

## Reconsideration Request Form

Version of 11 April 2013

ICANN's Board Governance Committee is responsible for receiving requests for reconsideration from any person or entity that has been materially affected by any ICANN staff action or inaction if such affected person or entity believes the action contradicts established ICANN policies, or by actions or inactions of the Board that such affected person or entity believes has been taken without consideration of material information. Note: This is a brief summary of the relevant Bylaws provisions. For more information about ICANN's reconsideration process, please visit <http://www.icann.org/en/general/bylaws.htm#IV> and <http://www.icann.org/en/committees/board-governance/>.

This form is provided to assist a requester in submitting a Reconsideration Request, and identifies all required information needed for a complete Reconsideration Request. This template includes terms and conditions that shall be signed prior to submission of the Reconsideration Request.

Requesters may submit all facts necessary to demonstrate why the action/inaction should be reconsidered. However, argument shall be limited to 25 pages, double-spaced and in 12 point font.

*For all fields in this template calling for a narrative discussion, the text field will wrap and will not be limited.*

Please submit completed form to [reconsideration@icann.org](mailto:reconsideration@icann.org).

### **1. Requester Information**

**Name:** dot Sport Limited

**Address:** Contact Information Redacted

**Email:** Contact Information Redacted

**Phone Number (optional):** Contact Information Redacted

(Note: ICANN will post the Requester's name on the Reconsideration Request page at <http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>. Requestors address, email and phone number will be removed from the posting.)

### **2. Request for Reconsideration of (check one only):**

Board action/inaction

Staff action/inaction

### **3. Description of specific action you are seeking to have reconsidered.**

- (i) Board Rejection of Reconsideration Request 13-16 on 8 January 2014 available at <https://www.icann.org/en/groups/board/governance/reconsideration/13-16/determination-sport-08jan14-en>; and/or
- (ii) Community Objection Determination by expert Guido Tawil ("Expert") a Senior Partner of M&M Bomchil on 23 October 2013 available at <http://www.iccwbo.org/products-and-services/arbitration-and-adr/expertise/icann-new-gtld-dispute-resolution/expert-determination/> as a result of his failure to disclose his conflict of interest through his direct commercial interest in the broadcast rights of the Objector and the International Olympic Committee ("Conflict") during his acceptance of the appointment as Expert on 25 July 2013 and his appointment as Expert by the ICC under false circumstances on 29 July 2013, attached as Exhibit 1 and Exhibit 2. The failure to disclose is a failure to follow multiple ICANN policies both pursuant to the Applicant Guidebook and ICANN Bylaws; and/or
- (iii) Decision of International Chamber of Commerce ("ICC") of 29 July 2013 to appoint Guido Tawil as Expert on the basis of false information provided to the ICC by Guido Tawil.<sup>1</sup>

**4. Date of action/inaction:**

As set out above.

**5. On what date did you become aware of the action or that action would not be taken?**

In respect of the conflict of interest, we discovered the existence of such on 25 March 2014.

**6. Describe how you believe you are materially affected by the action or inaction:**

We believe we have lost the Community Objection as a direct result of a lack of impartiality of the appointed Expert, Guido Tawil.

As an innocent party, acting in good faith, we have lost large amounts of money: application fees, legal fees, Dispute Resolution Procedures ("DRP") fees, as a result of our good faith adherence to the rules set out in the Applicant Guide Book.

We have lost the right to an impartial community objection hearing.

**7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.**

- The entire ICANN community is angered by the lack of consistency and the obvious unfairness of many of the determinations ostensibly conducted under the DRP. Innocent parties, acting in good faith, have lost large amounts of money: application fees, legal fees, DRP fees, etc. In addition, they have unfairly lost the right to participate

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<sup>1</sup> ICANN has already determined that the reconsideration process can be properly invoked for challenges to the actions of the DRSP.

in the auction process lined up for Contention Sets.

- The ICANN Board will be adversely affected by inaction and could lose credibility due to the behavior of the ICC and the Expert. Transparency, accountability and the disclosure and proper handling of conflict of interests is one of the sacred tenets of ICANN Board practice. The NGPC was created precisely because of conflicts of interest.  
<http://www.icann.org/en/news/in-focus/accountability/expected-standards>

See No. 2 on the list of expected standards for the Board to:

- **Act** in accordance with ICANN's Bylaws. In particular, participants undertake to act within the mission of ICANN and in the spirit of the values contained in the Bylaws.
- **Adhere** to ICANN's conflict of interest policies.  
<http://www.icann.org/en/groups/board/governance/coi>

This conflict of interest policy applies to the ICC (and by extension, Guido Tawil) because it applies to the Board.

