmental Advisory Committee ("GAC") is an advisory committee established by Article XI, Section 2(1) of ICANN's Bylaws. Accompanying Exhibit R-1 is a current version of ICANN's Bylaws, as amended 11 February 2016. The version of Article XI, Section 2(1) of the Bylaws in Exhibit R-1 was in effect throughout 2013.

3. According to the Bylaws, membership in the GAC is open to all "national governments," and also to "Distinct Economies as recognized in international fora, and multinational governmental organizations and treaty organizations" when invited by the GAC. *See* Bylaws Art. XI, § 2(1)(b). The Bylaws establish this role for the GAC:

> a. The Governmental Advisory Committee should consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.

Bylaws Art. XI, § 2(1)(a).

4. The Bylaws discuss how the GAC advises the Board, and how the Board responds to that advice:

> i. The Governmental Advisory Committee may put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies.
>
> j. The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the ICANN Board determines to take an action that is not consistent with the Governmental Advisory Committee advice, it shall so inform the Committee and state the reasons why it decided not to follow that advice. The Governmental Advisory Committee and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.
>
> k. If no such solution can be found, the ICANN Board will state in its final decision the reasons why the Governmental Advisory Committee advice was not followed, and such statement will be without prejudice to the rights or obligations of Governmental Advisory Committee members with regard to public policy issues falling within their responsibilities.

Bylaws Art. XI, § 2(1)(i)-(k). As can be seen, the Bylaws require the Board to take the GAC's advice duly into account and must consult with the GAC in the event it does not follow GAC advice.

5. The GAC has adopted Operating Principles that provide additional principles about how the GAC formulates advice for the ICANN Board of Directors and the effect of that advice after the Board receives it. The GAC Operating Principles have been amended from time to time. The version of the GAC Operating Principles in effect in 2013 is accompanying Exhibit R-2.

6. The GAC Operating Principles cover advice to the Board in Principles 46-48:

> **ARTICLE XII – PROVISION OF ADVICE TO THE ICANN BOARD**
>
> **Principle 46**
>
> Advice from the GAC to the ICANN Board shall be communicated through the Chair.

Principle 47

The GAC works on the basis of seeking consensus among its membership. Consistent with United Nations practice, consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection. Where consensus is not possible, the Chair shall convey the full range of views expressed by members to the ICANN Board. (Footnote omitted).

Principle 48

The GAC may deliver advice on any other matter within the functions and responsibilities of ICANN, at the request of the ICANN Board or on its own initiative. The ICANN Board shall consider any advice from the GAC prior to taking action.

The New gTLD Program

7. Following several years of extensive discussions and analysis by Internet stakeholders acting through the ICANN process, ICANN's Generic Names Supporting Organization ("GNSO") issued a Final Report to the Board on the Introduction of New Generic Top-Level Domains, dated 11 September 2007. A copy of that report is available at http://gnso.icann.org/en/issues/new-gtlds/council-report-to-board-pdp-new-gtlds-11sep07.pdf, and is accompanying Exhibit R-3.

8. Addressed to the ICANN Board, the report recommended that new generic top-level domains ("gTLDs") be introduced to the Internet Domain-Name System ("DNS"). It also set forth various principles, recommendations, and guidelines for the introduction. After public comment, on 26 June 2008 the ICANN Board adopted the GNSO's policy recommendations for the introduction of new gTLDs and directed the ICANN staff to complete its detailed implementation plan, to be provided to the Board for the Board and community to approve before the new gTLD introduction process would be launched. *See* Resolutions 2008.06.26.02 and 2008.06.26.03, Adopted Board Resolutions (26 Jun. 2008), Complainant Ex. C-3.

9. The ICANN staff prepared an implementation plan in the form of an "Applicant Guidebook" ("AGB" or "Guidebook"). A first draft of the Guidebook, entitled "New gTLD

Program: Draft Applicant Guidebook (Draft RFP)," was posted on ICANN's website on or about 24 October 2008. Comments were invited, and a subsequent draft was prepared to address the comments. This process was repeated many times as public comments were incorporated. The result was a final version dated 4 June 2012, Complainant Exhibit C-20.

10. The following table lists the various drafts:

Date	Draft
24 Oct 2008	New gTLD Program: Draft Applicant Guidebook (Draft RFP)
18 Feb 2009	Draft Applicant Guidebook, Version 2
30 May 2009	Excerpts Organized Per Module (Partial revision by update)
2 Oct 2009	Draft Applicant Guidebook, Version 3
15 Feb 2010	Revisions to some excerpts
31 May 2010	Draft Applicant Guidebook, Version 4
12 Nov 2010	gTLD Applicant Guidebook, Proposed Final Version
15 Apr 2011	gTLD Applicant Guidebook, April 2011 Discussion Draft
30 May 2011	gTLD Applicant Guidebook
9 Sep 2011	gTLD Applicant Guidebook, Version 2011-09-19
11 Jan 2012	gTLD Applicant Guidebook, Version 2012-01-11
4 Jun 2012	gTLD Applicant Guidebook, Version 2012-06-04

Evolution of the Guidebook's Provisions Governing the GAC's Role

11. The first version of the Guidebook (published 24 Oct 2008) did not fully specify procedures under which GAC advice on applications would be implemented in the process of evaluating applications that raised public policy matters. The first draft of the Guidebook is accompanying Exhibit R-4. Instead, the first draft only required ICANN to consult the GAC regarding gTLDs intended to represent geographical entities. Indeed, the following excerpt is the only mention of the GAC in the first version of the Guidebook:

2.1.1.4.1 Requirements for Strings Intended to Represent Geographical Entities

> The evidence of support or non-objection from the relevant government or public authority should include a signed letter of support or non-objection from the minister with the portfolio responsible for domain name administration, ICT, foreign affairs or the Office of the Prime Minister or President of the relevant jurisdiction. If there are reasons for doubt about the authenticity of the communication, **ICANN will consult with** the diplomatic authorities or **members of ICANN's Governmental Advisory Committee for the government or public authority concerned on the competent authority and appropriate point of contact with their administration for communications.**
>
> (Emphasis supplied).

12. In various communications, the GAC raised concerns with the Board about the limited procedures to receive GAC advice on applications, as contemplated by early versions of the Guidebook. Relatedly, the GAC proposed amendments that would elaborate on its role in the gTLD process. The GAC's proposals included, for example, allowing governments to utilize the Independent Objector to voice their objections and allowing the GAC to perform an initial review of gTLD applications. *See* ICANN Board-GAC Consultation: Objection Procedures, Sensitive Strings, Early Warning (21 Feb. 2011), Ex. R-5; GAC indicative scorecard on new gTLD outstanding issues listed in the GAC Cartagena Communiqué, Ex. R-6.

13. In early 2011, in light of the GAC's various concerns and suggestions, several meetings took place between the ICANN Board and the GAC to define the GAC's involvement in the Guidebook and gTLD application process in more detail. Following a meeting that took place on 28 February and 1 March 2011, the GAC and the Board agreed that a "procedure for GAC review will be incorporated into the new gTLD process. The GAC may review the posted applications and provide advice to the ICANN Board." *See* Letter from Mr. Peter Dengate Thrush to Ms. Heather Dryden regarding Documenting the Board/GAC Brussels consultation, Complainant Ex. C-13. Following additional consultations between ICANN's Board and the GAC, the Board agreed on several recommendations, including that "[t]he current application evaluation process flow be augmented . . . . GAC Early Warning and GAC Advice on New

gTLDs can be applied to any application, e.g., sensitive, community, sector, or geographic strings of any type." *See* New gTLD Program Explanatory Memorandum: GAC and Government Objections; Handling of Sensitive Strings; Early Warning (15 Apr. 2011) at 2, Ex. R-7; *see also* Revised ICANN Notes on: the GAC New gTLD Scorecard, and GAC Comments to Board Response at 3, Ex. R-8.

14. On 15 April 2011, ICANN released a version of the Guidebook, which greatly elaborated on the role of GAC advice in the New gTLD Program. *See* Applicant Guidebook (15 April 2011 version), Ex. R-9. This version of the Guidebook contained a new section 3.1, formally stating the GAC's role in evaluating gTLD applications:

> **3.1 GAC Advice on New gTLDs**
>
> ICANN's Governmental Advisory Committee was formed to consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.
>
> The process for GAC Advice on New gTLDs is intended to address applications that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities.
>
> GAC members can raise concerns about any application to the GAC. The GAC as a whole will consider concerns raised by GAC members, and agree on GAC advice to forward to the ICANN Board of Directors.
>
> The GAC can provide advice on any application. For the Board to be able to consider the GAC advice during the evaluation process, the GAC advice would have to be submitted by the close of the Objection Filing Period (see Module 1).
>
> ICANN's transparency requirements indicate that GAC Advice on New gTLDs should identify objecting countries, the public policy basis for the objection, and the process by which consensus was reached. To be helpful to the Board, the explanation might include, for example, sources of data and the information on which the GAC relied in formulating its advice.
>
> GAC Advice may take several forms, among them:
>
> > I. If the GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed, that will create a strong presumption for ICANN

> that the application should not be approved. In the event that the ICANN Board determines to approve an application despite the consensus advice of the GAC, the GAC and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution. In the event the Board determines not to accept the GAC Advice, the Board will provide a rationale for its decision.
>
> II. If the GAC provides advice that does not indicate the presence of a GAC consensus, or any advice that does not state that the application should not proceed, such advice will be passed on to the applicant but will not create any presumption that the application should be denied, and such advice would not require the Board to undertake the process for attempting to find a mutually acceptable solution with the GAC should the application be approved. Note that in any case, that the Board will take seriously any other advice that GAC might provide.
>
> III. If the GAC advises ICANN that GAC consensus is that an application should not proceed unless remediated, this will raise a strong presumption for the Board that the application should not proceed. If there is a remediation method available in the Guidebook (such as securing government approval), that action may be taken. However, material amendments to applications are generally prohibited and if there is no remediation method available, the application will not go forward and the applicant can re-apply in the second round.
>
> Where GAC Advice on New gTLDs is received by the Board concerning an application, ICANN will endeavor to notify the relevant applicant(s) promptly and the applicant will have a period of 21 calendar days in which to submit a response to the ICANN Board.
>
> ICANN will consider the GAC Advice on New gTLDs as soon as practicable. The Board may consult with independent experts, such as those designated to hear objections in the New gTLD Dispute Resolution Procedure, in cases where the issues raised in the GAC advice are pertinent to one of the subject matter areas of the objection procedures. The receipt of GAC advice will not toll the processing of any application.

15. Section 3.1's procedures for GAC advice on applications were indicated to be separate and independent from other aspects of the process for evaluation applications, including Initial Evaluation (String Reviews and Applicant Reviews), Extended Evaluation (at an applicant's request), Public Objection and Dispute Resolution Process (comprising String Confusion Objections, Legal Rights Objections, Limited Public Interest Objections, and Community Objections, including those brought by the Independent Objector).

16. The 15 April 2011 version of the Guidebook also contained several other revisions

related to the GAC's role, including:

> (a) the addition of the GAC Early Warning System;
>
> (b) an admonition that, with respect to Geographic Names Requiring Government Support, "ICANN has committed to governments that, in the event of a dispute between a government (or public authority) and a registry operator that submitted documentation of support from that government or public authority, ICANN will comply with a legally binding order from a court in the jurisdiction of the government or public authority that has given support to an application."

17. The 15 April 2011 version of the Guidebook was promptly posted to ICANN's website so all applicants – including Amazon –would have notice of these important changes.

18. In response to the new version of the Guidebook, the GAC stated "that further discussions [were] needed between the GAC and the ICANN Board to find a mutually agreed and understandable formulation for the communication of actionable GAC consensus advice regarding proposed new gTLD strings." Accompanying Exhibit R-10 is the GAC comments on the Guidebook (15 April 2011 version).

19. The separate role of GAC Advice was reflected in section 3.2 (discussing various types of Public Objections) of the draft Guidebook, published in May 2011, which states:

> As described in section 3.1 above [concerning GAC advice], ICANN's Governmental Advisory Committee has a designated process for providing advice to the ICANN Board of Directors on matters affecting public policy issues, and these objection procedures would not be applicable in such a case. The GAC may provide advice on any topic and is not limited to the grounds for objection enumerated in the public objection and dispute resolution process.

Accompanying Exhibit R-11 is the Guidebook, 30 May 2011 version.

20. Shortly thereafter, in a letter to the ICANN Board, the GAC recommended that ICANN remove references indicating that "future GAC early warnings and advice must contain particular information or take a specified form," to provide flexibility in view of the many contexts in which advice could be given. *See* Letter from Ms. Heather Dryden to Mr. Peter Dengate Thrush, Singapore Communiqué Annex (18 Jun. 2011), Ex. R-12. At a June 2011

meeting between the Board and GAC, the Board addressed the GAC's concerns and clarified that there was "absolutely no intention to direct to the GAC either its processes or the wording it should use in corresponding and giving advice to the board." Accompanying Exhibit R-13 is the Transcript of ICANN New gTLDs and Applicant Guidebook Meeting with Board/GAC, dated 19 June 2011. The ICANN Board then formally instructed ICANN staff to "to remove references indicating that future Early Warnings or Advice must contain particular information or take specified forms" from the Guidebook. Accompanying Exhibit R-14 is the Singapore Approved Board Resolutions, dated 20 June 2011. All of the exhibits mentioned in this paragraph were posted on ICANN's website soon after they were created, so that they were available to members of the public.

