

Case Study for ATRT3 Review Team GAC Work Party: dot Amazon

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14 March 2019: GAC Communiqué – Kobe, Japan (ICANN64)

Source: <https://gac.icann.org/contentMigrated/icann64-kobe-communication>

“The GAC discussed the request by governments from the Amazon region, in particular Brazil, Peru, Colombia, and Ecuador, on behalf of ACTO member States, sent to the GAC through the mailing list, that they be given the opportunity to develop, together with the company Amazon Inc., the mutually acceptable solution for the dot Amazon applications called for in the [GAC Abu Dhabi Communiqué](#). The governments of Brazil and Colombia made statements reiterating the terms of that request, and they emphasized their commitment to working towards a final agreement that should ensure the Amazon countries’ meaningful participation in the governance and use of the dot Amazon strings.”

10 March 2019: ICANN Board Resolutions 2019.03.10.01 – 2019.03.10.07

Source: <https://www.icann.org/resources/board-material/resolutions-2019-03-10-en>

“The Board calls on the ACTO member states and the Amazon corporation 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.”

16 January 2019: ICANN Board Resolutions 2019.01.16.02 – 2019.01.16.04

Source: <https://www.icann.org/resources/board-material/resolutions-2019-01-16-en#2.a>

“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.” And “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.”

21 December 2018: Recommendation of the Board Accountability Mechanisms Committee (BAMC) Regarding Reconsideration Request 18-10

Source: <https://www.icann.org/en/system/files/files/reconsideration-18-10-acto-bamc-recommendation-21dec18-en.pdf>

“The BAMC finds that reconsideration is not warranted 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. Nevertheless, the BAMC acknowledges that Request 18-10 reflects a difference in interpretation by the Requestor of the Resolution, and thus, the BAMC recommends that the Board reiterates

that the Resolution 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.”

5 November 2018: Reconsideration Request 18-10

Source: <https://www.icann.org/resources/pages/reconsideration-18-10-acto-request-2018-11-29-en>

“The undersigned [Amazon Cooperation Treaty Organization] on behalf of the Amazon countries, requests that Board resolution 2018.10.25.18 be cancelled.”

25 October 2018: ICANN Board Resolutions 2018.10.25.18 – 2018.10.25.19

Source: <https://www.icann.org/resources/board-material/resolutions-2018-10-25-en#2.d>

“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.”

25 October 2018: GAC Communiqué – Barcelona, Spain (ICANN63)

Source: <https://gac.icann.org/contentMigrated/icann63-barcelona-communique>

“Colombia provided an update regarding the letter sent by the ACTO secretariat on 5 September 2018 in which the 8-countries Organization expressed its concerns on a possible assignment of the domain to the corporation Amazon Inc. without taking into consideration the cultural, economic, social and environmental interests of a sensitive region as is the Amazonia, while reiterating that ACTO countries have the right to participate in the governance of the domain name ".AMAZON"; including the participation in the establishment of public policies. A decision without proper consent in a multi-stakeholder approach framework, would be considered disadvantageous, and far from their interest over the Amazonian region. Colombia also informed of a note of concern addressed to the ICANN CEO by the Foreign Affairs Ministry and the ITs Minister in which the Government expressed its concern regarding a possible .amazon delegation without consent by the ACTO members.”

16 September 2018: ICANN Board Resolutions 2018.09.16.12 – 2018.09.16.14

Source: <https://www.icann.org/resources/board-material/resolutions-2018-09-16-en#2.d>

“ICANN's President and CEO is directed 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 “The Board directs the ICANN President and CEO or his designee(s), 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.”

15 March 2018: GAC Communiqué – San Juan, Puerto Rico (ICANN61)

Source: <https://gac.icann.org/contentMigrated/icann61-san-juan-communique>

“The GAC received an update from several of its members regarding the proposal submitted by Amazon.com at ICANN60. The GAC understands that member governments of the Amazon Cooperation Treaty Organization (ACTO) have established a process for analyzing the proposal, and that this analysis is progressing. The GAC was informed that Amazon.com and Board members have made themselves available to assist if requested. The GAC considered Board Resolutions [2017.10.29.02](#) and [2017.10.29.03](#). The GAC decided, in a spirit of good cooperation, to reply to the Board’s request for any additional information the GAC wishes to provide regarding the .amazon case. The GAC’s letter to the Board is attached to this Communique.” (See [here](#)).