- Stakeholders in the .sport registry have lost the opportunity of the registry being operated by us.
- Our shareholders have lost the business opportunity of the .sport registry being operated by us.

## **8. Detail of Board or Staff Action – Required Information**

**Staff Action:** If your request is in regards to a staff action or inaction, please provide a detailed explanation of the facts as you understand they were provided to staff prior to the action/inaction presented to the staff and the reasons why the staff's action or inaction was inconsistent with established ICANN policy(ies). Please identify the policy(ies) with which the action/inaction was inconsistent. The policies that are eligible to serve as the basis for a Request for Reconsideration are those that are approved by the ICANN Board (after input from the community) that impact the community in some way. When reviewing staff action, the outcomes of prior Requests for Reconsideration challenging the same or substantially similar action/inaction as inconsistent with established ICANN policy(ies) shall be of precedential value.

**Board action:** If your request is in regards to a Board action or inaction, please provide a detailed explanation of the material information not considered by the Board.

Information provided at Annex 1.

If that information was not presented to the Board, provide the reasons why you did not submit the material information to the Board before it acted or failed to act. "Material information" means facts that are material to the decision.

The information in Annex 1 was not known to the Requester before 25 March 2014.

If your request is in regards to a Board action or inaction that you believe is based upon

inaccurate, false, or misleading materials presented to the Board and those materials formed the basis for the Board action or inaction being challenged, provide a detailed explanation as to whether an opportunity existed to correct the material considered by the Board. If there was an opportunity to do so, provide the reasons that you did not provide submit corrections to the Board before it acted or failed to act. No such prior opportunity existed, as the Expert deliberately presented inaccurate, false, or misleading materials to the Board designate (ICC) the falseness of which the Requester asked the ICC to investigate, without success, but which the Requester has itself now investigated, with success.

Reconsideration requests are not meant for those who believe that the Board made the wrong decision when considering the information available. There has to be identification of material information that was in existence of the time of the decision and that was not considered by the Board in order to state a reconsideration request. Similarly, new information – information that was not yet in existence at the time of the Board decision – is also not a proper ground for reconsideration. Please keep this guidance in mind when submitting requests.

The information presented in Annex 1 is not new information. It is information which was in existence at the time of the actions/inactions set out in points 3(i) to 3(iv), above

**Provide the Required Detailed Explanation here:**

### **Background**

On 23 October 2013 the Panelist Dr. Guido Tawil, partner in M&M Bomchil Abogados, appointed by the International Centre for Expertise in the case of SportAccord v dot Sport Limited EXP 471/ICANN/88 ("Determination"), found in favour of the Objector, SportAccord in a community objection by SportAccord to the gTLD registry application of dot Sport Limited. The International Olympic Committee was specifically named as a party interested in the proceedings, and is a supporter of the SportAccord community application for the .sport string.

Famous Four Media were not alone in finding the Determination irregular in a number of respects. For example, Dr. Tawil re-interpreted a key ICANN standard, inexplicably turning the ordinary meaning of the term "likelihood" to "possible" in the context of deciding the 'likelihood of material detriment' to the community in question.

### **Reconsideration Request 13-16**

Dot Sport Limited submitted a Reconsideration Request to ICANN on 8 November 2013 in which, amongst other matters, we raised the question of whether Dr. Guido Tawil had any connection to the Objector or any of its constituent member organisations.

Furthermore, we requested that ICANN ask the relevant Dispute Resolution Service Provider, the International Chamber of Commerce ("ICC"), to review its appointment of Dr. Tawil. ICANN rejected the Reconsideration Request on 8 January 2014.

Furthermore, Famous Four Media wrote to the ICC on two occasions to request that the ICC question Dr. Tawil directly about his links with SportAccord or the International Olympic Committee ("IOC"). The ICC repeatedly declined to do so.

### **SportAccord and IOC**

It should be noted that the IOC was named as an interested party in the Objection.