21. At the ICANN Dakar Meeting in October 2011, the GAC "further discussed and decided on the formulation of GAC advice for inclusion in Module 3 of the Applicant Guidebook." The GAC Dakar Communiqué recommended a formal mechanism for "GAC members [to] raise concerns about any application to the GAC. The GAC as a whole will consider concerns raised by GAC members, and agree on GAC advice to forward to the ICANN Board of Directors." Accompanying Exhibit R-15 is the GAC Dakar Communiqué.

22. ICANN published a new version of the Guidebook in January 2012. The new version incorporated advice from the GAC Dakar Communiqué, and included the following language: "if the Board receives GAC Advice on New gTLDs stating that it is the consensus of the GAC that a particular application should not proceed, this will create a strong presumption for the ICANN Board that the application should not be approved." Accompanying Exhibit R-16 is a Summary of Changes to the New gTLD Applicant Guidebook, which was posted on ICANN's website or about 11 January 2012. The current version of the Guidebook incorporates

the language recommended by the GAC Dakar Communiqué. Complainant Exhibit C-20 is the New gTLD Applicant Guidebook, dated 4 June 2012.

23. The provisions for GAC advice in the final version of the Guidebook can be summarized as follows: The GAC's role is to "provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues." The GAC's special advisory role is accompanied by an Early Warning mechanism through which public-policy concerns of governments regarding an application can be (but are not necessarily) expressed soon after the application is made public. As stated in Section 1.1.2.4 of the Guidebook, "This provides the applicant with an indication that the application is seen as potentially sensitive or problematic by one or more governments." This provides the applicant with an opportunity to work with governments to address the concerns, or alternatively to withdraw the application. If the concerns are not ameliorated, "GAC members can raise concerns about any application to the GAC. The GAC as a whole will consider concerns raised by GAC members, and agree on GAC advice to forward to the ICANN Board of Directors." Guidebook, § 3.1. If the Board receives GAC advice stating a consensus among the GAC members that a particular application should not proceed, it will "create a strong presumption for the ICANN Board that the application should not be approved." Guidebook, § 1.1.2.7.

The New gTLD Program Committee

24. To further facilitate the implementation of the gTLD program, the ICANN Board created the New gTLD Program Committee ("NGPC") in April 2012:

> In order to have efficient meetings and take appropriate actions with respect to the New gTLD Program for the current round of the Program and as related to the Applicant Guidebook, the Board decided to create the "New gTLD Program Committee" in

> accordance with Article XII of the Bylaws and has delegated decision making authority to the Committee as it relates to the New gTLD Program for the current round of the Program which commenced in January 2012 and for the related Applicant Guidebook that applies to this current round.

See Rationale for Resolutions 2012.04.10.01-2012.04.10.04, Ex. R-17.

25. The ICANN Board decommissioned the NGPC in October 2015 because the reasons for the NGPC's formation no longer existed:

> Whereas, in order to have efficient meetings and take appropriate actions with respect to the New gTLD Program, on 10 April 2012, the Board took action to create the New gTLD Program Committee ("NGPC") in accordance with Article XII of the Bylaws.
>
> Whereas, the Board delegated decision-making authority to the NGPC as it relates to the New gTLD Program for the current round of the Program and for the related Applicant Guidebook that applies to this current round.
>
> Whereas, the reasons that led to the formation of the NGPC no longer exist as they did at formation.
>
> Whereas, the Board Governance Committee ("BGC") has considered the necessity of maintaining the NGPC as a standing committee of the Board, and recommended that the Board decommission the NGPC.
>
> Resolved (2015.10.22.15), the ICANN Board New gTLD Program Committee is hereby decommissioned.
>
> Resolved (2015.10.22.16), the Board wishes to acknowledge and thank the NGPC Chair and all of its members for the considerable energy, time, and skills that members of the NGPC brought to the oversight of the 2012 round of the New gTLD Program.

Accompanying Exhibit R-18 is Resolutions 2015.10.22.15 and 2015.10.22.16, dated 22 October 2015.

How the GAC Fulfilled Its Obligations With Respect to .AMAZON.

26. In response to the application submitted by Amazon EU S.à r.l. ("Amazon") for the .AMAZON gTLD, on 20 November 2012, the GAC issued, on behalf of the Governments of Brazil and Peru, an Early Warning to Amazon to note "concern regarding the application for the generic top-level domain (gTLD) '.AMAZON.'" The Early Warning cautioned Amazon that it should be "taken seriously as it raises the likelihood that the application could be the subject of

GAC Advice." As stated in the Early Warning, the concerns concerning the .AMAZON gTLD expressed in the Early Warning were threefold. First, the concerned governments wanted to ensure that the Amazon region states could carry out their functions, because "[g]ranting exclusive rights to this specific gTLD to a private company would prevent the use of this domain for purposes of public interest related to the protection, promotion and awareness raising on issues related to the Amazon biome." Second, the concerned GAC members were concerned that the .AMAZON gTLD string overlapped with the "Amazon Cooperation Treaty Organization," which "coordinates initiatives in the framework of the Amazon Cooperation Treaty, signed in July 1978 by Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname and Venezuela." Third, the Early Warning noted that the .AMAZON gTLD was not supported by the governments of the Amazon region, namely, Brazil, Peru, Bolivia, Ecuador, Guyana, and Argentina. Complainant Exhibit C-22 is the GAC Early Warning – Submittal Amazon-BR-PE-58086.

27. GAC members Peru and Brazil submitted supplemental notes in the Early Warning that the GAC issued about the .AMAZON gTLD, stating the importance of the "Amazon" name to their respective regions. Peru noted that the Amazon river is the world's largest river and is of particular importance to Peru, because 2969 km of the river runs through Peruvian territory, and the "peruvian [sic] Amazon region comprises 61% of the total territory of Peru." As such, the "Amazon territory's importance for Peru is reflected in the various international cooperation programs." Brazil voiced the importance of protecting geographic names that "refer to regions that encompass peoples, communities, historic heritages and traditional social networks whose public interest could be affected by the assignment, to private entities, of gTLDs that directly refer to those spaces." Complainant Exhibit C-22 is the GAC Early Warning – Submittal

Amazon-BR-PE-58086.

28. According to Amazon, it subsequently held discussions with GAC members Brazil and Peru with the goal of reaching an agreement that respected the "needs of the Amazonia Region." The parties had not reached agreement. *See* Letter from Stacey King, Corporate Counsel for Amazon, to GAC Chair Heather Dryden, Complainant Ex. C-35.

29. In the GAC Beijing Communiqué issued in April 2013, the GAC advised that it had "identified certain gTLD strings where further GAC consideration may be warranted, including at the GAC meetings to be held in Durban," but noted that it had not completed its deliberations. It advised the ICANN Board to "not proceed beyond Initial Evaluation with the following strings: ... [including] .amazon (and IDNs in Japanese and Chinese)." Accompanying Exhibit R-19 is the GAC Beijing Communiqué, dated 11 April 2013.

30. Pursuant to section 3.1 of the Guidebook, ICANN posted the GAC Beijing Communiqué, which triggered the twenty-one day applicant response period. On 10 May 2013, in a letter addressed to ICANN's Chairman of the Board, Amazon responded to the GAC Beijing Communiqué and objected to the recommendation that the GAC provide "further consideration" regarding the .AMAZON gTLD before allowing it to proceed. Specifically, Amazon took the positions that delay was improper because: (i) the GAC Beijing Communiqué undermined ICANN's community-developed policy regarding geographic names; (ii) delay for "further consideration" was a process not contemplated by the Guidebook and could perpetually delay the processing of applications; (iii) the governments of Brazil and Peru acted improperly by attempting to block the .AMAZON applications at the GAC Beijing Meeting; (iv) the governments of neither Brazil nor Peru filed community objections to the .AMAZON applications, and; (v) Amazon has valuable trademark and intellectual property interests in its

name. Amazon also reiterated that it was in ongoing negotiations with the GAC representatives from both Brazil and Peru, but maintained that despite "our willingness to reach a mutually agreeable solution, we should not be forced to negotiate under continual GAC 'consideration,' holding up our applications to the detriment of business because the GAC was not able to reach consensus." Complainant Exhibit C-30 is Amazon's GAC Advice Response Form for Applicants, dated 10 May 2013.

31. The NGPC considered both the GAC advice communicated in the GAC Beijing Communiqué and Amazon's responses, and decided to accept the GAC's advice. Accordingly, the NGPC stated that ICANN would not "proceed beyond initial evaluation of these identified strings [including .AMAZON]. In other words, ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings for now." Accompanying Exhibit R-20 is the ANNEX 1 to NGPC Resolution No. 2013.06.04, dated 4 June 2013. *See also* NGPC Rationale for Resolution 2013.06.04.NG01 (4 Jun. 2013), Ex. R-21.

32. Before the GAC Durban Meeting, the United States, which purportedly had expressed concerns preventing GAC consensus at the Beijing meeting regarding the .AMAZON string, submitted a public statement that it would "abstain and remain neutral on … .amazon (and IDNs in Japanese and Chinese) … thereby allowing the GAC to present consensus objections on these strings to the Board, if no other government objects." Complainant Exhibit C-34 the U.S. Statement on Geographic Names in Advance of ICANN Durban Meeting, dated July 2013.

33. Also prior to the Durban meeting, Argentina, Brazil, Chile, Peru and Uruguay submitted a joint, publicly available statement reiterating that .AMAZON is "a geographic name that represents important territories of some of our countries, which have relevant communities,

with their own culture and identity directly connected with the name." As such, these countries expressed that the GAC Durban Meeting was "an important opportunity for the GAC to give a clear mandate following the current principles for new gTLDs, approving the GAC advice proposals submitted by Brazil and Peru for '.amazon', addressed to the ICANN Board in order to reject this application." Complainant Exhibit C-39 is these governments' Statement on ".amazon" and other strings containing geographic names, dated 13 July 2013.

34. On 16 July 2013, at the ICANN Meeting in Durban, South Africa, the GAC held a plenary session where objections to the applications, including those for .AMAZON and equivalent names in Chinese and Japanese characters, were discussed. During the meeting, which was open to the public, the Brazilian and Peruvian governments reiterated several of their concerns, along the lines of those expressed in the GAC Early Warning, and urged that the GAC advise ICANN against allowing the applications for .AMAZON to proceed. Several other countries – including South Africa, Sri Lanka, Trinidad and Tobago, Russia, China, Argentina, and Thailand – voiced their support for the position expressed by Brazil and Peru, and no country stated opposition to that position. At the conclusion of the plenary meeting, GAC Chair Dryden found consensus in support of the objection on Amazon's applications:

> So I am now asking you in the committee whether there are any objections to a GAC consensus objection on the applications for dot Amazon, which would include their IDN equivalents. I see none. Would anyone like to make any comments on the string dot Amazon. I see none. Okay. So it is decided…

Complainant Exhibit C-40 is a transcript of the GAC Open Plenary session, dated 16 July 2013.

35. In the GAC Durban Communiqué, issued two days later, the GAC presented its advice on .AMAZON (and the two equivalents) to the ICANN Board:

> The GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following applications: The application for .amazon (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5591) (Citation omitted).

Accompanying Exhibit R-22 is the GAC Communiqué – Durban, South Africa, dated 18 July 2013.

36. ICANN also conducted a Public Forum at the Durban Meeting, where members of the public could make presentations to the Board. During the forum, which was held on 18 July 2013, several speakers commented on the GAC's advice regarding .AMAZON. Stacy King, Corporate Counsel for Amazon, spoke on behalf of Amazon, and stated that "We disagree with these recommendations and object to the material changes to the rules. If this board ignores the guidebook and accepts these recommendations, you will be allowing fundamental changes to the very nature and value of this multistakeholder process." Heather Forrest, the expert for Amazon in the current IRP proceedings, presented the results of her study on the states' rights with respect to geographic names, in which she found that "there is not support in international law for priority or exclusive right of states in geographic names and found that there is support in international law for the right of non-state others in geographic names." *See* Transcript of the Durban – ICANN Public Forum (18 July 2013), Complainant Ex. C-42.

37. On 23 August 2013, Amazon submitted to the ICANN Board a GAC Advice Response Form in response to the GAC Durban Communiqué. Amazon's response was 20 pages long and included six exhibits, for a total of 316 pages of material. Amazon argued that "the GAC Advice as it relates to the AMAZON Applications should be rejected because it (1) is inconsistent with international law; (2) would have discriminatory impacts that conflict directly with ICANN's Governing Documents; and (3) contravenes policy recommendations implemented within the [Guidebook] achieved by international consensus over many years" (Citations omitted). Amazon also requested that "**the NGPC obtain, before it considers the GAC Advice against the AMAZON Applications, independent expert advice on the**

protection of geographic names in international law generally and the violations of relevant principles of international law and applicable conventions and local law represented by the GAC Advice." Accompanying Exhibit R-23 is Amazon's GAC Advice Response Form for Applicants, dated 23 August 2013 (emphasis supplied).

38. Consistent with Amazon's request in bold above, the NGPC "commissioned an independent, third-party expert to provide additional analysis on the specific issues of application of law at issue, which may focus on legal norms or treaty conventions relied on by Amazon or governments." Accompanying Exhibit R-24 is ANNEX 1 to ICANN NGPC Resolution No. 2014.02.05.NG01: GAC Advice (Beijing, Durban, Buenos Aires): Actions and Updates.

