
.Amazon

Block 2 - GAC Follow-Up on Specific Issues

Session 2.3 .Amazon

Introduction

The .Amazon effort has been extensively studied and discussed by many GAC members. This brief is intended to provide a high-level overview of the issue followed by links to the extensive correspondence and developments that have taken place among various parties since the ICANN63 Barcelona meeting and a short update on the most recent developments on this matter.

Background

As part of the new gTLD program, the Amazon corporation applied for .AMAZON and two Internationalized Domain Name (IDN) versions of the word 'Amazon' ("the .AMAZON applications").

In response to the .AMAZON applications, the governments of Brazil and Peru, with the endorsement of Bolivia, Ecuador and Guyana, submitted an Early Warning through the GAC, in accordance with the Applicant Guidebook, in which the concerned governments stated that:

"[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."
(Early Warning, available at <https://gacweb.icann.org/display/gacweb/GAC+Early+Warnings?preview=/27131927/27197938/Amazon-BR-PE-58086.pdf> [PDF, 79 KB].)

After indicating in the ICANN46-Beijing Communiqué (April 2013) that the .AMAZON Applications required further GAC consideration (<https://gac.icann.org/contentMigrated/icann46-beijing-communication>) the GAC provided consensus advice (GAC Advice) to the ICANN Board in the ICANN47-Durban Communiqué (18 July 2013) that the Amazon Applications "should not proceed" (<https://gac.icann.org/contentMigrated/icann47-durban-communication>).

On 14 May 2014, the Board (acting through the New gTLD Program Committee) accepted the GAC Advice and directed ICANN not to proceed with the Amazon Applications. (Resolution 2014.05.14.NG03, available at

<https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-05-14-en#2.b.>)

In October 2015, the Amazon corporation submitted a proposal to the Amazon Cooperation Treaty Organization/Organização do Tratado de Cooperação Amazônica (ACTO/OTCA) member states in an attempt to come to a solution that could benefit both parties. This proposal was subsequently rejected by the ACTO/OTCA member states.

Subsequently, the Amazon corporation began an Independent Review Process (IRP) in March 2016. The IRP ended in July 2017 with the IRP Panel finding in favor of the Amazon corporation. Following the outcome of the IRP, and acting on additional GAC advice, the ICANN Board tasked the ICANN org with supporting the Amazon corporation and ACTO/OTCA member states in negotiating a solution.

In October 2017, at ICANN60 in Abu Dhabi, the Amazon corporation presented to the GAC and ACTO/OTCA member states a new proposal for a "practical compromise". In February 2018, based on further negotiations facilitated by the ICANN org, the Amazon corporation submitted a further updated proposal.

On 5 September 2018, following review of the proposal by the ACTO/OTCA Working Group, at a meeting of the Amazon Cooperation Council, the ACTO/OTCA member states issued a statement declaring that "...[t]he Amazon countries have concluded that the proposal does not constitute an adequate basis to safeguard their immanent rights relating to the delegation of the '.amazon' TLD."

On 16 September 2018, the ICANN Board approved resolutions 2018.09.16.12 and 2018.09.16.13 that directed the ICANN President and CEO to:

"support the development of a solution for delegation of the strings represented in the .AMAZON applications that includes sharing the use of those top-level domains with the ACTO member states to support the cultural heritage of the countries in the Amazonian region"; and

"if possible, to provide a proposal to the Board, on the .AMAZON applications to allow the Board to take a decision on the delegation of the strings represented in the .AMAZON applications."

The Board explained in its rationale to the resolutions that it was taking action to:

"further the possibility of delegation of the .AMAZON applications as contemplated in the declaration of the IRP Panel, while recognizing the public policy issues raised through GAC advice on these applications."

The Board further stated its intention that the work “could result in a solution that would allow the .AMAZON applications to move forward in a manner that would align with GAC advice and inputs on this topic.”

In its ICANN63 Barcelona Communiqué (see <https://gac.icann.org/content/Migrated/icann63-barcelona-communication>), the GAC acknowledged the 16 September 2018 Board resolution. The GAC noted that the rationale of the resolution stated that “[t]he Board is taking this action today to further the possibility of delegation of the .AMAZON 10 applications ... while recognizing the public policy issues raised through GAC advice on these applications”. The GAC recalled its latest advice on the matter where “[t]he GAC recognizes the need to find a mutually acceptable solution” for the Amazon countries and for the applicant and calls upon the Board to continue facilitating work that could result in such a solution (GAC Communiqué, Abu Dhabi, 1 November 2017).”