SportAccord is effectively controlled by the IOC. The IOC and SportAccord are inextricably linked. Two of the six members of the Executive Council (Marisol Casado and Franco Kasper) are also members of the IOC. Five of the eight members of the Council of SportAccord are directly appointed by three out of the only four sport associations officially recognised by the IOC on their website: ASOIF, AIOWF, ARISF<sup>2</sup>; the fourth sport association officially recognised by the IOC being SportAccord itself

"International Sports Federations seeking IOC recognition must ensure that their statutes, practice and activities conform with the Olympic Charter." However, conformity is not limited to just abstract documentary and/or legal conformity. The IOC is deeply entwined in the day to day operations and mission of SportAccord. On its own website Sport Accord states that it enjoys "a close collaborative relationship with the IOC". The IOC plays a key supporting role to several project areas of SportAccord: "The sharing of values and knowledge allows for a more complex approach in addressing a wide range of topics such as anti-doping, illegal betting, match-fixing, sustainable sports events, sports for all and IF recognition".<sup>3</sup> The relevant portion

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<sup>3</sup> <http://www.sportaccord.com/en/what-we-do/dfsu/?idContent=16323>

of the SportAccord website is abstracted below. More at:

<http://www.sportaccord.com/en/what-we-do/dfsu/?idContent=16323#sthash.G6CFf0Wu.dpuf>

## INTERNATIONAL OLYMPIC COMMITTEE

SportAccord holds a close collaborative relationship with the International Olympic Committee (IOC).

SportAccord fully recognises the IOC and the Olympic Movement's authority, it is and will remain a loyal partner in the achievements of the Olympic Movement objectives.

The IOC plays a key supporting role to several project areas of SportAccord. The sharing of values and knowledge allows for a more complex approach in addressing a wide range of topics such as anti-doping, illegal betting, match-fixing, sustainable sports events, sports for all and IF recognition.

The SportAccord Doping-Free Sport Unit's (DFSU) strategic alliance with the International Olympic Committee (IOC) began in 2009. The IOC and World Anti-Doping Agency's (WADA) funding for the DFSU enables the DFSU to provide expert advice and support its members, signatories of the Code, in becoming Code compliant, maintaining this status and implementing best practices in anti-doping.

An advisory board composed of three representatives (SportAccord, WADA and IOC), provides guidance, advice and recommendations on the global vision, strategies and operational plans of the DFSU. This board meets at least once a year.

The IOC plays a vital role in the work of the Sports' Social Responsibility Unit. Its financial support enables the development of specific services for SportAccord members as well as assistance, training and support in harnessing the power of sport to contribute to the positive social change. This contribution ranges across six special projects utilising sport for: child & youth development, the environment, gender, health, persons with disabilities, peace.

Specifically in the Sport and Health project, SportAccord collaborates with the IOC in the World Conference on Sport for All. The 15<sup>th</sup> World Conference held in Peru in April 2013, aimed at promoting health, fitness and well-being as well as encouraging people of all ages and abilities to participate in sports activities and experience the Olympic values.

Additionally, the IOC is fully in line with SportAccord's commitment to develop a Sustainable Event Management Strategy. Currently under development, an IOC-SportAccord education tool, to be released November 2012, will contribute to overcoming the knowledge gap regarding sustainability within the sports movement. This service will complement the Online Reporting Tool which provides a sustainability summary report used not only for communication and marketing purposes but also as basis for a solid sustainability policy.

Through this instrumental partnership, the IOC insures the continuous improvement of SportAccord's support in sports' social responsibility issues. The members obtain a case specific attention to their demands as SportAccord becomes increasingly relevant for each and every member, independently of its sport, size or location.

### Commercial relationship between Guido Tawil and the IOC

The Requester has uncovered evidence of direct commercial relationships between Guido Tawil, the M&M Bomchil law firm and the IOC. Guido Tawil is a Senior Partner of the law firm M&M Bomchil.

1. Guido Tawil, DirecTV and IOC broadcasting rights

One of Guido Tawil's 'significant clients' (according to the Chambers & Partners law directory) is **DirectTV** (<http://www.chambersandpartners.com/19/572/editorial/9/1>). On 7 February 2014, just 3 months after having provided his decision in SportAccord v dot Sport Limited EXP 471/ICANN/88 DirecTV secured a highly lucrative and sought after broadcasting rights deal covering Latin America for the 2014 winter Olympic Games in Sochi, Russia and the 2016 summer Olympics in Rio de Janeiro, Brazil. DirecTV will broadcast the Olympics in Argentina, Chile, Colombia, Ecuador, Peru, Uruguay and Venezuela. The deal covers television, online and mobile platforms.