39. The expert chosen was Jérôme Passa, a professor at the Université Panthéon-Assas (in Paris). Professor Passa was asked to opine whether on "legal grounds in the field of intellectual property law relating, in particular, to the rules of international law or fundamental principles, ICANN would be **bound**: to assign the new gTLD in question to its applicant, or, to the contrary, to refuse to assign it" (Emphasis in original). Professor Passa concluded that there was "no rule of international, or even regional or national, law applicable in the field of geographical indications" that obliged ICANN to either accept or reject Amazon's gTLD application for .AMAZON. Complainant Exhibit C-48 is the Expert Report of Professor Jérôme Passa, dated 31 March 2014.

40. On 14 April 2014, in a letter addressed to the ICANN Board, Amazon expressed agreement with Professor Passa's "core conclusions" which, as Amazon then purported to explain at length, compelled a finding that: "(1) Existing law on sovereign rights and geographical indications does not support blocking .AMAZON, and (2) Granting .AMAZON would not prejudice the objecting governments as they may still represent the Amazonia region

through future geographical gTLDs" (Citations omitted). *See* Amazon's Response to M. Passa's Expert Report on .AMAZON (and related IDN's), Ex. R-25.

41. In addition to commissioning Professor Passa's report, the NGPC extensively discussed the issues presented by the GAC advice on .AMAZON (together with the two equivalent strings) during the period after the GAC Durban Communiqué was issued in July 2013 and before the NGPC adopted the GAC's advice in May 2014. Indeed, the .AMAZON string was discussed during six NGPC meetings during this time. *See* NGPC Minutes (10 Sep 2013), Ex. R-26; NGPC Minutes (28 Sep. 2013), Ex. R-27; NGPC Minutes (9 Jan. 2014), Ex. R-28; NGPC Minutes (5 Feb. 2014), Ex. R-29; NGPC Minutes (22 Mar. 2014), Ex. R-30; NGPC Minutes (29 Apr. 2014), Ex. R-31.

42. After these extensive deliberations, on 14 May 2014, the NGPC accepted the GAC's advice and decided that the applications for .AMAZON and its Chinese and Japanese equivalents would not proceed. In reaching its decision, the NGPC noted that, "[a]s part of its consideration of the GAC advice, ICANN posted the GAC advice and officially notified applicants of the advice... and the NGPC has considered [Amazon's] response as part of its deliberations on the GAC advice." The NGPC also considered the findings of Professor Passa, as well as correspondence from Amazon and several interested governments. The NGPC also identified numerous other documents – including the Guidebook, the GAC Early Warning on .AMAZON, and several GAC Communiqués – that it consulted, and were instrumental, in reaching its decision. The NGPC accepted the GAC's advice:

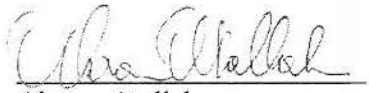
> The action being approved today is to accept the GAC's advice to the ICANN Board contained in the GAC's Durban Communiqué stating that it is the consensus of the GAC that the applications for .AMAZON [and related IDNs] should not proceed. The New gTLD Applicant Guidebook (AGB) provides that if "GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed, this will create a strong presumption for the ICANN Board that the application should not be approved."

> (AGB § 3.1) To implement this advice, the NGPC is directing the ICANN President and CEO (or his designee) that the applications for .AMAZON [and related IDNs] filed by Amazon EU S.à r.l. should not proceed.

Complainant Exhibit C-54 is NGPC Approved Resolutions, dated 14 May 2014.

43. On 29 May 2014, Amazon filed a Reconsideration Request concerning the NCPC's acceptance of the GAC advice in the Durban Communiqué. Amazon alleged that, in passing Resolution 2014.05.14.NG03, "the NGPC (1) disregarded material information, (2) relied on false and inaccurate material information, (3) failed to take material action, and (4) took action in violation of GNSO-created policy and ICANN's own Articles of Incorporation, Bylaws and Affirmation of Commitments." Complainant Exhibit C-59 is Amazon's Request for Reconsideration, dated 29 May 2014. After considering Amazon's Reconsideration Request and its supporting exhibits – including the Passa report – the Board Governance Committee (BGC) concluded, based on an extensive analysis, that Amazon had not stated a proper basis for reconsideration. *See* Recommendation of the Board Governance Committee (BGC) on Reconsideration Request 14-27, Complainant Ex. C-65. The NGPC then considered the issues raised in Reconsideration Request 14-27 and accepted the BGC's recommendation that Reconsideration Request 14-27 be denied. Complainant Exhibit C-68 is the NGPC Approved Resolutions, dated 8 September 2014.

I affirm that the foregoing is true and correct to the best of my knowledge. Dated April 13, 2016.



Akram Atallah

Atallah Exhibit 2

Attendance at NGPC Meetings After the July 2013 Durban Communiqué at Which .AMAZON Was Discussed

	9/10/2013 Special Meeting	9/28/2013 Regular Meeting	1/09/2014 Regular Meeting	2/05/2014 Regular Meeting	3/22/2014 Regular Meeting	4/29/2014 Regular Meeting	5/14/2014 Regular Meeting
Exhibit	**R-26**	**R-27**	**R-28**	**R-29**	**R-30**	**R-31**	**R-83; C-055**
Location	Telephone	Los Angeles, CA	Telephone	Los Angeles, CA	Singapore	Pasadena, CA	Telephone
Directors in Attendance	• Cherine Chalaby (Committee Chairman) • Fadi Chehadé (President and CEO, ICANN) • Chris Disspain • Bill Graham • Olga Madruga-Forti • Erika Mann • Ray Plzak • George Sadowsky • Mike Silber • Kuo-Wei Wu	• Cherine Chalaby • Fadi Chehadé • Chris Disspain • Bill Graham • Olga Madruga-Forti • Erika Mann • Gonzalo Navarro • Ray Plzak • George Sadowsky • Mike Silber • Kuo-Wei Wu	• Cherine Chalaby • Fadi Chehadé • Chris Disspain • Bill Graham • Bruno Lanvin • Olga Madruga-Forti • Gonzalo Navarro • Ray Plzak • George Sadowsky	• Cherine Chalaby • Fadi Chehadé • Chris Disspain • Bill Graham • Olga Madruga-Forti • Erika Mann • Gonzalo Navarro • Ray Plzak • George Sadowsky • Mike Silber • Kuo-Wei Wu	• Cherine Chalaby • Fadi Chehadé • Steve Crocker (Board Chairman) • Chris Disspain • Bill Graham • Bruno Lanvin • Erika Mann • Ray Plzak • George Sadowsky • Mike Silber • Kuo-Wei Wu	• Cherine Chalaby • Fadi Chehadé • Steve Crocker • Chris Disspain • Bill Graham • Bruno Lanvin • Olga Madruga-Forti • Erika Mann • Gonzalo Navarro • Ray Plzak • George Sadowsky • Mike Silber • Kuo-Wei Wu	• Cherine Chalaby • Fadi Chehadé • Steve Crocker • Chris Disspain • Bill Graham • Olga Madruga-Forti • Gonzalo Navarro • George Sadowsky • Mike Silber
Non-Voting Liaisons in Attendance	• Jonne Soininen (IETF Liaison) • Francisco da Silva (TLG Liaison)	• Jonne Soininen (IETF Liaison) • Francisco da Silva (TLG Liaison)	• Jonne Soininen (IETF Liaison)	• Jonne Soininen (IETF Liaison)	• Jonne Soininen (IETF Liaison)	• Jonne Soininen (IETF Liaison)	• Jonne Soininen (IETF Liaison) • Suzanne Woolf (RSSAC Liaison)
Observers in Attendance	• Heather Dryden • Bruce Tonkin (non-voting), for item 1	• Heather Dryden	• Heather Dryden	• Heather Dryden		• Heather Dryden • Rinalia Abdul Rahim (Board Member Elect)	• Heather Dryden • Rinalia Abdul Rahim

Attendance at NGPC Meetings After the July 2013 Durban Communiqué at Which .AMAZON Was Discussed

	9/10/2013 Special Meeting	9/28/2013 Regular Meeting	1/09/2014 Regular Meeting	2/05/2014 Regular Meeting	3/22/2014 Regular Meeting	4/29/2014 Regular Meeting	5/14/2014 Regular Meeting
ICANN Staff in Attendance	• Akram Atallah (President, Generic Domains Division) • John Jeffrey (General Counsel and Secretary) • Megan Bishop • Michelle Bright • Samantha Eisner • Allen Grogan • Dan Halloran • Jamie Hedlund • Elizabeth Le • Karen Lentz • Cyrus Namazi • Olof Nordling • David Olive • Karine Perset • Erika Randall • Amy Stathos • Christine Willett • Mary Wong	• Akram Atallah • John Jeffrey • Francisco Arias • Megan Bishop • Michelle Bright • Samantha Eisner • Allen Grogan • Dan Halloran • Jamie Hedlund • Elizabeth Le • Karen Lentz • Cyrus Namazi • David Olive • Karine Perset • Erika Randall • Amy Stathos • Christine Willett	• Akram Atallah • John Jeffrey • Megan Bishop (Board Support Coordinator) • Michelle Bright (Board Support Manager) • Allen Grogan (Chief Contracting Counsel) • Jamie Hedlund (Advisor to the President/CEO) • Olof Nordling (Senior Director, GAC Relations) • Karine Perset (Senior Director of Board Support) • Erika Randall (Counsel) • Amy Stathos (Deputy General Counsel) • Christine Willett (Vice President, gTLD Operations) • Mary Wong (Senior Policy Director)	• Akram Atallah • John Jeffrey • Susanna Bennett (Chief Operating Officer) • Megan Bishop • Michelle Bright • Allen Grogan • Daniel Halloran (Deputy General Counsel) • Jamie Hedlund • Elizabeth Le (Senior Counsel) • Erika Randall • Amy Stathos • Christine Willett • Mary Wong	• Akram Atallah • John Jeffrey • Susanna Bennett • Megan Bishop • Michelle Bright • Allen Grogan • Jamie Hedlund • David Olive (Vice President, Policy Development) • Cyrus Namazi (Vice President, DNS Industry Engagement) • Trang Nguyen (Director, GDD Operations) • Erika Randall • Ashwin Rangan (Chief Innovation and Information Officer) • Amy Stathos	• Akram Atallah • John Jeffrey • Megan Bishop • Michelle Bright • Xavier Calvez (Chief Financial Officer) • Samantha Eisner (Senior Counsel) • Dan Halloran • Jamie Hedlund • Marika Konings (Senior Director, Policy Development Support) • Elizabeth Le • Olof Nordling • Erika Randall • Ashwin Rangan • Amy Stathos • Christine Willett	• Akram Atallah • John Jeffrey • Megan Bishop • Michelle Bright • Samantha Eisner • Allen Grogan • Dan Halloran • Jamie Hedlund • Elizabeth Le • Cyrus Namazi • Olof Nordling • Erika Randall • Amy Stathos • Christine Willett

Atallah Exhibit 3

EXHIBIT C-054

ATALLAH
EXHIBIT 3

* Universal Acceptance Initiative
* Policy
* Public Comment
* Contact
* Help

Approved Resolutions | Meeting of the New gTLD Program Committee

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14 May 2014

1. **Consent Agenda**
   a. Approval of Minutes
2. **Main Agenda**
   a. Remaining Items from Beijing, Durban, Buenos Aires, and Singapore GAC Advice
      Rationale for Resolution 2014.05.14.NG02
   b. GAC Advice on .AMAZON (and related IDNs)
      Rationale for Resolution 2014.05.14.NG03
   c. Perceived Inconsistent String Confusion Objection Expert Determinations – Review Mechanism
   d. New gTLD Auction Rules
   e. New gTLD Program Financial Update

1. Consent Agenda:
   a. Approval of Minutes

      Resolved (2014.05.14.NG01), the ICANN Board New gTLD Program Committee (NGPC) approves the

minutes of the 22 March, 26 March and 3-4 April 2014 NGPC meetings.

2. Main Agenda:
   a. Remaining Items from Beijing, Durban, Buenos Aires, and Singapore GAC Advice

      Whereas, the GAC met during the ICANN 46 meeting in Beijing and issued a Communiqué on 11 April 2013 ("Beijing Communiqué").

      Whereas, the GAC met during the ICANN 47 meeting in Durban and issued a Communiqué on 18 July 2013 ("Durban Communiqué").

      Whereas, the GAC met during the ICANN 48 meeting in Buenos Aires and issued a Communiqué on 20 November 2013 ("Buenos Aires Communiqué").

      Whereas, the GAC met during the ICANN 49 meeting in Singapore and issued a Communiqué on 27 March 2014, which was amended on 16 April 2014 ("Singapore Communiqué").

      Whereas, the NGPC adopted scorecards to respond to certain items of the GAC's advice, which were adopted on 4 June 2013, 10 September 2013, 28 September 2013 and 5 February 2014.

      Whereas, the NGPC has developed another iteration of the scorecard to respond to certain remaining items of GAC advice in the Beijing Communiqué, the Durban Communiqué, the Buenos Aires Communiqué, and new advice in the Singapore Communiqué.

      Whereas, the NGPC is undertaking this action pursuant to the authority granted to it by the Board on 10 April 2012, to exercise the ICANN Board's authority for any and all issues that may arise relating to the New gTLD Program.