Recent Developments Since the ICANN63 Barcelona Communiqué

1. ICANN Board Removes .AMAZON “Will Not Proceed” Status

On October 25, 2018, at the end of the Barcelona meeting, the ICANN Board adopted resolutions 2018.10.25 and 2018.10.25.19 (see <https://www.icann.org/resources/board-material/resolutions-2018-10-25-en - 2.d>) stating:

“Resolved (2018.10.25.18), the Board directs the President and CEO, or his designee(s), to remove the “Will Not Proceed” status and resume processing of the .AMAZON applications according to the policies and procedures governing the 2012 round of the New gTLD Program. This includes the publication of the Public Interest Commitments, as proposed by the Amazon Corporation, according to the established procedures of the New gTLD program.”

“Resolved (2018.10.25.19), the Board directs the President and CEO, or his designee(s), to provide regular updates to the Board on the status of the .AMAZON applications.”

The Board explained in its rationale for the resolutions:

“The Board is taking this action today to move forward with delegation of the .AMAZON applications, as contemplated in the declaration of the IRP Panel, while recognizing the public policy issues raised through GAC advice on these applications. As the ICANN org has informed the Board that the parties have identified a path forward, the Board takes this action today to allow the

.AMAZON applications to move forward in a manner that would align with GAC advice and inputs on this topic.”

[2. ACTO/OTCA Requests Reconsideration of October 25 ICANN Board Resolutions](#)

The October 25 Board resolutions prompted extensive subsequent correspondence between several different parties including the ICANN Board, the ICANN CEO, the Secretary General of ACTO/OTCA, the GAC Chair and the GAC representative from Brazil. Links to all that correspondence has been collected in the [Further Documentation](#) section below.

The October 25 decision also prompted (ACTO/OTCA to file a Request For Reconsideration on November 5 requesting that Resolution 2018.10.25.18 be “cancelled”.

[3. ACTO/OTCA Request For Reconsideration \(18-10\) Denied By ICANN Board](#)

On 16 January 2019, the ICANN Board approved resolutions addressing the November 5 request of ACTO/OTCA to reconsider ICANN Board Resolution 2018.10.25.18. The Board stated:

“Resolved (2019.01.16.02), the Board adopts the [BAMC Recommendation on Reconsideration Request 18-10](#), which recommended that Request 18-10 be denied and no further action be taken because the Board adopted the Resolution based on accurate and complete information and because the Board's adoption of the Resolution was consistent with ICANN's commitments and core values.”

“Resolved (2019.01.16.03), the Board hereby reiterates that Resolution 2018.10.25.18 was taken with the clear intention to grant the President and CEO the authority to progress the facilitation process between the ACTO member states and the Amazon corporation with the goal of helping the involved parties reach a mutually agreed solution, **but in the event they are unable to do so, the Board will make a decision at ICANN 64 on the next steps regarding the potential delegation of .AMAZON and related top-level domains.**” (emphasis added)

“Resolved (2019.01.16.04), the Board encourages a high level of communication between the President and CEO and the relevant stakeholders, including the representatives of the Amazonian countries and the Amazon corporation, between now and ICANN 64, **and directs the President and CEO to provide the Board with updates on the facilitation process in anticipation of revisiting the status of the .AMAZON applications at its meeting at ICANN64.**” (emphasis added)

4. Board - GAC Advice Exchange

On 27 January 2019, the ICANN Board adopted Resolution 2019.01.27.18 in which it adopted the scorecard titled "[GAC Advice – Barcelona Communiqué: Actions and Updates \(25 January 2019\)](#)" in response to items of GAC advice in the Barcelona Communiqué and the Panama Communiqué.

In its scorecard advice responding to the GAC's ICANN 63 Communiqué the Board stated:

"The Board acknowledges and appreciates this follow-up on the GAC's advice regarding the .AMAZON applications. Following the Board resolution on .AMAZON at ICANN63, a Reconsideration Request was filed by the ACTO member states on 5 November 2018. The Board took action on this Reconsideration Request on 16 January 2019, including a resolution that "encourages a high level of communication between the President and CEO and the relevant stakeholders, including the representatives of the Amazonian countries and the Amazon corporation, between now and ICANN 64, and **directs the President and CEO to provide the Board with updates on the facilitation process in anticipation of revisiting the status of the .AMAZON applications at its meeting at ICANN64**". (emphasis added)

"The Board also notes the most recent letter of 18 December 2018 from the ICANN org President & CEO to the GAC Chair regarding the facilitation process between the ACTO member states and the Amazon corporation, led by ICANN org. ICANN org notes in the letter that over the last 12 months it has put great effort into working with ACTO member states and the Amazon Corporation to develop a solution for the delegation of .AMAZON that would be of mutual benefit to the peoples of the Amazon region, as well as the Amazon Corporation. It is for this reason, that both the Board and ICANN org believe that the recent turn of events is truly unfortunate and sincerely hope that we can move forward together in a constructive and positive manner towards the best possible outcome for all parties concerned."

