
Agenda Item 2: Dot.Amazon

Issues

1. Update from Brazil, Peru and other relevant GAC members of developments with regard to the offer from Amazon.com which was tabled at the Abu Dhabi meeting.
2. Development of a GAC response to the Board's request of 29 October 2017 to provide, by the end of ICANN 61, any further information that the GAC considers relevant.

GAC Action Required

1. Note any updates from relevant GAC members.
2. Agree on a response to the Board's request of 29 October 2017.

Current Position

Amazon.com has applied for the gTLD dot.amazon and related IDNs in Japanese and Chinese.

The GAC has provided advice to the Board objecting to the applications.¹

The Board (through the then-New gTLD Program Committee) accepted this advice.

Separately, Brazil and Peru gave an Early Warning notification, and an Independent Objector also filed a community objection.

An Independent Review Process found that the Board did not follow due process and recommended that the 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 has not considered the substantive issue any further. It has asked the GAC to provide any additional information that may be relevant – see below.

Proposal from Amazon.com

At the Abu Dhabi meeting between the GAC and Amazon.com the company tabled a proposal to incorporate a series of Public Interest Commitments into the relevant Registry Agreement that would block culturally sensitive names at the second level, have regular consultations with relevant governments and support local applications for related names.

Abu Dhabi Communique

In its Abu Dhabi Communique the GAC provided two things:

A: Consensus advice to the Board

[For the 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.

¹ GAC Durban Communique (July 2013)

B: Follow-Up on Previous Advice

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/gacmeeting-with-amazoncom>

ICANN Board response

[Response](#) to the GAC consensus advice: The ICANN Board accepts the GAC advice and has asked the ICANN Org President and CEO to facilitate negotiations between the Amazon Cooperation Treaty Organization's (ACTO) member states and the Amazon corporation.

[Response](#) to the follow-up on previous advice: The Board notes the GAC's discussion on the request from the Board in its Resolutions 2017.10.29.02 and 2017.10.29.03. During the Board workshop of February 2-4, 2018, the Board was updated on the status of the facilitation role that the ICANN org President and CEO play between the different parties in the .amazon issue. As stated in the Abu Dhabi Communiqué scorecard, the Board has asked the ICANN org President and CEO to facilitate negotiations between the Amazon Cooperation Treaty Organization member states and the Amazon corporation. The Board stands ready to move this issue forward at the conclusion of these discussions in accordance with the related Board resolution.

Further Information

[GAC Beijing Communiqué](#)

[GAC Durban Communiqué](#)

[Independent Review Process](#)

[Amazon letter to ICANN Board 7 Sep 2017](#)

[Brazil Letter to ICANN Board 20 September 2017](#)

[Peru Letter to ICANN Board 6 October 2017](#)

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