      Resolved (2014.05.14.NG02), the NGPC adopts the scorecard titled "GAC Advice (Beijing, Durban, Buenos Aires and Singapore): Actions and Updates" (14 May 2014), attached as Annex 1 [PDF, 448 KB] to this Resolution, in response to open items of Beijing, Durban, Buenos Aires and Singapore GAC advice as presented in the scorecard.

Rationale for Resolution 2014.05.14.NG02

Article XI, Section 2.1 of the ICANN Bylaws http://www.icann.org/en/about/governance/bylaws#XI permit the GAC to "put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies." The GAC issued advice to the Board on the New gTLD Program through its Beijing Communiqué dated 11 April 2013, its Durban Communiqué dated 18 July 2013, its Buenos Aires Communiqué dated 20 November 2013, and its Singapore Communiqué dated 27 March 2014 (as amended 16 April 2014). The ICANN Bylaws require the Board to take into account the GAC's advice on public policy matters in the formulation and adoption of the policies. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. The Board and the GAC will then try in good faith to find a mutually acceptable solution. If no solution can be found, the Board will state in its final decision why the GAC advice was not followed.

The NGPC has previously addressed items of the GAC's Beijing, Durban, and Buenos Aires advice, but there are some items that the NGPC continues to work through. Additionally, the GAC issued new advice in its Singapore Communiqué that relates to the New gTLD Program. The NGPC is being asked to consider accepting some of the remaining open items of the Beijing, Durban, and Buenos Aires GAC advice, and new items of advice from Singapore as described in the scorecard in Annex 1 [PDF, 448 KB] , dated 14 May 2014.

As part of its consideration of the GAC advice, ICANN posted the GAC advice on its website and officially notified applicants of the advice, triggering the 21-day applicant response period pursuant to the Applicant Guidebook Module 3.1. The Beijing GAC advice was posted on 18 April 2013 http://newgtlds.icann.org/en/announcements-and-media/announcement-18apr13-en, the Durban GAC advice was posted on 1 August 2013 http://newgtlds.icann.org/en/announcements-and-media/announcement-01aug13-en, the Buenos Aires GAC advice was posted on 11 December 2013, and the Singapore advice was posted on 11 April 2014. The complete set of applicant responses is provided at: http://newgtlds.icann.org/en/applicants/gac-advice/.

In addition, on 23 April 2013, ICANN initiated a public comment forum to solicit community input on how the NGPC should address Beijing GAC advice regarding safeguards applicable to broad categories of new gTLD strings http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm. The NGPC has considered applicant responses in addition to the community feedback in formulating its response to the remaining items of GAC advice.

As part of its deliberations, the NGPC reviewed various materials, including, but not limited to, the following materials and documents:

- GAC Beijing Communiqué: https://gacweb.icann.org/download/attachments/27132037/Final_GAC_Con version=1&modificationDate=1375787122000&api=v2 [PDF, 238 KB]
- GAC Durban Communiqué: https://gacweb.icann.org/download/attachments/27132037/Final_GAC_Con version=1&modificationDate=1374215119858&api=v2 [PDF, 104 KB]
- GAC Buenos Aires Communiqué: https://gacweb.icann.org/download/attachments/27132037/FINAL_Buenos_ version=1&modificationDate=1385055905332&api=v2 [PDF, 97 KB]
- GAC Singapore Communiqué (as amended): https://gacweb.icann.org/download/attachments/27132037/GAC_Amended_ 5B1%5D.pdf? version=1&modificationDate=1397656205000&api=v2 [PDF, 147 KB]
- Applicant responses to GAC advice: http://newgtlds.icann.org/en/applicants/gac-advice/
- Applicant Guidebook, Module 3: http://newgtlds.icann.org/en/applicants/agb/objection -procedures-04jun12-en.pdf [PDF, 261 KB]

In adopting its response to remaining items of Beijing, Durban, and Buenos Aires GAC advice, and the new Singapore advice, the NGPC considered the applicant comments submitted, the GAC's advice transmitted in the Communiqués, and the procedures established in the AGB and the ICANN Bylaws. The adoption of the GAC advice as provided in the attached scorecard will assist with resolving the GAC advice in a manner that

permits the greatest possible number of new gTLD applications to continue to move forward as soon as possible.

There are no foreseen fiscal impacts associated with the adoption of this resolution, but fiscal impacts of the possible solutions discussed will be further analyzed if adopted. Approval of the resolution will not impact security, stability or resiliency issues relating to the DNS.

As part of ICANN's organizational administrative function, ICANN posted the Singapore Communiqué and officially notified applicants of the advice on 11 April 2014. The Buenos Aires Communiqué, the Durban Communiqué, and the Beijing Communiqué were posted on 11 December 2013, 18 April 2013 and 1 August 2013, respectively. In each case, this triggered the 21-day applicant response period pursuant to the Applicant Guidebook Module 3.1.

b. GAC Advice on .AMAZON (and related IDNs)

Whereas, the GAC met during the ICANN 47 meeting in Durban and issued a Communiqué on 18 July 2013 ("Durban Communiqué").

Whereas, the GAC advised the ICANN Board in its Durban Communiqué that the GAC reached "consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following applications: [t]he application for .amazon (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5591)." This item of GAC advice is identified in the GAC Register of Advice as 2013-07-18-Obj-Amazon.

Whereas, the NGPC is undertaking this action pursuant to the authority granted to it by the Board on 10 April 2012, to exercise the ICANN Board's authority for any and all issues that may arise relating to the New gTLD Program.

Resolved (2014.05.14.NG03), the NGPC accepts the GAC advice identified in the GAC Register of Advice as 2013-07-18-Obj-Amazon, and directs the President and CEO, or his designee, that the applications for .AMAZON (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5581)

filed by Amazon EU S.à r.l. should not proceed. By adopting the GAC advice, the NGPC notes that the decision is without prejudice to the continuing efforts by Amazon EU S.à r.l. and members of the GAC to pursue dialogue on the relevant issues.

Rationale for Resolution 2014.05.14.NG03

The NGPC's action today, addressing open items of GAC advice concerning .AMAZON (and related IDNs in Japanese and Chinese), is part of the ICANN Board's role to address advice put to it by the Governmental Advisory Committee (GAC). Article XI, Section 2.1 of the ICANN Bylaws http://www.icann.org/en/about/governance/bylaws#XI permit the GAC to "put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies." The ICANN Bylaws require the Board to take into account the GAC's advice on public policy matters in the formulation and adoption of the policies. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. The Board and the GAC will then try in good faith to find a mutually acceptable solution. If no solution can be found, the Board will state in its final decision why the GAC advice was not followed.

The action being approved today is to accept the GAC's advice to the ICANN Board contained in the GAC's Durban Communiqué stating that it is the consensus of the GAC that the applications for .AMAZON (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5591) should not proceed. The New gTLD Applicant Guidebook (AGB) provides that if "GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed, this will create a strong presumption for the ICANN Board that the application should not be approved." (AGB § 3.1) To implement this advice, the NGPC is directing the ICANN President and CEO (or his designee) that the applications for .AMAZON (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5581) filed by Amazon EU S.à r.l. should not proceed. By adopting the GAC advice, the NGPC notes that the decision is without prejudice to the continuing efforts by Amazon

EU S.à r.l. and members of the GAC to pursue dialogue on the relevant issues.

As part of its consideration of the GAC advice, ICANN posted the GAC advice and officially notified applicants of the advice, including Amazon EU S.à r.l. (the applicant for .AMAZON (and related IDNs)), triggering the 21-day applicant response period pursuant to the Applicant Guidebook Module 3.1. Amazon's response to the Board is provided at: http://newgtlds.icann.org/en/applicants/gac-advice/, and the NGPC has considered this response as part of its deliberations on the GAC advice. In its response to the Board, Amazon asserted that the GAC advice should be rejected because: (1) it is inconsistent with international law; (2) the acceptance of GAC advice would be non-transparent and discriminatory, which conflicts with ICANN's governing documents; and (3) the GAC Advice contravenes policy recommendations implemented within the Applicant Guidebook and achieved through international consensus over many years.

The NGPC previously decided to further study and analyze the issues raised by the applicant and the GAC advice, and in a recent iteration of the GAC-NGPC Scorecard [PDF, 371 KB] adopted by the NGPC on 5 February 2014 noted that "ICANN has commissioned an independent, third-party expert to provide additional analysis on the specific issues of application of law at issue, which may focus on legal norms or treaty conventions relied on by Amazon or governments." The independent, third-party expert analysis [PDF, 737 KB] ("Expert Analysis") explores relevant international and local law on geographical indications, related international treaties, and principles of intellectual property law to address the specific issues of application of law at issue. Among other things, the Expert Analysis considers whether the consensus advice issued by the GAC is of such nature as to oblige ICANN to reject the application filed by Amazon, or to the contrary, whether the rules and principles cited by Amazon in its response of 23 August 2013 to the GAC's advice oblige ICANN to approve the applications for .AMAZON (and related IDNs). The Expert Analysis concludes the following:

> *As regards the application for assignment of the new gTLD '.amazon' filed by the Amazon company:*
>
> > *i) there is no rule of international, or even regional or national, law*

applicable in the field of geographical indications which obliges ICANN to reject the application;

ii) there is no rule of international, or even regional or national, law applicable in the field of intellectual property and in particular of trade marks or in the field of fundamental rights, which obliges ICANN to accept this application.

The Expert Analysis, which was considered as part of the NGPC's deliberations in adopting this resolution, was provided to the GAC as well as Amazon on 7 April 2014. ICANN provided the Expert Analysis to keep the parties informed and noted that it welcomed any additional information that the parties believed to be relevant to the NGPC in making its final decision on the GAC's advice.

In response to the 7 April 2014 communication to the GAC and Amazon, ICANN received related correspondence, including the following, which were considered as part of the NGPC's action:

- Letter [PDF, 66 KB] dated 11 April 2014 from Mr. Fernando Rojas Samanéz (Vice Minister of Foreign Affairs, Peru). The letter comments on the independent, third party advice and requests that the NGPC reject the applications for .AMAZON. The letter comments on the Expert Analysis and requests that the NGPC reject the applications for .AMAZON.
- Letter dated 14 April 2014 from Mr. Benedicto Fonseca Filho (Director, Department of Scientific and Technological Themes, Ministry of External Relations, Federative Republic of Brazil) and Mr. Virgilio Fernandes Almeida (National Secretary for Information Technology Policies, Ministry of Science, Technology and Innovation, Federative Republic of Brazil). The letter reiterates Brazil's objection to the applications for .AMAZON.
- Letter dated 14 April 2014 from Mr. Scott Hayden (Vice President, Intellectual Property – Amazon). The letter comments on the Expert Analysis and

requests that the NGPC allow the applications for .AMAZON to continue to move forward.

The NGPC considered several significant factors during its deliberations about how to address the GAC advice concerning .AMAZON (and related IDNs). The NGPC had to balance the competing interests of each factor to arrive at a decision. The concerns raised by the relevant parties highlight the difficulty of the issue. In addition to the factors highlighted above, the following are among the factors the NGPC found to be significant:

- Although the NGPC does not have the benefit of the rationale relied upon by the GAC in issuing its consensus advice in the Durban Communiqué on the applications for .AMAZON (and related IDNs), the NGPC considered the reason/rationale provided in the GAC Early Warning [PDF, 79 KB] submitted on behalf of the governments of Brazil and Peru on 20 November 2012 expressing concern regarding Amazon's application for the .AMAZON gTLD. In the Early Warning, the concerned governments indicated that among other reasons, it was requesting that Amazon withdraw its application because "[g]ranting exclusive rights to this specific gTLD to a private company would prevent the use of this domain for the purposes of public interest related to the protection, promotion and awareness raising on issues related to the Amazon biome. It would also hinder the possibility of use of this domain to congregate web pages related to the population inhabiting that geographical region." The Early Warning also explains that the applied-for string "matches part of the name, in English, of the 'Amazon Cooperation Treaty Organization', an international organization which coordinates initiatives in the framework of the Amazon Cooperation Treaty...."

- The NGPC also considered correspondence received on the matter, and takes particular note of correspondence from Amazon dated 4 July 2013 and 3 December 2013, wherein Amazon describes its "attempts to find a mutual resolution with the Governments of Brazil and Peru" concerning the .AMAZON applications, and the public interest commitments it is willing to include as contractually enforceable provisions in the Registry Agreement. Amazon indicates that it is

willing to be contractually committed to do the following:

- *Limit the registration of culturally sensitive terms such as "Amazonia," "Amazonas," and "Amazonica" under the .AMAZON new gTLD to OTCA [Organização do Tratado de Cooperação Amazônica's] and its Member Governments.*
- *Continue to engage in good faith discussions with the OTCA and its member governments to identify any other existing terms of specific cultural sensitivity.*
- *Present a Memorandum of Understanding to ICANN setting out Amazon's non-objection to any future application filed by the OTCA and/or its Member Governments for the terms ".AMAZONIA", ".AMAZONAS", or ".AMAZONICA".*

- The NGPC considered the community-developed processes established in the Applicant Guidebook, including Section 5.1 of the Applicant Guidebook, which provides that, "ICANN's Board of Directors has ultimate responsibility for the New gTLD Program. The Board reserves the right to individually consider an application for a new gTLD to determine whether approval would be in the best interest of the Internet community. Under exceptional circumstances, the Board may individually consider a gTLD application. For example, the Board might individually consider an application as a result of GAC Advice on New gTLDs or of the use of an ICANN accountability mechanism."

