

THE MATTER OF .AMAZON

THE CONTROVERSY TO DATE

BACKGROUND

- Amazon EU S.à.r.l. EU applied for .AMAZON and two Internationalized Domain Name (IDN) versions of the word 'Amazon' in the 2012 new gTLD round.
- The .AMAZON applications were the subject of Governmental Advisory Committee (GAC) Early Warnings (**EW**) filed by the governments of Brazil and Peru (with the endorsement of Bolivia, Ecuador and Guyana) – that is, **the ACTO countries**.

THE ACTO PUBLIC INTEREST CONCERN of 2012

- "Granting 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*."

BACKGROUND II

- At the **July 2013** ICANN meeting in the Durban, S. Africa, the **Consensus GAC Advice** to the ICANN Board was that the .AMAZON applications **should not** proceed.
- The Board's New gTLD Program Committee (**NGPC**) accepted that advice in **May 2014** and directed ICANN org to not proceed with the .AMAZON **applications**.
- Amazon s.a.r.l. EU offered a proposal to the ACTO member states in **October 2015** for a mutually-beneficial solution. The proposal was rejected.

BACKGROUND III

- Amazon s.a.r.l. EU filed an IRP request in **April 2016** and was granted judgment in **July 2017**.
- The IRP panel recommended the ICANN Board "***promptly re-evaluate Amazon's applications***" and "*make an objective and independent judgment regarding whether there are, in fact, well-founded, merits-based public policy reasons for denying Amazon's applications.*"
- The Board asked the GAC for further advice on the application 29 October 2017 o
- The Board asked the GAC for additional information regarding the GAC's advice on the .AMAZON applications.

BACKGROUND IV

- Amazon s.a.r.l. EU presented a proposal to ACTO in **October 2017**
- ACTO remained unhappy “...that the name Amazon, in any language, is part of the cultural heritage and identity of the Amazon countries, and that **its use as a first level domain name, unless otherwise agreed by the Amazon countries, shall be reserved for the promotion of the interests and rights of the Amazon peoples and their inclusion in the information society.**”

BACKGROUND V

- In **November 2017** the GAC advised the Board to keep on facilitating negotiations between the parties "*with a view to reaching a mutually acceptable solution to allow for the use of .amazon as a top level domain name.*"
- Amazon s.a.r.l. EU updated its proposal to ACTO in **February 2018**
- ACTO countries rejected the Amazon s.a.r.l. EU proposal in **September 2018**

September ACTO Rejection

- **September 2018** communique from ACTO:

the delegation of .AMAZON "*requires consent of the Amazon countries*" and that they "*have the right to participate in the governance of the '.amazon' TLD.....*

".....the proposal does not constitute an adequate basis to safeguard their immanent rights relating to the delegation of the '.amazon' TLD." but they are willing to continue negotiating.

ICANN BOARD RESOLUTION

Resolved (2018.09.16.13), 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.*

THE AMAZON PROPOSAL

- **Help with the global visibility of the Amazonia region and its people as well as to protect their cultural heritage, by:**
 - 1. establishing a mutually agreed upon second level domain to allow for visibility into the Amazon region. The Amazon corporation would bear the cost of the website up to \$1,000,000 and for the duration of four years;**
 - 2. Help to prevent the misuse of domain names associated with the Amazonia region and its peoples, by:**
 - 1. Agreeing to reserve a substantial number of second level domains in English, Spanish and Portuguese;**
 - 2. Create a Steering Committee to oversee implementation of the agreement**
 - 3. Engage in goodwill efforts by providing the ACTO member states credits for use of Amazon corporation services and products up to \$5,000,000.**
 - 4. Help ACTO member states create an informational program to publicize the benefits of the agreement.**

AMAZON'S POSITION

- They are following the policies laid out in two documents: Introduction of New Generic Top-Level Domains from August 2007 and the final Applicant Guidebook dated June 2012.
- The GNSO Council and the ICANN Board both agree these both reflect the “*systemized and ongoing mechanisms for applicants to propose new top-level domains*”.
- They must be allowed to get on with their business

PARALLEL DEVELOPMENT

- Sub PRO PDPD WT5 Is looking at the Geographic Names Matter in closer detail and will issue a report a the end of this month. WT5
- Alejandro Pisanty has made a proposal to LACRALO on the LACRALO list that is, IMO, worthwhile for us to examine for positioning on the issue.

NEXT STEPS

WAIT and SEE