5. Latest Follow-Up Meeting Efforts

Most recently the ACTO/OTCA Secretary General and the ICANN CEO have been working to set up a follow-up meeting with the facilitation of the GAC Chair. A meeting between the ICANN CEO and ACTO/OTCA member countries scheduled for 19 February in Brasilia was cancelled, according to the Secretary General, for circumstances having "no connection whatsoever with neither the substance nor the agenda of the postponed meeting (see, <https://www.icann.org/en/system/files/correspondence/moreira-to-marby-13feb19-en.pdf>).

Subsequently to that communication, the ICANN CEO replied, stating

“I deeply regret this late cancellation but welcome the initiative taken by ACTO to maintain a constructive dialogue with ICANN, with a view to reaching a mutually satisfactory solution regarding the delegation of the TLD “dot amazon”. I sincerely wish that this dialogue continues in one form or another, taking into consideration the tight timeframe before the next ICANN Board meeting in Kobe at ICANN64 from 9-14 March 2019.”

On 21 February 2019 the Director, Department of Technological Promotion, Ministry of Foreign Affairs of Brazil expressed disappointment to the ICANN Board and the GAC Chair that an invitation to the ICANN CEO to join a video conference with Brazil and a number of other ACTO/OTCA countries was not accepted. The letter requested that the Board “postpone a final decision on the .Amazon applications to ICANN 65, with a view to allow the eight Amazon countries and Amazon Inc. to find a mutually acceptable solution.”

Subsequently, on 27 February 2019, the Board of the Brazilian Internet Steering Committee (CGI.br) issued a Public Note endorsing the request for postponement by the Director, Department of Technological Promotion, Ministry of Foreign Affairs of Brazil.

GAC Action

During this session, GAC members will have an opportunity to review and discuss the Board scorecard responses to GAC Advice, invite interested members to share their latest updates and ideas about this matter, and discuss potential next steps, if any, by the committee.

Further Information

Recent Communications Directed “To” ICANN Org or GAC (chronological order):

- 5 September 2018 – Letter From ACTO/OTCA Secretary General (SG) to ICANN CEO and Board Chair – <https://www.icann.org/en/system/files/correspondence/mendoza-to-chalaby-marby-05sep18-en.pdf>
- 19 October 2018 – Letter from ACTO/OTCA SG to ICANN CEO and Board Chair – <https://www.icann.org/en/system/files/correspondence/mendoza-to-chalaby-marby-19oct18-en.pdf>
- 5 November 2018 – Letter from ACTO/OTCA SG to ICANN CEO and Board Chair – <https://www.icann.org/en/system/files/correspondence/mendoza-to-chalaby-marby-05nov18-en.pdf>

- 22 November 2018 – Letter from ACTO/OTCA SG to ICANN CEO –
<https://www.icann.org/en/system/files/correspondence/mendoza-to-marby-22nov18-en.pdf>
- 26 November 2018 – Letter from ACTO-OTCA SG to ICANN Board Chair –
<https://www.icann.org/en/system/files/correspondence/mendoza-to-chalaby-26nov18-en.pdf>
- 7 December 2018 – Letter from ACTO/OTCA SG to ICANN Board –
<https://www.icann.org/en/system/files/correspondence/mendoza-to-icann-board-07dec18-en.pdf>
- 28 January 2019 – Letter from ACTO/OTCA SG to GAC Chair –
<https://www.icann.org/en/system/files/correspondence/lopez-to-ismail-28jan19-en.pdf>
- 13 February 2019 – Letter from ACTO/OTCA SG to ICANN CEO –
<https://www.icann.org/en/system/files/correspondence/moreira-to-marby-13feb19-en.pdf>

21 February 2019 - Letter from Director, Department of Technological Promotion, Ministry of Foreign Affairs of Brazil to ICANN Board and GAC Chair -
<https://www.icann.org/en/system/files/correspondence/zaluar-to-icann-board-21feb19-en.pdf>