As part of its deliberations, the NGPC's review of significant materials included, but is not limited to the following, letters, materials and documents:

- GAC Early Warning: https://gacweb.icann.org/download/attachments/27131927/Amazon-BR-PE-58086.pdf?version=1&modificationDate=1353452622000&api=v2 [PDF, 79 KB]
- GAC Beijing Communiqué: https://gacweb.icann.org/download/attachments/27132037/Final_GAC_Con

version=1&modificationDate=1375787122000&api=v2
[PDF, 238 KB]

- GAC Durban Communiqué:
https://gacweb.icann.org/download/attachments/27132037/Final_GAC_Con
version=1&modificationDate=1374215119858&api=v2
[PDF, 104 KB]

- GAC Buenos Aires Communiqué:
https://gacweb.icann.org/download/attachments/27132037/FINAL_Buenos_
version=1&modificationDate=1385055905332&api=v2
[PDF, 97 KB]

- GAC Singapore Communiqué (Amended):
https://gacweb.icann.org/download/attachments/27132037/GAC_Amended_
5B1%5D.pdf?
version=1&modificationDate=1397656205000&api=v2
[PDF, 147 KB]

- Applicant Guidebook, Module 3:
http://newgtlds.icann.org/en/applicants/agb/objection
-procedures-04jun12-en.pdf [PDF, 261 KB]

- Applicant responses to GAC advice:
http://newgtlds.icann.org/en/applicants/gac-advice/

- Letter [PDF, 94 KB] dated 3 March 2013 from Stacey King (Sr. Corporate Counsel – Amazon).

- Letter [PDF, 68 KB] dated 4 July 2013 from Stacey King (Sr. Corporate Counsel – Amazon).

- Letter [PDF, 465 KB] dated 4 October 2013 from Mr. Ernesto H.F. Araújo (Chargé D' Affaires, a.i., Brazilian Embassy).

- Letter dated 3 December 2013 from Stacey King (Sr. Corporate Counsel – Amazon).

- Letter dated 24 December 2013 from Mr. Fernando Rojas Samanez (Vice Minister of Foreign Affairs, Peru).

- Letter [PDF, 72 KB] dated 10 January 2014 from Stacey King (Sr. Corporate Counsel – Amazon).

- Letter dated 3 March 2014 from Mr. Fernando Rojas Samanéz (Vice Minister of Foreign Affairs, Peru).

- Letter [PDF, 459 KB] dated 25 March 2014 from Ambassador Robby Ramlakhan (Secretary

General, Amazon Cooperation Treaty Organization).

- Letter [PDF, 66 KB] dated 11 April 2014 from Mr. Fernando Rojas Samanéz (Vice Minister of Foreign Affairs, Peru).
- Letter dated 14 April 2014 from Mr. Benedicto Fonseca Filho (Director, Department of Scientific and Technological Themes, Ministry of External Relations, Federative Republic of Brazil) and Mr. Virgilio Fernandes Almeida (National Secretary for Information Technology Policies, Ministry of Science, Technology and Innovation, Federative Republic of Brazil).
- Letter dated 14 April 2014 from Mr. Scott Hayden (Vice President, Intellectual Property – Amazon).

There are no foreseen fiscal impacts associated with the adoption of this resolution. Approval of the resolution will not impact security, stability or resiliency issues relating to the DNS. As part of ICANN's organizational administrative function, ICANN posted the Singapore Communiqué, the Buenos Aires Communiqué, the Durban Communiqué, and the Beijing Communiqué and officially notified applicants of the advice. In each case, this triggered the 21-day applicant response period pursuant to the Applicant Guidebook Module 3.1. Additionally, as noted above, the Expert Analysis was provided to the GAC as well as Amazon on 7 April 2014. ICANN provided the analysis to keep the parties informed and noted that it welcomed any additional information that the parties believed to be relevant to the NGPC in making its final decision on the GAC's advice.

c. Perceived Inconsistent String Confusion Objection Expert Determinations – Review Mechanism

No resolution taken.

d. New gTLD Auction Rules

No resolution taken.

e. New gTLD Program Financial Update

Item not considered.

Published on 16 May 2014

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EXHIBIT C-040

ATALLAH
EXHIBIT 4

DURBAN – GAC Open Plenary 4
Tuesday, July 16, 2013 – 10:30 to 11:30
ICANN – Durban, South Africa

CHAIR DRYDEN: Okay, everyone. If you could take your seats, let's get started again. Okay. All right. So welcome back, everyone. Just a few organizational points to keep in mind. We're circulating an attendance sheet. So if you can please fill in the attendance sheet to help us track who is here. Usually Jeannie's very good at being on top of everyone that has joined the meeting a bit later than when we started on Saturday, but she's not here, so let's do the attendance sheet to make sure we can keep a good record of who is here in attendance and participating in our meetings.

Also, a reminder that at the end of today there is a cocktail with the board, so a Board-GAC cocktail that we're all invited to join. And this is a very good informal opportunity to talk to some of our board colleagues and have an exchange with them. So I would really encourage you to come as well. The ccNSO is having its tenth anniversary and we've really come to have good working relations with our colleagues in the Country Code Name Supporting Organization so I know they would really appreciate us joining them to celebrate this event on their tenth anniversary. And so that we are able to attend the cocktail with the board, there will be special buses arranged to take us to the ccNSO anniversary event so that this can be made as smooth a process as possible for us. So again, I encourage all of you to take advantage of these opportunities to socialize and join in the celebrations with our country code colleagues.

So with that out of the way, just some notes on the agenda. As you know, we were planning to address the outstanding strings discussion in this session, but more time is needed for consultations with some GAC members, and so we have notified you via the GAC list that we have moved this to Wednesday, I think it's at 11:30 a.m. when we will have that meeting. But I do think that if we can continue this process of consultations, if I can talk to a few more colleagues and some that I have committed to come back to, then it will allow that session to go more smoothly and for us to understand how that will be conducted in advance, and I think that is in everyone's interest, given that there are some sensitivities associated, in particular with discussing those issues and those remaining strings, in that session.

So as an alternative -- Brazil, please.

BRAZIL: Good morning, Chair. Thank you. Just related to the shift of the agenda that you just announced and sent us yesterday evening, or afternoon, sorry, I would like to ask the Chair to review this proposal because in our case we brought the vice minister today to the GAC meeting just because of this discussion. And he's leaving tomorrow early. So I would like to ask the Chair and our colleagues to review this proposal to bring the issue to the same agenda that we have received in the beginning of our work some weeks ago because we have planned our delegation and the trips based on that agenda. If you could review it and if we could have the support of our colleagues, the Brazilian delegation would appreciate it.

CHAIR DRYDEN: Thank you, Brazil. So we did not receive any objections via the GAC list about this change, but I did consult with the vice chairs about this before making the change to the agenda and as I say, it's going to help us to have more time. Frankly, I just don't think we're all ready for the discussion today. However, if you are prepared to make a statement, then perhaps we can receive the statement now and then address these issues tomorrow as proposed. Brazil.

BRAZIL: Madam Chair, I made -- I'm making a statement. I would like to propose to the plenary to review this decision. If you could put today the decision of the plenary.

CHAIR DRYDEN: Thank you, Brazil. And (audio problem) I have proposed to move it to tomorrow. I do not believe we are ready for discussion of all the strings that are on the list. Consultations have been ongoing, my consultations have been ongoing, and we need more time for that. However, if you wish to make a statement about a string that is on that list, then we can hear that statement now. I think that would be a way to proceed. Okay. So I see Peru, Argentina, and the EU Commission.

PERU: Good morning, Chair, good morning, everybody. We would like to support the request from Brazil. Any GAC member has the right to ask for the review of a Chair decision, with all due respect. In our case we haven't been consulted, being main -- a country mainly interested in the discussion of dot Amazon, among other strings, and we are concerned

about the fact that this shift in the agenda may not allow enough time to have a thorough discussion of what is the main business of the GAC. So we would like to endorse what Brazil has requested and, of course, join the plea for all GAC members to review this decision of the Chair. Thank you.

CHAIR DRYDEN: Thank you, Peru. It's unfortunate that I was not aware of your views before we sat down to have this session. It would have been preferable to understand your concerns and to look at a way forward before we sat down in the plenary. So you may feel that you were not consulted, but neither have I been consulted in terms of your concerns. And of course, I -- I am happy to take note of them. Okay. So Argentina, you are next, please.

ARGENTINA: Thank you, Madam Chair. Argentina shares the same concerns as Brazil has expressed and also Peru and would like to remind you that we did a statement in the name of several of our countries of the region that we were worried about specific strings in that list of strings that have to be reviewed. Also, I would like to remind you that in Beijing the agenda was changed and was shifted to Thursday, some work that has to be done, and some of us were already scheduled to leave that day. So we would like to have more time to discuss some issues that we think are substantive important for our region. Thank you.

CHAIR DRYDEN: So as I understand it, the concern is that we won't have enough time. I believe we will. And I think the question that you are particularly interested in, the governments that have spoken so far, will be addressed very quickly. And if we can discuss it outside of this session, then I think that would be useful so that you know how it's going to be handled and what you can expect. And this is what I mean by wanting to make sure that all of the consultations in the corridors are complete so that that session can actually go very quickly and smoothly, in fact. So next I have EU Commission.

EUROPEAN COMMISSION: Thank you, Chair. I understand your concern of moving on quickly and I think it might not be the right moment to come to definitive conclusion, but I think one of the words that was also mentioned in the opening session is "empathy," far apart from efficiency and effectiveness. And I think if the delegates feel strongly about having some discussion at this stage, I would like to support the Brazilian proposal to have at least first discussion at this stage of the meeting. Thank you.

CHAIR DRYDEN: Thank you, EU Commission. Okay. Iran, you're next.

IRAN: Thank you, Madam Chairman. Yes, we understand that you have consulted some colleagues. May not be -- you may have not been able to consult others. However, we have the distinguished -- the deputy minister of Brazil here. He wants to follow the questions. We have full respect to all of our colleagues and we have to work together. I suggest

that instead of discussing an hour what to do with the agenda, you continue your consultation this morning and the provision that this afternoon you provide opportunity, at least strings that Brazil and some other countries are interested to be discussed while the deputy minister is here. So we should, I think, work collectively and friendly and leave a little bit of time, maybe afternoon you can do that. Perhaps at least you consider the possibility that give priority to these strings while our distinguished colleague from Brazil is here. We don't want to disappoint anybody and we would like -- because he might have very heavy agenda, have to leave here, and that is all. So we also support the proposals of other colleagues that have made that. We need to continue that and take into account of the concern expressed our -- by our colleagues. That is point one.

Point number two, Madam Chairman, not ask for the floor again, we have sent you a letter and we would like that tomorrow when you discuss you provide us opportunity to briefly present the thrust of our letter. Thank you.

CHAIR DRYDEN: Thank you, Iran. Chile, please.

CHILE: Thank you, Chair. Well, we circulated a document, a few of the countries of our region, the first day of this meeting and we were ex -- what you expressed regarding that statement was that you -- that was going to be discussed today. So I think that we could -- if that's good for everyone, we could at some point talk about those topics because we --

there are relevant countries here that have concerns, so I think it would be important to hear in this session what's going on and where we're standing at this point. Thank you.

CHAIR DRYDEN: Thank you, Chile. Okay. So we have some time now before we break. So for those here present that would like to comment on the outstanding strings, let's do that now. I would like to keep the time in the agenda for Wednesday as well. But as has been proposed, this is an opportunity for at least some initial discussion, taking advantage of those that are present and giving them an opportunity to make their comments today. All right. Brazil, please.

BRAZIL: Thank you, Madam Chair. I would like also to thank our colleagues that support our request. And I would like to emphasize the importance of having this discussion today as well as were planned a few months ago. So I would like to propose that we follow the suggestion of the Iran representative in having this discussion today after whom I believe at 2:30 today.

CHAIR DRYDEN: Okay. We're looking at the schedule, and we have a session planned with the ccNSO at 2:00. So depending on whether we can make changes to that, we may or may not be able to have the discussion at 2:30, as you describe. But we do have the time now, if you did want to make comments, as I say, before we break for lunchtime. So India, please.

INDIA: Thank you, Chair. Let me introduce myself. This is my first intervention at the GAC. I'm Ajay Kumar, representing government of India, and I would request the indulgence of the GAC plenary to consider a request which India has with respect to a couple of strings. These strings we had actually issued our early warning way back as per the time schedule and we had also engaged in the process of dialogue and interaction with the applicants with respect to these strings. And we were happy to work with them and to come out at an amicable solution. Unfortunately, however, while the discussions were going on and we were under the impression that we would be able to achieve a resolution, things have reached a situation where I don't think we have been able to reach a situation where we can agree to these gTLDs. I know this is beyond the deadline, but the request that I have for GAC's consideration is these two gTLDs, one is dot Indians which is very close to the ccTLD for India and the other one dot Ram which is the biggest Hindu deity in India for the biggest chunk of population in the country. Both of them have very serious concerns within the country. This matter has been considered in our government both with various stakeholders as well as with various ministries of the government and we realize that it is difficult for us to agree to these gTLDs. I understand that we are actually behind time and GAC has been proceeding and we greatly appreciate the great work which GAC has been doing, but the fact of the matter is that if we were to ignore the objections that we have today, we actually have a situation which will need to be addressed and, therefore, I think considering the large number of people who are expressing the concerns with respect to these

application, the GAC may deliberate and find out a way to resolve these objections.

