

.amazon process



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.amazon process from 2012 to 2016

- ⦿ 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")
- ⦿ After indicating in the ICANN46-Beijing Communiqué (April 2013) that the .AMAZON Applications required further GAC consideration 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**”
- ⦿ 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**
- ⦿ 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

IRP Panel Final Declaration

- On 11 July 2017, the IRP Panel issued its [Final Declaration](#), which declared the Amazon corporation the prevailing party and stated that the NGPC acted in a manner inconsistent with the ICANN Bylaws because “**the NGPC failed in its duty to independently evaluate and determine whether valid and merits-based public policy interests existed supporting the GAC's consensus advice**”; the Panel recommended the ICANN Board **promptly** re-evaluate the .AMAZON applications

Board Resolution and ICANN60 GAC Advice

- ⊙ On 29 October 2017, following the outcome of the IRP, the Board asked the GAC if “it has: (i) **any information to provide to the Board as it relates to the "merits-based public policy reasons,"** regarding the GAC's advice that the Amazon applications should not proceed; or (ii) **any other new or additional information to provide to the Board regarding the GAC's advice that the Amazon applications should not proceed”**
- ⊙ In October 2017, at ICANN60 in Abu Dhabi, the GAC, in its ICANN60 GAC Communiqué, **“advises the ICANN Board to: continue facilitating negotiations between the Amazon Cooperation Treaty Organization’s (ACTO) member states and the Amazon corporation with a view to reaching a mutually acceptable solution to allow for the use of .amazon as a top level domain name**
- ⊙ On 4 February 2018, the **ICANN Board accepted this advice and tasked the ICANN org with supporting the Amazon corporation and ACTO/OTCA member states in negotiating a solution**
- ⊙ 15 March 2018, letter from the GAC Chair to **ICANN Board Chair mentioned that “At this time the GAC does not have any additional information to provide to the Board on this matter”**

.amazon facilitation process (October 2017 – March 2019)

- ⦿ During ICANN60 meeting 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 tasked 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."

ICANN64 Board Resolution

- ⦿ On 10 March 2019, during the ICANN64 meeting, the ICANN Board adopted a Resolution regarding the .AMAZON applications in which it provided the Amazon Cooperation Treaty Organization (ACTO) and the Amazon corporation the opportunity **"to engage in a last effort that allows both parties over the next four (4) weeks to work in good faith toward a mutually acceptable solution regarding the .AMAZON Applications, and if one is reached, to inform the Board of that solution by 7 April 2019."**
- ⦿ **On 11 March 2019, the ICANN org President and CEO sent a letter to the GAC stating that the 10 March 2019 Board resolution marked the end of the facilitation process by the ICANN org President and CEO, a process which was advised by the GAC in its Abu Dhabi Communiqué**
- ⦿ As of April 7, 2019, no solution regarding the applications and no joint request for more time had been submitted to ICANN
- ⦿ On 17 April 2019, the Amazon corporation submitted a proposal for Public Interest Commitments (PICs) related to the .AMAZON applications
- ⦿ On 23 April 2019, in response to the Amazon corporation's modified proposal of 17 April 2019, ACTO sent its own proposal for PIC language and noted several concerns with the Amazon corporation proposal

15th May 2019 Board Resolution

- On 15 May 2019, the ICANN Board determined the Amazon corporation proposal of 17 April 2019 to be acceptable, and directed the ICANN org President and CEO, or his designee(s), to **continue processing of the .AMAZON applications according to the policies and procedures of the New gTLD Program**. This direction included the publication of the Public Interest Commitments (PICs), as proposed by the Amazon corporation, for a 30-day public comment period, as per the established procedures of the New gTLD program
- The Board said it had “considered the Amazon corporation proposal in light of all that had come before, including previous GAC advice and the Amazon IRP Final Declaration.” The Board also said it had considered it had **“complied with the operative GAC advice on this matter as stated in the November 2017 Abu Dhabi Communiqué, to continue facilitating negotiations between the Amazon Cooperation Treaty Organization's (ACTO) member states and the Amazon corporation with a view to reaching a mutually acceptable solution to allow for the use of .amazon as a top level domain name.”**

15th May 2019 Board Resolution

- ⦿ Finally, the Board determined, **“that the Amazon corporation proposal is not inconsistent with GAC advice and that there is no public policy reason for why the .AMAZON applications should not be allowed to proceed in the New gTLD Program**
- ⦿ On 15 June 2019, Columbia transmitted to the ICANN Board a reconsideration request for resolutions 2019.05.15.13 thru 2019.05.15.15 that were approved during the ICANN Board meeting held on 15-May-2019. The GAC Chair shared a copy of this transmission with the GAC on 16 June 2019.

ICANN65 GAC Advice

- ⦿ “The GAC asks the Board to explain in writing whether and why it considers that its decision to proceed with the .AMAZON applications, based on a proposal that the eight Amazon countries considered did not address their concerns, complies with GAC Advice.”

Board Consideration of Colombia Reconsideration Request 19-1

- ⊙ On 14 August 2019 the ICANN Board's Accountability Mechanisms Committee (BAMC) considered Reconsideration Request 19-1 that had been submitted by Colombia.
- ⊙ The BAMC produced a 35-page document that concluded with a recommendation indicating, *"The BAMC has considered the merits of Request 19-1 and, based on the foregoing, concludes that neither the Board nor the staff took action without consideration of material information, based on false or inaccurate relevant information, or in contradiction of ICANN's Bylaws. Accordingly, the BAMC recommends that the Board deny Request 19-1."*

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Board Answer to ICANN65 GAC Advice

- ⦿ On 8 September 2019, the ICANN Board approved its Scorecard response to the GAC’s Marrakech Communique.
- ⦿ The Board produced a 985-word explanation in the Scorecard in which it concluded that **“The Board has therefore met the GAC advice from Abu Dhabi, in that the ICANN org President and CEO facilitated discussions between the two parties for over a year.**
- ⦿ Likewise, the Board has received sufficient input and had the necessary materials to make this decision...”and stated “The Board understands that some GAC members have concerns regarding this resolution but hopes that the above provides additional insight into the reasons why the Board has taken the action that it has.”

Joint Declaration of the Presidents of the Mercosur Member States and Associate States

- On 23 August 2019, ICANN the Secretary General of the Amazon Cooperation Treaty Organization presented ICANN with a Joint Declaration of the Presidents of the Mercosur Member States and Associate States, which is a result of the Mercosur Summit of Presidents, held on July 17th and 18th, 2019 in Santa Fe, Argentina. The declaration served to “**highlight the concern of the relevant Member States in relation to the decision made by the ICANN Board of Directors to delegate the ".amazon" top level domain to Amazon Inc. on an exclusive basis.**”

Amazon Corporation PIC Public Comments

- ⦿ Subsequent to the Board's decision, on 13 September 2019, the GAC Chair alerted the GAC that the proposed Public Interest Commitments (PICs) from the Amazon corporation, along with the proposed Specification 13, had been posted by ICANN org for public comment
- ⦿ In advance of the 12 October 2019 filing deadline, **representatives of Brazil and Ecuador and ACTO SG** each filed comments on the Public Interest Commitments from the Amazon Corporation



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