2. DirectTV, Torneos y Competencias S.A. and Guido Tawil

Direc TV Latin America is the principal shareholder in Torneos y Competencias S.A. ("TyC", also referred as "Torneos"). TyC is another sports broadcasting firm in the Latin American region and is headquartered in Buenos Aires. ([http://en.wikipedia.org/wiki/Torneos\\_y\\_Competencias](http://en.wikipedia.org/wiki/Torneos_y_Competencias)

TyC is also a major client of M&M Bomchil law firm. What is more, the President of TyC is Marcelo Bombau, who is also a Senior Partner in M&M Bomchil and is therefore a business partner of Guido Tawil. (Source: [m.chambersandpartners.com/firm/2373/9](http://m.chambersandpartners.com/firm/2373/9); see also [http://en.wikipedia.org/wiki/Torneos\\_y\\_Competencias](http://en.wikipedia.org/wiki/Torneos_y_Competencias) page last modified on 8 February 2014.) In other words, Guido Tawil's business partner in the same law firm, has a direct commercial interest in a direct recipient of IOC broadcasting rights. Guido Tawil's own legal practice and business is built around a company for whom IOC broadcasting rights are a core aspect of its business.

In the M. & M. Bomchil Attorneys Firm Brochure from 2008, the Executive Director of TyC, Luis Nofal, endorses M&M Bomchil. Marcelo Bombau is also a Board Member of the Fundacion

Torneos y Competencias along with the son and daughter of the Founder, Luis Nofal. TyC shareholders include DirecTV Latin America (33.2%) and Luis Nofal Sports Holding SA (by Luis Nofal, 23.53%).

### 3. TyC and IOC broadcasting rights

TyC has a long standing business relationship with IOC having secured broadcasting rights for the Olympics on 5 consecutive occasions since the Atlanta Games in 1996. It most recently won the Argentinian television rights for the Vancouver 2010 Winter Olympics and London 2012 Olympic Games [http://www.sportspromedia.com/news/new\\_broadcast\\_deals\\_for\\_tyc](http://www.sportspromedia.com/news/new_broadcast_deals_for_tyc).

### 4. Summary of Interests

4.1 TyC, is a major client and source of income of Guido Tawil. IOC broadcasting rights are a core aspect of its business

4.2 TyC is run by a business partner of Guido Tawil. IOC broadcasting rights are a core aspect of his business

4.3 Guido Tawil's firm was involved in TyC obtaining IOC broadcasting rights.

4.4 DirecTV is a major client and source of income of Guido Tawil. IOC broadcasting rights are a core aspect of it business

4.5 DirecTV Latin America acquired Olympic broadcasting rights 3 months following the decision made by Guido Tawil

4.6 DirecTV is the principal shareholder in TyC.

4.7 It is understood that Guido Tawil's firm was involved in DirecTV Latin America obtaining IOC broadcasting rights.

### 5. Falsifying declaration in the Conflicts of Interest form

We extract from the Statement of Impartiality and Independence which Giudo Tawil signed on 25 July 2013 (N°: EXP/471/ICANN/88)



**ICC EXPERT  
DECLARATION OF ACCEPTANCE AND AVAILABILITY,  
STATEMENT OF IMPARTIALITY AND INDEPENDENCE**

Family Name(s): Tawil

Given Name(s): Guido Santiago

*Please tick all relevant boxes.*

**1. ACCEPTANCE**

I agree to serve as expert under and in accordance with ICANN's gTLD Applicant Guidebook, including the New gTLD Dispute Resolution Procedure ("**Procedure**"), the Rules for Expertise of the ICC ("**Rules**") including Appendix III to the ICC Rules and supplemented by the ICC Practice Note on the Administration of Cases. I confirm that I am familiar with these rules and documents. I accept that my fees and expenses will be fixed exclusively by the ICC International Centre for Expertise ("**Centre**") (Article 3 Appendix III to the ICC Rules).