We cannot have a process really which would lead to a situation which creates -- leads to a problem. I mean the whole process through which the GAC has been going on over the last so many months has been to find out a way by which the gTLD process can proceed smoothly as well as we are able to find -- address the genuine concerns of the governments. And here we are in a situation, despite our best efforts, despite the interactions we have had at different times with the applicants, we have not been able to resolve.

So I think given the magnitude of the problem and the sensitivities conveyed at the highest levels from the government of India, we would request the GAC to kindly consider taking this matter and raising it along with the rest of 14 strings that have been included in the short list, the Beijing communique.

Thank you.

CHAIR DRYDEN: Thank you, India. Iran, please.

IRAN: Thank you, Madam Chairman.

I fully respect all distinguished colleagues in GAC to make every statement, but perhaps for the sake of time, perhaps possibly we just limit this period of time, one hour and so, to the Amazon discussions because our distinguished colleagues have difficulty for tomorrow.

While we fully respect all colleagues to make every point, at a later time we will come to the discussion of the strings. So this is exceptional case of Brazil because they cannot stay here tomorrow. So if all distinguished colleagues agree, you limit the discussions to that.

Thank you.

CHAIR DRYDEN: Thank you, Iran. I'm happy to hear initial comments and discussion from any of those governments that are interested in doing so in terms of the outstanding strings that we have identified, but certainly Brazil and others may wish to comment specifically on Amazon. But I like this proposal to have an initial discussion now to make use of the time we have.

Okay. Peru, please.

PERU: Thank you, Chair.

So as we understand, and our thanks to our GAC member of Iran, we are to start the discussion on dot amazon at this moment.

In that sense, let us remind that we have already distributed a statement on what the position, not only of the countries but of the whole region is in this regard. And if you allow us, I would like to ask our colleagues from Brazil to make the first presentation, and then we come -- we'll come back to complement what they are going to say.

CHAIR DRYDEN: Thank you very much, Peru.

Brazil, are you requesting the floor? Please, Brazil.

BRAZIL: Thank you, Madam Chair.

So we would like to, first of all, thank you, the GAC and the Chair, to accept our request to start this conversation today, to take advantage of the presence of our vice minister here, whose presence here expresses the wide and deep concern of the Brazilian society with the solicitation of the registration of dot amazon.

As you may know, we had a very deep, long and good discussion in the Brazilian Congress about this. Our Congressmen expressed their concern about the risk to have the registration of a very important cultural, traditional, regional and geographical name related to the Brazilian culture.

We share this opinion with all of the countries in the region, so Peru, Colombia, Venezuela, Ecuador, Suriname. All of them in a meeting in the Amazon Treaty Organization last April produced a document, a declaration related to the dot amazon, also expressing their concern to the registration of this very important name to the Brazilian society.

Afterwards, we had a meeting in the ALAC which comprised the Latin American and Caribbean countries in May. The same as well, all the countries supported the Brazilian, and the Amazon countries demand to the GAC, to our fellow countries to send an advice to the Board to reject the registration of dot amazon for the same reasons.

As you may know, the Amazon region only in Brazil comprises 50% of our territory. More than 30 million people live in this region in Brazil.

We have one of the most important bio systems in the world with a very huge sort of fauna and flora. And this concern is also shared by all the Amazon countries.

Besides the Latin American, Caribbean countries, besides the Amazon countries, within the society we had a very meaningful reaction against the registration of dot amazon. We have a declaration issued by the Internet Steering Committee, the Brazilian Internet Steering Committee, which is a very democratic and multistakeholder platform which takes care of the Brazilian policy on Internet. We had a very huge reaction from the civil society which is organizing a document signed by thousands of people to be sent to the GAC board -- to the ICANN Board reacting against this solicitation.

So in a certain way, we fulfill the requirement, which was posed by the Beijing communique. I would like to read the exact text that we have approved -- or, sorry, because I was not here, you have approved in Beijing four months ago, which says, "The GAC advise the Board," so it's already a decision from the GAC, "that in those case where a community, which is clearly impacted by a set of new gTLD applications in contention has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account together with all relevant information."

As you may remember, on Saturday or Sunday -- Sunday, Peru, Brazil, Argentina, Chile and Uruguay sent you a letter where we explained all this reaction from the society, from the Brazilian society, from the

Peruvian society, from the Brazilian Congress, from the Brazilian Internet Steering Committee. And we would like to come here again to ask the GAC members to support a GAC advice to the Board in the same -- in the same terms as we have approved last meeting in Beijing about dotAfrica.

Besides that, we think that the principles approved in 2007 by the GAC as well comprise our demand on this issue.

I would like to inform all of you that we have very good conversations with the Amazon, Inc. We understand their business plan.

All of our conversations, we have met at least three times, were carried out with a very faithful willing from both sides. Nobody thinks that each of the other side has bad faith on this.

We understand their business plan. We understand they're willing to make a good job. But for a matter of principle, we cannot accept this registration. And we have expressed to them this position very clearly, very politely, and very frankly.

So I would like to ask my vice minister to complement these initial words. But I would just ask you again, reinforce the Brazilian demand to the GAC members to approve a rejection on the registration of dot amazon by a private company in name of the public interest.

If the chair allows me, I would like to ask my vice minister to talk.

BRAZIL: Thank you all for this support to our request. I would like to add two points to the comments made by my colleague. The first one is that this

domain string dot amazon, it affects a large number of communities in the Amazon, which is based on -- which covers eight different countries in South America.

I would like to recall what was said yesterday in the opening speech by the commissioner of the African Union where she said the importance of protecting geographical and cultural names in the Internet.

So I would like to ask the support of the members of GAC to reject this proposal of registering dot amazon.

CHAIR DRYDEN: Thank you, Brazil.

I see Peru.

PERU: Yes, Chair. Thank you. With your indulgence, just to highlight three or four points that we think are crucial for the understanding of our request.

And first, in terms of legal grounds for our request, we believe there is enough legal grounds in ICANN bylaws, in prior GAC advice, and also in the applicant's guide.

So our plea is very well grounded in the legal framework of the ICANN. That would be the first remark.

The second remark is that there is no doubt that this is a geographic name. Amazon is -- pertains to four departments of the Amazon countries. It is the department, for those that probably do not know

our political division, is the second, the second division for our countries. It is larger than provinces in our political division. And so it pertains to Venezuela, to Colombia, to Peru, and to Brazil.

Amazon, in Spanish, also belongs to cities of our countries, and Amazon in English is also a city in Guyana.

It has been allotted the three-digit code number. So it is in that 3166-2 list. So there is no doubt whatsoever that this is a geographic name. This would be the second remark.

And the third remark is that, indeed, this is a public interest issue, and that is why we are discussing this in the GAC.

There are several populations that have been involved in this, and I want to stress the fact that, unanimously, all Amazon countries and all Amazon provinces, departments, and local governments have expressed, in writing, their rejection to dot amazon.

So there is a unanimous claim, a unanimous understanding of the community concern against this registration.

So for the time being, those are the three remarks I would like to make. And of course I will be keen to come back in the discussion of any concern or any question that the members of the GAC may have.

CHAIR DRYDEN: Thank you, Peru.

Okay. Are there any other requests at this time?

At the end of the table. Is that South Africa?

SOUTH AFRICA: South Africa, yes, chairperson.

CHAIR DRYDEN: Please.

SOUTH AFRICA: We would just like to state we support the contributions that have been made by the Brazilian delegation and the delegation from Peru.

We have similar strong concerns about the need to protect public interest and communities and cultural and geographic indicators.

Thank you, Chair.

CHAIR DRYDEN: Thank you, South Africa.

Next I have Gabon, then Sri Lanka.

Gabon? Do I have the right GAC member?

GABON: Yes.

Thank you, Madam Chair.

Gabon also needs to comment on this issue from -- it has received the comments from the Brazilian delegation on this issue, and we believe

that if this zone was validated by ICANN, this could go against the new gTLD principles developed by the GAC council in 2007.

The new gTLDs should observe the sensitivities and those terms that have a national, cultural, geographical, regional or traditional meaning.

Therefore, ICANN should reject any application related to geographical, cultural strings that have these -- that pose these kind of problems.

SRI LANKA: My intervention will be very short. This issue of dot amazon has reached our foreign ministry and has gone to the highest level of attention between discussions with Brazilian government on a lot of bilateral trade related issues. And in view of the comments made by the Brazilian as well as the Peruvian delegate, I wish to record a highest and the strongest support for what has been stated by our Brazilian, Peruvian delegates at this session.

Thank you.

CHAIR DRYDEN: Thank you, Sri Lanka.

Next I have Trinidad and Tobago and then Russia.

TRINIDAD AND TOBAGO: Yes, thank you, Madam Chair. Trinidad and Tobago supports the position of Brazil on the dot amazon issue.

Thank you very much.

CHAIR DRYDEN: Thank you. Next I have Russia.

RUSSIA: Thank you, Madam Chairman. I will speak in Russian, so please use headphones.

The Russian delegation would like to express it's support, its complete support to the claims that were given by our colleagues from Brazil and Peru. We also share their concerns in using geographical terms when registering -- when registering domains by special companies. And of course we consider that the point of view of governments has to be taken into account in these terms.

Thank you for your attention.

CHAIR DRYDEN: Spasibo, Russia.

Uruguay, you are next, please.

URUGUAY: Just a very short speech.

I want to speak as chair of the ministerial meeting of the Latin American, Caribbean countries. The support for Patagonia and Amazon claims were in the strong words we could make in this event. It was a ministerial one. And we find there's no more for us to say. That's our opinion on the item.

Thank you very much.

CHAIR DRYDEN: Thank you. Next I have Uganda.

UGANDA: Thank you, Madam Chairperson. I want to thank you in supporting the statements made by the Brazil and other countries who are affected by Amazon like all of us. And I wanted also to ask you, Madam Chairperson, many of us are from developing countries. We're going through a process of generating similar strings which may be of concern to us.

So I'm wondering should we always have to come here and make statements like this, or there's going to be a general way of protecting those strings that we think are sensitive to us. Just a secondary request to hear from you. I'm not a regular participant in this meeting, but I follow. And I thought that the GAC advice there that was given would be enough to protect. But I just want to hear again whether this is going to be a procedure that, if we feel strongly that there's something that we need to protect, we have to come here and talk about it. Thank you.

CHAIR DRYDEN: Thank you, Uganda. I have Australia next.

AUSTRALIA: Thank you, Chair. And thank you to all colleagues who have spoken already on this very important and, obviously, very sensitive issue for

the GAC to consider. And thank you. It's good to be followed by our colleague from Uganda. So thank you very much for raising the question about a broad process. Many of you will have seen that I've put some suggestions to the GAC list on this issue. So, first of all, I want to be very clear that the Australian government supports countries in advancing their national interest with regard to geographic names. This has obviously been an area of longstanding interest to the GAC, and there is a substantial amount of existing GAC advice on this issue.

The situation that we face today is that some governments consider geographic names that are not on ICANN's lists or picked up under ICANN's framework in the applicant guidebook.

And I think this is why we are here today discussing this, because there is an apparent gap in ICANN's processes and policy framework.

So, for me, my proposal and the Australian government's proposal has been to fix this gap. It appears that there are many applications in the current round that governments clearly consider to be geographic names and of considerable significance. And what we face is that there is no clear process. We have, in the GAC here, these conversations. But, in terms of ICANN's policy framework, we -- there is -- there is something missing. There is no process whereby governments and applicants can put their cases and have them heard and their criteria for resolution and so on.

So the Australian government, while not commenting on any of the applications that are before us today, broadly would like to advance the idea that the GAC suggests two ICANN that it establish a clear process to deal with this issue that would apply in this round and in future rounds

as well. I expect that many applicants in this round and people who pay attention will be sensitized in future rounds to the GAC's interest in this. But this situation may come up again. And I think we'll do ourselves a great service if we were to recommend to ICANN to put in place a clear process to reconsider the issue of geographic names and deal with it so that we do have a very clear process going forward. Thank you.

CHAIR DRYDEN: Thank you, Australia. Argentina.

ARGENTINA: Thank you, Madam Chair. And thank you, Australia, for bringing this comment and your contribution. Our delegation and your country had a meeting that we think it was very constructive, and we replied to your proposal.

I would like to stress a part of the applicant guidebook which is a paragraph that should be considered by companies. And I think it has been taken kind of lightly from the applicant perspective. The applicant guidebook says, in the section that talks about geographic names, "In the event of any doubt, it's in the applicant's interest to consult with the relevant governments and public authorities and enlist their support or non-objection prior to the submission of the application in order to preclude possible objections and preaddress any ambiguities concerning the string and applicable requirements."

Argentina thinks that, if this paragraph would be more reinforced or mandated by the applicant guidebook, all these problems that we're having now wouldn't happen. Because, if we had some communication

or contact from the company before, maybe we could have found a way out, which is something that could have been negotiated among countries and the company.

But that didn't happen. Just the companies went on with the application. So the applicant guidebook contemplates this event, but it has not been respected by the applicants. So we think that the GAC should stress this. And also we think that everything is written already in 2007 when the GAC, in the Lisbon meeting -- some of us were there that day -- we issued the new GAC principles for new gTLDs. And this is where all our ideas are expressed. Thank you.