4 February 2018: ICANN Board Resolution 2018.02.04.13

Source: <https://www.icann.org/resources/board-material/resolutions-2018-02-04-en#2.d>

“The Board adopts the scorecard titled "[GAC Advice – Abu Dhabi Communiqué: Actions and Updates \(4 February 2018\)](#)" in response to items of GAC advice in the Abu Dhabi Communiqué.”

1 November 2017: GAC Communiqué – Abu Dhabi, UAE (ICANN60)

Source: <https://gac.icann.org/contentMigrated/icann60-abu-dhabi-communique>

“The GAC met with representatives of the Amazon corporation and discussed developments regarding the company’s applications, particularly in light of the recent Independent Review Panel Final Declaration. The GAC and Amazon representatives noted a proposal aimed at providing a mutually acceptable solution vis-à-vis the objections previously expressed by the Amazon Cooperation Treaty Organization’s (ACTO) member states. The GAC took note of statements made by ACTO member state representatives to the effect that they would submit such a proposal to their competent authorities.

The GAC also discussed the request from the ICANN Board, pursuant to Board Resolutions [2017.10.29.02](#) and [2017.10.29.03](#) in which the Board asks the GAC:

1. 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.
2. If the GAC has any such information, to provide it to the Board by the end of the ICANN 61 meeting.

Several GAC members expressed concerns about elements contained in this Board decision, which might set a worrisome precedent both in terms of process and substance. In that context, the GAC will consider further how to react to the Board 's request. However, and without prejudging how this should be linked to the Board's request, the GAC converged on the interest of providing additional information.

The GAC expressed the need to find a mutually acceptable solution in the case of the .amazon gTLD applications for the countries affected and for the Amazon corporation.

Several GAC members expressed serious concerns about both the process followed to date in this matter and the merits of the applications from the Amazon company. A statement from the governments of Brazil and Peru summarizing their concerns in this regard will be incorporated into the record of the meeting. The GAC draws the attention of all parties to the final transcript of the relevant sessions where these issues were discussed, these will be available here: <https://schedule.icann.org/event/CbHz/gac-meeting-with-amazoncom>.”

11 July 2017: Independent Review Process (IRP) Declaration

Source: <https://www.icann.org/en/system/files/files/irp-amazon-final-declaration-11jul17-en.pdf>

“We [The Independent Review Panel] declare that Amazon has established that ICANN’s Board, acting through the NGPC, acted in a manner inconsistent with ICANN’s Bylaws, as more fully described above. Further, the GAC, as a constituent body of ICANN, failed to allow the applicant to submit any information to the GAC and thus deprived the applicant of the minimal degree of procedural fairness before issuance of its advice, as required by the Bylaws. The failure by the GAC to accord procedural fairness diminishes the presumption that would otherwise attach to its consensus advice.” And “The Panel recommends that the Board of ICANN promptly re-evaluate Amazon’s applications in light of the Panel’s declarations above. In its re-evaluation of the applications, the Board should make an objective and independent judgment regarding whether there are, in fact, well-founded, merits-based public policy reasons for denying Amazon’s applications.”

14 May 2014: ICANN Board Resolution 2014.05.14.NG03

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

“The NGPC [New gTLD Program Committee] 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.”

27 March 2014: GAC Communiqué – Singapore (ICANN49)

Source: <https://gac.icann.org/contentMigrated/icann49-singapore-communique>

“The GAC expresses its concerns with the time the Board is taking in evaluating the GAC Objection Advice on the application of the domain name .amazon, as stated in the GAC communiqué, approved in Durban, last July. Therefore the GAC urges the ICANN Board to settle as a high priority its decision according to Module 3.1 part I of the Applicant Guidebook.”

18 July 2013: GAC Communiqué – Durban, South Africa (ICANN47)

Source: <https://gac.icann.org/contentMigrated/icann47-durban-communique>

“The GAC Advises the ICANN Board that: i. The GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following applications: 1. 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).” (See GAC advice [2013-07-18-Obj-Amazon](https://www.icann.org/resources/record/obj-amazon-2013-07-18)).

11 April 2013: GAC Communiqué – Beijing, People’s Republic of China (ICANN46)

Source: <https://gac.icann.org/contentMigrated/icann46-beijing-communicue>

“In addition to this safeguard advice, that GAC has identified certain gTLD strings where further GAC consideration may be warranted, including at the GAC meetings to be held in Durban. i. Consequently, the GAC advises the ICANN Board to: not proceed beyond Initial Evaluation with the following strings : .shenzhen (IDN in Chinese), .persiangulf, .guangzhou (IDN in Chinese), .amazon (and IDNs in Japanese and Chinese), .patagonia, .date, .spa, .yun, .thai, .zulu, .wine, .vin.”