**NON-ACCEPTANCE**

I decline to serve as expert in this case.  
*(If you tick here, simply date and sign the form without completing any other sections.)*

**2. AVAILABILITY**

I confirm, on the basis of the information presently available to me, that I can devote the time necessary to conduct this proceeding diligently, efficiently and in accordance with the time limits provided in the Procedure, subject to any extensions granted by the Centre pursuant to Article 21(a) of the Procedure.

3. **INDEPENDENCE AND IMPARTIALITY**


*(Tick one box and provide details below and/or, if necessary, on a separate sheet.)*

In deciding which box to tick, you should take into account, having regard to Article 11(1) of the Rules and Article 13(c) of the Procedure, whether there exists any past or present relationship, direct or indirect, between you and any of the parties, their related entities or their lawyers or other representatives, whether financial, professional or of any other kind. Any doubt must be resolved in favour of disclosure. Any disclosure should be complete and specific, identifying *inter alia* relevant dates (both start and end dates), financial arrangements, details of companies and individuals, and all other relevant information.

**Nothing to disclose:** I am impartial and independent and intend to remain so. To the best of my knowledge, and having made due enquiry, there are no facts or circumstances, past or present, that I should disclose because they might be of such a nature as to call into question my independence in the eyes of any of the parties and no circumstances that could give rise to reasonable doubts as to my impartiality.

**Acceptance with disclosure:** I am impartial and independent and intend to remain so. However, mindful of my obligation to disclose any facts or circumstances which might be of such a nature as to call into question my independence in the eyes of any of the parties or that could give rise to reasonable doubts as to my impartiality, I draw attention to the matters below and/or on the attached sheet.

Date: July 25, 2013

Signature: 

We note that the duty of disclosure includes any:

- i. **Relationship whether financial, professional or of any other kind**
- ii. That is either ***past or present*** and that is
- iii. ***direct or indirect*** between
- iv. ***you*** [Guido Tawil] and any ***parties their related entities or their lawyers***

We further note that the standard of disclosure is so high that

- a. ***any doubt must be resolved in favour of disclosure***
- b. Disclosure includes anything that ***might be called into question***
- c. Guido Tawil was required to have made ***due enquiry*** and that
- d. Guido Tawil is a jurist and can not argue ignorance as to the meaning or standard of this duty

The research we have provided in this section would have clearly necessitated that Guido Tawil tick the box "Acceptance with Disclosure". Guido Tawil had and has multiple financial and professional relationships both direct and indirect with the IOC which is clearly a related entity to SportAccord. By ticking the box "nothing to disclose", he has provided false statement that:

- there are no facts of circumstances, past or present, that I should disclose because they might be of such a nature as to call into question my independence in the eyes of any of the parties and
- no circumstances that could give rise to reasonable doubts as to my impartiality.
- clearly he knew that his key client would benefit from IOC rights; and he either knew and withheld the information (or made no due enquiry as to whether or not) any member of his law firm would have stood to gain by this.

### **Recommendation of the Ombudsman**

On 31 March 2014, the Ombudsman (with whom we shared the new material discovered on 25 March 2014) advised the Board as follows:

*"I am concerned that in this case, there has been no direct comment from Dr. Tawil. I am also concerned that the ICC have taken a stance that it is too late for Famous Four Media to challenge the decision on the basis of material recently disclosed. My concern is, that this may create a reasonable appearance of bias. My view is that the commercial relationship ought to have been disclosed, to give the applicant Famous Four Media an opportunity to make a considered choice as to the suitability of this appointment. Transparency is the best way to ensure that parties are able to make the best choices.*

*It is therefore my recommendation to the board, that there should be a rehearing of the objection with a different expert appointed."*

### **9. What are you asking ICANN to do now?**

(Describe the specific steps you are asking ICANN to take. For example, should the action be reversed, cancelled or modified? If modified, how should it be modified?)

- (i) Revoke the designation of authority of Guido Tawil as Expert for undisclosed conflict of

interest and/or obvious bias in deciding the Determination.

- (ii) Reject the finding of the Expert Determination, dismiss the Objection and provide a refund of the fees of the ICC to dot Sport Limited
- (iii) Instruct the ICC to give a full account of how the Expert's resume came to be considered by the ICC and what the consideration process was.
- (iv) Instruct the Expert to give an account of why he failed to disclose his deep professional involvement in two major clients involved in multi-million deals for broadcast rights to the Olympic games over the last decade, which would clearly indicate his professional alignment with SportAccord interests.