CHAIR DRYDEN: Thank you for that, Argentina. Next, I have Brazil and then Portugal. Thank you, Madam Chair. I'd like just to comment three things very quick. I would agree with Peter. I think we need to have an action in the GAC to try to cover this gap. But I don't think the gap is as serious as we think. First, because of some arguments that the representative from Argentina just raised. Because the, let's say, the obligation to search for a previous negotiations is from the applicant. The countries, they have the right to discuss in this fora, in this forum, the case is one thing. The second -- it doesn't mean that we don't need to cover the gap. I think it's useful to make an effort to cover this gap. But try to reach the question by Uganda I think, in our point of view, yes, sometimes you need to come here. Because the list, the previous list is not an exhaustive one. For example, now we have dot amazon. But in the future, maybe you can have dot sahara, dot sahel, dot nile, dot danube. I don't know if the names are there. I don't have the list by

heart. But maybe the names are not there. But it doesn't mean they're not important for national culture and traditional concerns in your countries.

So it's true there's a gap. But also it's true that the procedure is a little bit different. But it's also true that the list is incomplete.

And, just to finish my argument, I'd like to say that it is possible that some geographical names solicitation can find a negotiated solution. Maybe -- and it's the case -- we know some case where the city name, the state name, the province name has been subject of solicitation of registration. And they are -- the government is negotiating with the company or the companies responsible for the solicitation. And it's okay. But in the dot amazon, it was not possible. And it's out of negotiation.

So it's still there, the possibility of some geographical names registrations can be negotiated. We don't -- we don't put it in -- at risk. But in this specific case -- and I'm quite sure that there will be some other case. Dot africa has been a case in the past. And, in this case, dot amazon was not possible to be negotiated.

Thank you.

CHAIR DRYDEN: Thank you, Brazil. I have Portugal and then Peru, please.

PORTUGAL: Thank you very much.

I think it's too serious the issue we are dealing here with.

And I would like to make mine on behalf of the Portuguese government, the comments made five minutes ago by Australia and Argentina. Thank you.

CHAIR DRYDEN: Thank you, Portugal. Peru, please.

PERU: Thank you. I would like to go along with the proposal for working on any eventual gap that could be in the list or in criteria for geographic names that are not in the list of ICANN. In this case, however, I would like to stress the difference with dot amazon in particular and focus on this case in particular. There is no ambiguity in this case.

For the company that has submitted its application and it was very clear and they knew beforehand that it was there, a very vast region that was shared by several countries that the name was a geographic name as well. That was very well known by the company from the beginning. So, in this case, there was no doubt that they were dealing with a geographic name. There was also no doubt that it was a codified name because it got the three-digit code. So I would like to -- and we are ready to collaborate in this process of striking new criteria or clearer criteria, but it would work for other cases. We can -- I think that we can deal with separately. In the near future there is need to equate the situation of those names that are in the realm of the national patrimony of countries and that have cultural geographic significance. It is striking for us to see that there is a prior search on trademarks during the

sunrise period. But there is no list or no searching mechanisms for geographic names. So we shall work on that. But, again, this is not the case for dot amazon. It was recognized by the company from the very beginning that they were dealing with governments and they were dealing with a region, a very vast one.

CHAIR DRYDEN: Thank you, Peru. Chile, please.

CHILE: Thank you, Chair. We supported -- a declaration was circulated at the beginning of this meeting. We reiterate what we expressed there. We had similar concerns recently with other applications. And this can be a case for any other country, too. So we recognize that there are procedures in place and provisions in the different -- the guidebook and bylaws. And, even though they could be clarified, we were also open to define new criteria for the other cases, definitely. But we see in this case that there is factual data that's been expressed. And, even though that, that's the same their position, they've engaged in conversations with the applicant. And no solution was achieved directly in those conversations. So we believe that we need to address the specific situation now and think seriously in what we have proposed regarding the GAC advice in spite of other conversations that we could put forward regarding the improvement or clarification for further cases. Thank you.

CHAIR DRYDEN: Thank you, Chile. I have South Africa and then Iran.

SOUTH AFRICA: Thank you, Chair. During the Beijing meeting, I think there was only one dissenting voice regarding the GAC giving advice to the board to reject the dot amazon application. And, when you look at GAC principles with regard to geo names, it is a requirement that, if you apply for a geographic name, you have to have government support, which was not the case in this nature. Also taking into account that Amazon is a trademark. But, for me, the fundamental question is: What was there first? The region or the trademark? Because I think that's very important to consider. To say that you might find -- also find that what actually informed the company's name was the region Amazon. So from that premise, I think, really, as a GAC, our job is easy to say that we should actually give this advice to ICANN to say that they need to reject this dot amazon application. And also the other thing is that we need to actually make a decision in this meeting. We cannot defer the decision to when we go to Argentina. It might be too late. So I think that, you know, for us as a GAC, we really need to apply our minds and do the right thing. Because we are here representing governments and public policy. That's what we're here to do, advise ICANN on public policy that deals with the Internet. Thank you, Chair.

CHAIR DRYDEN: Thank you, South Africa.

Iran, please?

IRAN: Merci madam.

[Speaking foreign language]

This is specific issue about dot amazon. The only reason is that our distinguished colleague -- we have addressed this issue of dot amazon because our colleague from Brazil was not able to attend this meeting tomorrow. What I'm asking is that we shouldn't make this issue too general, too comprehensive. It is not applicable to everyone. We need to discuss. We need to debate. But we shouldn't rush to get to something that might create difficulties for us in the future. That is why, Madam Chair, that I kindly asked you, with all due respect, to limit our discussion to dot amazon only. And for other more general cases there would be other times to discuss them. There are specific cases. And we have to resort to international conventions and act on a case-by-case basis so as not to be generalizing and create something that in the future will prevent us from discussing and making decisions. This is the request that we are specifically making to you, Madam Chair.

CHAIR DRYDEN: China and Nepal. China, please.

CHINA: I just want to say China supports the statement of Brazil and Peru, Argentina.

CHAIR DRYDEN: Thank you, China. NEPAL.

NEPAL: Thank you, Chair. I just wanted to comment on the conjecture from South Africa that Amazon, the company, may have got its name from the region. I recall in Beijing that the Brazilian delegation did read to us statements from the Amazon Web site confirming that, indeed, they did get the name from the region.

CHAIR DRYDEN: Thank you. Next I have Thailand.

THAILAND: Yes, thank you, Madam Chair. And I'd like to join my previous delegation to support the statement made by Brazil. I also would like to add that in -- when we talk about geographical names, in fact, ICANN also has another process that conduct in IDN which refers to the extensive knowledge of United Nations geographic names, expert on geographic names, which also recognize a Romanized country on how they define the long-term country and territory process. It's there. But in the fast track IDN and IDN consideration which is not adopted in the application guidebooks. So there is some process already there, which is sufficient, if you could have a look on the details of how they defined geographical names. And I think most of the country also support this UNG, GN. Thank you.

CHAIR DRYDEN: Thank you very much, Thailand. Okay. So at this point, I think we can pause. Iran. Would you like to --

IRAN: There is consensus on this issue. We do know that there are different viewpoints. However, we believe it is the right time to conclude. If you have the same impression I have on this situation.

CHAIR DRYDEN: At this point I think we can sum up for the moment. And this has been a very good exchange that we've had, I think, and we have successfully outlined, I think, what are some of the key issues in considering these names and there is, I think, a lot of clarity for us in terms of the concerns expressed about some of the strings that have been mentioned in this discussion. And it may be the case that we can acknowledge as well as the GAC at our meetings here -- in addition to addressing directly the question of those strings remaining on the list of outstanding strings -- that we acknowledge that in some cases there may be gaps or additional considerations, and we may want to point that out to the board when we put together our communique.

So I would, at this point, like to have us break for lunch, and we know that we have our session tomorrow where we will go through all the strings. And I do believe this has been, as I say, a useful exchange that we have had. I'm glad that we have had it. So I can see Brazil and Peru and Iran.

BRAZIL: Madam Chair, I think that we -- we have the opinions and the position of the countries here that clearly express their support to the Brazilian request to reject the dot Amazon registration, and I think that -- I don't see any reason to postpone this decision to tomorrow because we -- we

have all the opinions here today. So I would like to ask you to consider that.

CHAIR DRYDEN: Thank you, Brazil. Okay. I can see from the requests we're getting I'm pretty sure I know what you're going to say. Peru and Argentina.

PERU: Risking being predictable at this point, Chair --

CHAIR DRYDEN: Perhaps I can continue. I think we can settle this. So what I propose to do is put the question regarding dot Amazon, and then we will conclude this session. So are there any objections to a GAC consensus objection to the application for dot Amazon? Recognizing that there are IDN equivalents, this would apply to those equivalents. So I am now asking you in the committee whether there are any objections to a GAC consensus objection on the applications for dot Amazon, which would include their IDN equivalents. I see none. Would anyone like to make any comments on the string dot Amazon. I see none. Okay. So it is decided, and now we will break for lunch. Please be back here at 2:00.

[Applause]

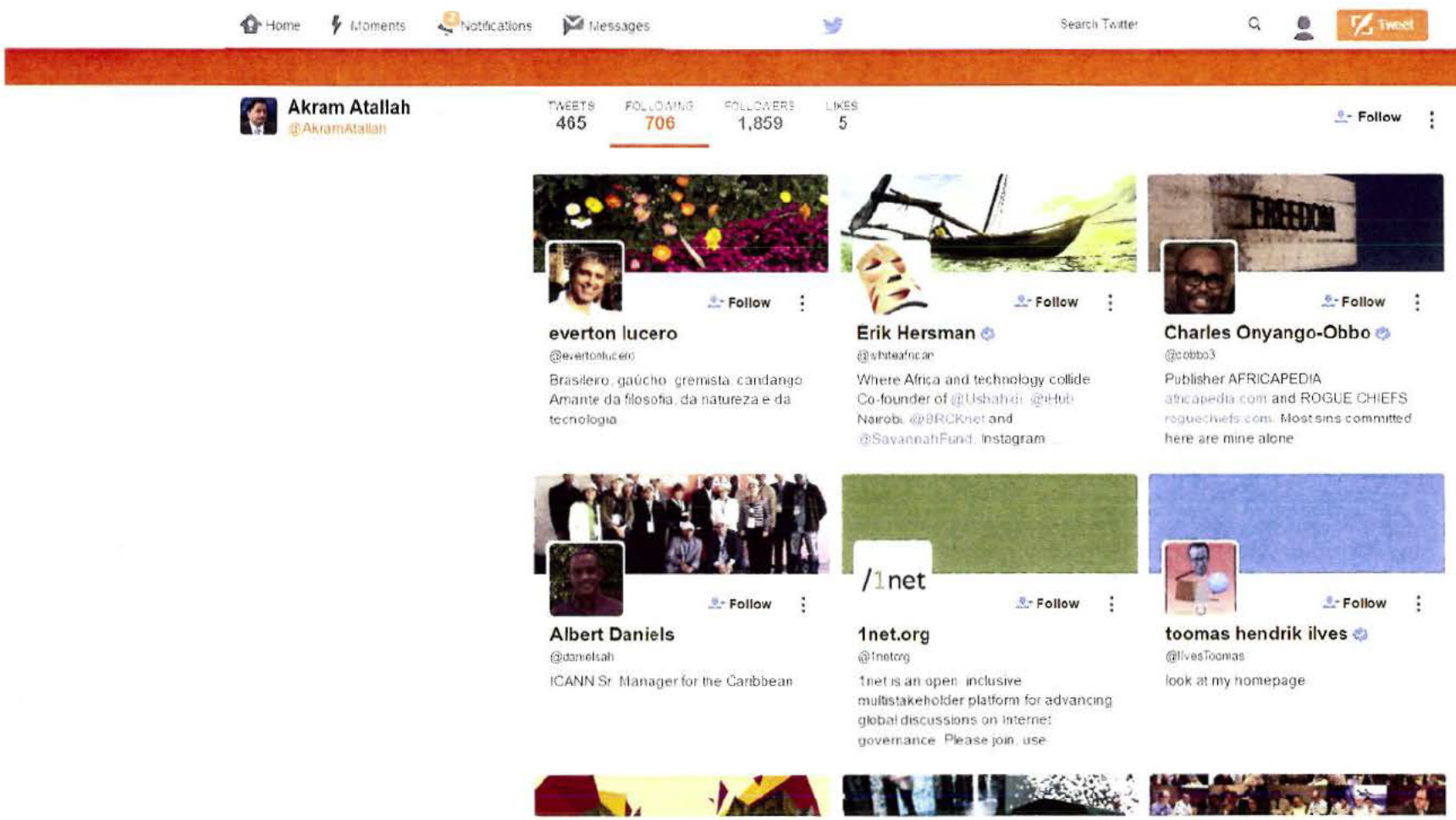
[END OF AUDIO]

Atallah Exhibit 5

C-083

ATALLAH
EXHIBIT 5

Atallah Exhibit 6



ATALLAH
EXHIBIT 6

Atallah Exhibit 7

Everton Lucero

Vice-Minister for Climate Change and Environment Quality at Ministry of Environment

Ministry of Environment • Instituto Rio Branco

Brasilia, Distrito Federal, Brazil • 500+

Connect | Send InMail

I am a career diplomat, with over 20 years of experience working for the Brazilian government. I am used to deal with sensitive negotiations at the international level, both bilaterally and multilaterally at various UN and non... See more

Experience

Vice-Minister for Climate Change and Environment Quality
Ministry of Environment
Jun 2016 – Present • 11 mos
Brasília Area, Brazil
See description

Diplomat
Ministry of Foreign Affairs, Brazil
Feb 1991 – Present • 26 yrs 3 mos
Brasília, DF, Brazil
See description

Global Stakeholder Engagement Manager - Brazil
ICANN
Feb 2013 – Aug 2013 • 7 mos
Brasília Area, Brazil

Member of Faculty
South School of Internet Governance
2009 – 2011 • 2 yrs

Counselor for Science, Technology and Environment
Embassy of Brazil in Washington DC
Feb 2008 – Dec 2010 • 2 yrs 11 mos
See description

Vice-Chairman of the Government Advisory Committee (GAC)
ICANN
2008 – 2009 • 1 yr

ATALLAH EXHIBIT 7

Contact and Personal Info

Everton's Profile, Websites, and Twitter

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People Also Viewed

Assen Agov
Energy Secuity Adviser to the Mi
at Ministry of Foreign Affairs, Bu

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Géza de Faria Árbocz
Especialista em Vegetação e
Licenciamento Ambiental

Jose Miguez
Director of DLAA at Brazilian Mir
the Environment (MMA)

Caio Noronha
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Bonds Initiative

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Marcelo Cruz
analista ambiental na Instituto
Brasileiro do Meio Ambiente e d
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Mariana Siqueira Marton

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ATALLAH EXHIBIT 8

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- ccTLDs
- Internationalized Domain Names
- Universal

Fadi Chehadé

Fadi Chehadé was the President and CEO of ICANN from 14 September 2012 until 10 March 2016.

