

20 November 2018

To Ambassador Jacqueline Mendoza
Secretary General, ACTO
Brazil

Dear Ambassador Mendoza:

We would like to thank you for your letter dated 5 November 2018 and for the invitation to attend the meeting of the ACTO member states representatives in Bolivia on 29 November 2018.

I look forward to joining you in this meeting and also for the opportunity to speak to the ACTO member states representatives to discuss the facts related to the .AMAZON Top-Level Domain and address their concerns.

Our Team at the ICANN organization is working on the issues that you have raised in your letter and there will be a follow up correspondence from us, as soon as practicable.

In the meanwhile, I would like to state some facts and clarify some issues before my visit as follows:

- The ICANN Board had previously followed the 2013 GAC advice from the Durban Communique and placed the Amazon Corp applications for .AMAZON TLDs on hold.
- After the Independent Review Panel decision in 2017 directing the ICANN Board to reconsider its decision, the GAC issued Advice to the Board in Abu Dhabi in November 2017 in order to facilitate dialogue between the concerned member states and Amazon Corp. and to support further work that might allow the .AMAZON application to move forward in a manner that would align with GAC advice. The ICANN Board requested the CEO to lead this facilitation process.
- In Abu Dhabi in November 2017, we started the facilitation process and met with the concerned parties present from member states representatives and Amazon Corp.
- Next, we launched a facilitation process including holding regular meetings with the concerned parties and especially with the representative from Brazil in Geneva, Puerto Rico and Panama. It was followed up by a dialogue on new proposals from Amazon Corp. and the related detailed questions from ACTO during the facilitation process.
- The representative of Brazil attended the GAC-Board meetings several times and reported positively about the progress in the ICANN org facilitation process between the ACTO countries and Amazon Corp. There have been regular telephone calls between our senior executives at ICANN and the representative of Brazil to follow up on progress, answer any questions, and to clarify any ambiguities related to the process and the updated proposals from Amazon Corp.

- We appreciate the efforts by the technical committee of ACTO in several meetings over the months. ACTO kindly sent its response letter to ICANN on the latest Amazon Corp proposal at that time on 5 Sep 2018, which reflected its dissatisfaction with the latest proposal.
- Amazon Corp has been working on a new and enhanced proposal that would consider and address the reservations of ACTO and included some PICs (Public Interest Commitments) in the new proposal to be included in their Registry Agreement with ICANN. One objective of this latest proposal is to address the public policy concerns of the ACTO countries and to better serve the Amazonian region and people with shared governance, shared use and better visibility of the TLDs.
 - This proposal was shared by ICANN organization representative in his conversations with the Brazil representative before the Board meeting and there was encouragement by both sides that this all had moved in the right direction.
- A meeting between ICANN CEO and the Brazil representative occurred at ICANN63 on 19 October to discuss the way forward. The new proposal has been developed during a 12 months facilitation process held by the ICANN organization and evolved from many discussions and ideas with all concerned parties, exchange of letters with Q&A back in February/March 2018 between ACTO technical committee, ICANN organization and Amazon Corp.
- The Board resolved on 25 October 2018 to remove the “hold” on the TLD application and instructed ICANN org to take this issue forward per its process.
- We received the reconsideration request from ACTO following the Board resolution but have halted the processing of the request pending the outcome of the Bolivia meeting of 29 November.

I am therefore coming to your meeting to discuss the issue with your esteemed member state representatives in Bolivia on 29 November to explain the new proposal, listen and address any issues of concern from your side, correct any misconceptions or misinterpretations and take this matter forward in a constructive way.

This meeting will help us to ensure that there is the appropriate level of support from ACTO, in support of ACTO’s goals to help increase the visibility of the Amazon region and people on the Internet, to apply the principles of shared governance and use, and to protect the Amazon TLD. It’s clear that this has been your position throughout the facilitation process, to avoid misuse and at the same time find a way for the Amazon Corp. to use the TLDs for its legitimate commercial and business use.

I want to refer here to the fact that the Amazon Corp will be sending soon for your consideration its new proposals with the proposed PICs. Again, this was developed during our discussions and facilitation process during the last 12 months since Abu Dhabi meeting in November 2018.

If there has been any misunderstanding in our exchanges and communication I would like to express my sincere apologies and look to a constructive way forward, and to work together to implement the Board resolution of 25 October 2018 and recognize the hard work that you have dedicated to this in the past five years for the mutual benefit of all the concerned parties.

Yours sincerely



Göran Marby
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers (ICANN)