Alternatively, dot Sport Limited would request that the matter be referred, at no cost to dot Sport Limited, to a new fully independent panel of **THREE** Experts selected under an entirely transparent process, for a de novo review and determination<sup>4</sup>. This matter should not be reheard by a single Expert alone, since this has repeatedly proven (not just in the .SPORT decision) to be unreliable and lead to inconsistent decision making; or

Refer the community objections against dot Sport's .SPORT application back to an accountability mechanism established by ICANN to deal with incorrect, inconsistent or otherwise improper determinations.

**10. Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration, and the grounds or justifications that support your request.**

*(Include in this discussion how the action or inaction complained of has resulted in material harm and adverse impact. To demonstrate material harm and adverse impact, the requester must be able to demonstrate well-known requirements:*

- a. there must be a loss or injury suffered (financial or non-financial):*
  - (i) Loss of gTLD application fee
  - (ii) Loss of Objection fee
  - (iii) Loss of opportunity to participate in an impartial and fair hearing
  - (iv) Loss of opportunity to participate in a Contention Set Auction for the .SPORT top level domain ("TLD")
- b. that is a directly and causally connected to the Board or staff action or inaction that is the basis of the Request for Reconsideration.*
  - (i) Guido Tawil provided false information at the time of submitting his conflict of interest form.

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<sup>4</sup> Indeed, this is a likely consequence of paragraph 2.4.3.2 of the AGB: *"In a case where ICANN determines that a Panelist has failed to comply with the Code of Conduct, the results of that Panelist's review for all assigned applications will be discarded and the affected applications will undergo a review by new panelists."*

This is a clear breach of ICANN policy<sup>5</sup> and the Applicant Guidebook. The AGB provides extensive guidance, at paragraph 2.4.3, in the Code of Conduct for Panelists:

*Panelists shall conduct themselves as thoughtful, competent, well prepared, and impartial professionals throughout the application process. Panelists are expected to comply with equity and high ethical standards while assuring the Internet community, its constituents, and the public of objectivity, integrity, confidentiality, and credibility. Unethical actions, **or even the appearance of compromise, are not acceptable.***

Dr Tawil has fallen short of the requirements in a number of respects. First, there is obvious apparent bias, as has been found by the Ombudsman. Second, as we stated in our previous Reconsideration Request, the determination was received within the ICANN community as a poorly decided one, lacking in appropriate reasoning and imposing new standards for a community objection not defined in the AGB. This exacerbates the appearance of bias in this case.

- (ii) The Requester would not have approved Guido Tawil as Expert under any circumstances, had he disclosed his alignment of both direct and indirect interests with the IOC and SportAccord.
  - (iii) The Board may not have rejected the previous Reconsideration Request had the information about Dr. Guido Tawil's bias been known at the time.
  - (iv) The Ombudsman has specifically recommended to the Board that the decision of the Expert should be disregarded and there be a rehearing.
- c. *The requestor must be able to set out the loss or injury and the direct nature of that harm in specific and particular details.*

See point 10(a)(i) - (iii) above.

The relief requested from the BGC must be capable of reversing the harm alleged by the requester. Injury or harm caused by third parties as a result of acting in line with the Board's decision is not a sufficient ground for reconsideration. Similarly, injury or harm that is only of a sufficient magnitude because it was exacerbated by the actions of a third party is also not a sufficient ground for reconsideration.)

**11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)**

Yes

No

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<sup>5</sup> <http://www.icann.org/en/news/in-focus/accountability/expected-standards>

**11a. If yes, Is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.**

N/A

**Do you have any documents you want to provide to ICANN?**

If you do, please attach those documents to the email forwarding this request. Note that all documents provided, including this Request, will be publicly posted at <http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>.

### **Terms and Conditions for Submission of Reconsideration Requests**

The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.

The Board Governance Committee may dismiss Reconsideration Requests that are querulous or vexatious.

Hearings are not required in the Reconsideration Process, however Requestors may request a hearing. The BGC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing.

The BGC may take a decision on reconsideration of requests relating to staff action/inaction without reference to the full ICANN Board. Whether recommendations will issue to the ICANN Board is within the discretion of the BGC.

The ICANN Board of Director's decision on the BGC's reconsideration recommendation is final and not subject to a reconsideration request.



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Signature

2 April 2014  
Date