27 February 2019 - Public Note issued by CGI.br endorsing 21 February 2019 request from Director, Department of Technological Promotion, Ministry of Foreign Affairs of Brazil to ICANN Board and GAC Chair -
<https://www.icann.org/en/system/files/correspondence/glaser-to-chalaby-ismail-27feb19-en.pdf>

Recent Communications Transmitted “From” ICANN org (chronological order):

- 20 November 2018 – Letter from ICANN CEO to ACTO/OCTO SG –
<https://www.icann.org/en/system/files/correspondence/marby-to-mendoza-20nov18-en.pdf>
- 3 December 2018 – Letter from ICANN Board Chair to ACTO-OTCA SG –
<https://www.icann.org/en/system/files/correspondence/chalaby-to-mendoza-03dec18-en.pdf>
- 18 December 2018 – Letter from ICANN Board Chair to ACTO-OTCA SG –
<https://www.icann.org/en/system/files/correspondence/chalaby-to-mendoza-18dec18-en.pdf>
- 18 December 2018 – Letter from ICANN CEO to GAC Chair –
<https://www.icann.org/en/system/files/correspondence/marby-to-ismail-18dec18-en.pdf>

- 27 January 2019 – Letter from ICANN CEO to GAC Chair –
<https://www.icann.org/en/system/files/correspondence/marby-to-ismail-27jan19-en.pdf>
- 15 February 2019 – Letter from ICANN CEO to ACTO/OTCA SG –
<https://www.icann.org/en/system/files/correspondence/moreira-to-marby-13feb19-en.pdf>

Recent GAC Email Updates from GAC Representative from Brazil (chronological order)(copies of which were included in ACTO/OTCA correspondence)

- 19 November 2018 Email Update to GAC –
<https://mm.icann.org/mailman/private/gac/2018-November/017247.html>
- 27 November 2018 Email Update to GAC –
<https://mm.icann.org/mailman/private/gac/2018-November/017267.html>
- 30 November 2018 Email Update to GAC –
<https://mm.icann.org/mailman/private/gac/2018-November/017278.html>

Recent ICANN Org and Board Actions (reverse chronological order):

- 27 January 2019 ICANN Board Resolution - GAC Advice: Barcelona Communiqué (October 2018) – Resolution 2019.01.27.18
<https://www.icann.org/resources/board-material/resolutions-2019-01-27-en - 2.c>
- 16 January 2019 ICANN Board Resolutions - Consideration of Reconsideration Request 18-10: The Amazon Cooperation Treaty Organization – Resolutions 2019.01.16.02, .03, and .04
<https://www.icann.org/resources/board-material/resolutions-2019-01-16-en - 2.a>
- 21 December 2018 – Recommendation of the Board Accountability Mechanisms Committee (BAMC) Reconsideration Request 18-10
<https://www.icann.org/en/system/files/files/reconsideration-18-10-acto-bamc-recommendation-21dec18-en.pdf>
- 5 November 2018 – ACTO request For Reconsideration of ICANN Board Resolution 2018.10.25.18 Request 18-10)
<https://www.icann.org/en/system/files/files/reconsideration-18-10-acto-request-redacted-05nov18-en.pdf>
- *All related 18-10 reconsideration request document links -
<https://www.icann.org/resources/pages/reconsideration-18-10-acto-request-2018-11-29-en>

- 25 October 2018 ICANN Board Resolutions - New gTLD Applications for .AMAZON – Resolutions 2018.10.25.18, and .19) – <https://www.icann.org/resources/board-material/resolutions-2018-10-25-en - 2.d>

- 16 September 2018 ICANN Board Resolutions – Further Consideration of the .AMAZON Applications – Resolutions 2018.09.16.12, .13 and .14 - <https://www.icann.org/resources/board-material/resolutions-2018-09-16-en - 2.d>

Independent Review Panel Action:

- 11 July 2017 Independent Review Panel – Final Declaration – In the Matter of Between Amazon EU S.A.R.L. and ICANN (ICDR No. 01-16-0000-7056) <https://www.icann.org/en/system/files/files/irp-amazon-final-declaration-11jul17-en.pdf>

Document Administration

Meeting	ICANN64 - Kobe, Japan - March 2019
Title	dot Amazon Briefing
Distribution	GAC Members Public
Distribution Date	Version 2 : 1 March 2019