He built a strong executive leadership team that transformed ICANN from a Los Angeles-based organization to one with a global presence with staff in 25 countries and services offered in seven languages.

In 2014, he presided over the most significant milestone in ICANN's history: the United States government's announcement that it would transfer stewardship of the IANA functions to the global Internet community. This step forward is the realization of a longtime goal for the United States and a recognition of ICANN's maturity as a global organization.

That same year, the first registries from the most recent round of new gTLDs came online, commencing the largest-ever expansion of the Domain Name System.

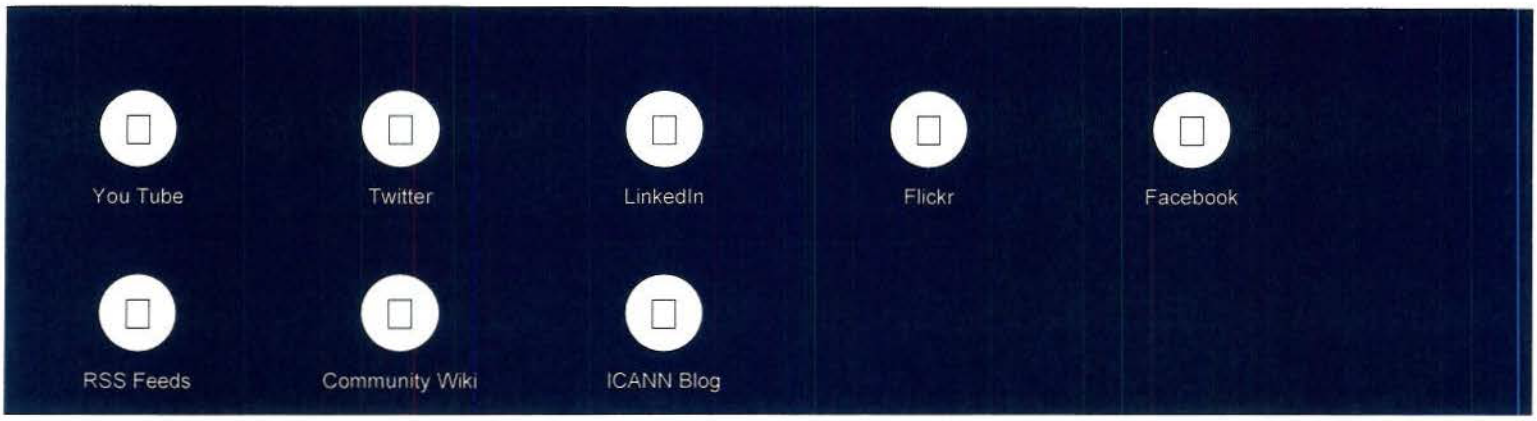
A key proponent for the recognition of multistakeholderism as a key mechanism for advancing global Internet policymaking and governance, he was a founding co-chair of the landmark NetMundial Global Multistakeholder

Meeting on the Future of Internet Governance in April 2014, bringing together diverse stakeholders to create a shared set of principles for the evolution of Internet governance and cooperation. The following year, he advanced ICANN's involvement as a founding member of the new NETmundial Initiative, a multistakeholder initiative to energize bottom-up, collaborative solutions in a distributed Internet governance ecosystem.

Chehadé is a citizen of Egypt, Lebanon, and the United States. He was born in Beirut, Lebanon, to Egyptian parents and left the then war-torn country in 1980 at the age of 18. He speaks fluent Arabic, English, French, and Italian.

Fadi is also the founder of Nilorado, a youth organization raising funds to support schools for handicapped children in Upper Egypt, also delivering bicycles to boys and girls from needy families in that region who otherwise cannot reach their schools.

Chehadé lives in Los Angeles with his wife of 25 years. They are the parents of two adult sons.



Atallah Exhibit 9

C-101

ATALLAH
EXHIBIT 9

Details

ICANN (Internet Corporation for Assigned Names and Numbers) Blog

Author: Sally Costerton

18 Jul 2013

New Position for Everton Lucero

During today's GAC (Governmental Advisory Committee) Plenary session in Durban we announced that Everton Lucero our Stakeholder Engagement Manager based in Brazil will be leaving ICANN (Internet Corporation for Assigned Names and Numbers). Everton has accepted an offer to work for the Brazilian Government and long time colleague and former boss, Minister of External Relations, Antonio Patriota.

We will be sad to see Everton leave our team, but we are proud and excited for him as well. He has made a remarkable contribution to the ICANN (Internet Corporation for Assigned Names and Numbers) community in a staff role and I know he will expand that still further in his new role. I also want to thank the Brazilian Government for working with us so constructively on this issue. I have no doubt that our partnershp will deepen and broaden with Everton in this new role.

During the GAC (Governmental Advisory Committee) meeting I was very encouraged by the supportive nature of the comments made by Romulo Neves, interim Brazilian GAC (Governmental Advisory Committee) representative, saying that Everton's skills and expertise are critical to help the government to organize the debate internally not only around Internet Governance but also about Internet-related public policies in general. He made a particular point of emphasising that this appointment is evidence of Brazil's commitment to ICANN (Internet Corporation for Assigned Names and Numbers) and its multistakeholder model.

Everton will continue at ICANN (Internet Corporation for Assigned Names and Numbers) till mid-August as he transitions to his new position, and working with us to identify a successor. We will miss him, but we are looking forward to working with him in his new role at the Brazilian Foreign Ministry.

Congratulations Everton!

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Careers (https://chj.tbe.taleo.net/chj06/ats/careers/v2/searchResults?org=ICANN&cws=37)

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KPI Dashboard (/progress)

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Help

Dispute Resolution (/en/help/dispute-resolution)

Domain Name Dispute Resolution (/en/help/dndr)

Name Collision (/en/help/name-collision)

Registrar Problems (/en/news/announcements/announcem 06mar07-en.htm)

WHOIS (http://whois.icann.org/)

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C-081

ATALLAH
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C-076

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EXHIBIT 13

Atallah Exhibit 14

C-086

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EXHIBIT 14

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Atallah Exhibit 16

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Atallah Exhibit 17

R-31

RESPONDENT'S EXHIBIT

Atallah & 17

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- ccTLDs
- Internationalized Domain Names
- Universal Acceptance Initiative

Minutes | Regular Meeting of the New gTLD Program Committee

This page is available in:
English | العربية | Español | Français | Русский | 中文

29 Apr 2014

Note: On 10 April 2012, the Board established the New gTLD Program Committee, comprised of all voting members of the Board that are not conflicted with respect to the New gTLD Program. The Committee was granted all of the powers of the Board (subject to the limitations set forth by law, the Articles of Incorporation, Bylaws or ICANN's Conflicts of Interest Policy) to exercise Board-level authority for any and all issues that may arise relating to the New gTLD Program. The full scope of the Committee's authority is set forth in its charter at http://www.icann.org/en/groups/board/new-gTLD.

A Regular Meeting of the New gTLD Program Committee of the ICANN Board of Directors was held in Pasadena, California on 29 April 2014 at 14:15 local time.

Committee Chairman Cherine Chalaby promptly called the meeting to order.

In addition to the Chair the following Directors participated in all or part of the meeting: Fadi Chehadé (President and CEO, ICANN), Steve Crocker (Board Chairman), Chris Disspain, Bill Graham, Bruno Lanvin, Olga Madruga-Forti, Erika Mann, Gonzalo Navarro, Ray Plzak, George Sadowsky, Mike Silber, and Kuo-Wei Wu.

Jonne Soininen (IETF Liaison) was in attendance as a non-voting liaison to the Committee. Heather Dryden was in attendance as an observer to the Committee.

Board Member Elect: Rinalia Abdul Rahim (observing).

Secretary: John Jeffrey (General Counsel and Secretary).

ICANN Executives and Staff in attendance for all or part of the meeting: Akram Atallah (President, Global Domains Division); Megan Bishop (Board Support Coordinator); Michelle Bright (Board Support Manager); Xavier Calvez (Chief Financial Officer); Samantha Eisner (Senior Counsel); Dan Halloran (Deputy General Counsel); Jamie Hedlund (Advisor to the President/CEO); Marika Konings (Senior Director, Policy Development Support); Elizabeth Le (Senior Counsel); Olof Nordling (Senior Director, GAC Relations); Erika Randall (Counsel); Ashwin Rangan (Chief Innovation & Information Officer); Amy Stathos (Deputy General Counsel); and Christine Willett (Vice President, gTLD Operations).

These are the Minutes of the Meeting of the New gTLD Program Committee, which took place on 29 April 2014.

1. Main Agenda
   a. GAC Advice Update
   b. Perceived Inconsistent String Confusion Objection Expert Determinations – Review Mechanism
   c. New gTLD Auction Rules
   d. New gTLD Program Financial Update

1. Main Agenda:

a. GAC Advice Update

The Committee continued its discussions of remaining open items of advice from the Governmental Advisory Committee (GAC), focusing on the advice issued in the Durban Communiqué concerning the applications for .AMAZON and related IDNs in Japanese and Chinese. In the Durban Communiqué, the GAC advised that it had reached consensus on "GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook" on the applications for .AMAZON and related IDNs in Japanese and Chinese.

Chris Disspain outlined potential alternatives for the Committee

to discuss to address the GAC's advice, and the next steps that would be required depending upon the course of action taken. The Committee explored potential consequences associated with taking each action.

Members of the Committee weighed in on the relative merits and disadvantages of various options to address the GAC advice, and also suggested alternative options. Olga Madruga-Forti commented that the Committee also should consider the GAC advice in the context of the multistakholder model.

The Committee discussed whether there were opportunities for the relevant impacted parties to engage in additional discussion. The President and CEO made note of the steps previously taken by the impacted parties to engage in discussions to address the concerns noted in the GAC Early Warning. George Sadowsky asked the Committee to consider how the potential options being contemplated to address the GAC advice would impact the possibility of the impacted parties engaging in further discussions.

The Committee considered correspondence and comments submitted by the impacted parties throughout the process. Bill Graham commented on the responses provided by certain governments to the analysis prepared by Jerome Passa that was transmitted to the GAC on 7 April 2014, and asked whether the concerned governments submitted any additional comments. Chris asked whether any additional information would be helpful to the Committee as it continued its deliberations on the matter, and the Committee considered whether additional information was needed.

The Committee reviewed the applicable Applicant Guidebook sections regarding consensus advice from the GAC about a particular application, and considered the implications of the GAC issuing such consensus advice. Heather Dryden distinguished the GAC's consensus advice on .AMAZON given pursuant to the Applicant Guidebook from other non-consensus advice from the GAC.

Gonzalo Navarro suggested that the Committee consider whether there were relevant precedents from previous Committee decisions that should be considered as part of the Committee's deliberation on the .AMAZON GAC advice. The

Committee discussed whether the potential options being discussed were consistent with its previous treatment of similarly situated GAC advice and corresponding Committee actions.

The Committee analyzed whether the impacted parties would benefit from having additional time to continue to address the noted concerns. Some members noted that a considerable amount of time had elapsed from when the advice was offered by the GAC, and queried whether additional time would be helpful.

The Chair directed staff to schedule a meeting in May so that the Committee could continue its discussion on .AMAZON (and related IDNs), in addition to other open items of GAC advice.

Akram Atallah provided the Committee with an update on the efforts of some of the relevant impacted parties to continue negotiations on potential safeguards for the .WINE and .VIN gTLDs in light of the Committee's action on 4 April 2014 addressing the GAC advice concerning .WINE and .VIN. The Committee engaged in a discussion about the appropriate level of involvement of ICANN for participating in any discussions between the relevant impacted parties, if any.

b. Perceived Inconsistent String Confusion Objection Expert Determinations – Review Mechanism

The Committee did not consider this agenda item and decided that it should be considered at a subsequent meeting.

c. New gTLD Auction Rules

The Committee did not consider this agenda item and decided that it should be considered at a subsequent meeting.

d. New gTLD Program Financial Update

The Committee did not consider this agenda item and decided that it should be considered at a subsequent meeting.

The Chair called the meeting to a close.

Published on 23 June 2014