

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.

1. Requester Information

Name: World Gold Council, An Association

Address: Contact Information Redacted

Email:

Phone Number (optional):

C/o:

Name: Flip Petillion, Crowell & Moring LLP

Address: Contact Information Redacted

Email:

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.

(Provide as much detail as available, such as date of Board meeting, reference to Board resolution, etc. You may provide documents. All documentation provided will be made part of the public record.)

The World Gold Council, An Association (hereinafter 'WGC') seeks reconsideration of ICANN's acceptance of the Expert Determination of the New gTLD Community Objection regarding the string .GOLD (Application ID 1-1478-71326) by the International Chamber of Commerce in Case No. EXP/434/ICANN/51, dated January 7, 2014 (hereinafter, the 'Decision'). The Decision is attached as **Annex 1**. This decision fails to follow the ICANN process for handling a Community Objection, specifically in failing to follow the ICANN process for determining the standing of the Community Objector and in failing to consider the Community Objection on its merits.

4. Date of action/inaction:

(Note: If Board action, this is usually the first date that the Board posted its resolution and rationale for the resolution or for inaction, the date the Board considered an item at a meeting.)

January 7, 2014

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

(Provide the date you learned of the action/that action would not be taken. If more

than fifteen days has passed from when the action was taken or not taken to when you learned of the action or inaction, please provide discussion of the gap of time.)

January 8, 2014. The Decision was taken on January 7, 2014 and the ICC communicated the Decision to the parties on January 8, 2014 ([Annex 2](#)).

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

The Requester is an association, whose 23 members comprise the world's leading gold mining companies, representing approximately 60% of global corporate gold production. Members are active across a wide geographical spread covering markets such as Australia, India, Canada, Africa and China. Based centrally in the UK, the Requester works throughout Europe, the US, India and the Far East, engaging with key global and regional stakeholders and partnering with experts in industry and academia to educate decision makers and communicate the value of gold.

The Requester is representative for the community delineated by its members and partners and is globally recognized as representative of the gold industry and as the global authority on gold and its uses. The World Gold Council is recognized by governments' central banks and institutions such as the EU and the World Bank and directly interacts with these entities.

The community represented by the Requester strongly and substantially opposed the application by June Edge, LLC for .GOLD (Application ID 1-1478-71326). Given the strong likelihood of material detriment to the rights and legitimate interests of (a significant portion of) the community to which the .GOLD string is targeted, if the application by June Edge, LLC were sustained, the Requester filed a community objection with the ICC. The community supports the application for .GOLD by WGC

(IOM) Limited (Application ID 1-1143-36731).

The Decision to reject the Requester's community objection directly impacts the Requester as follows:

- If the Requester wants to avoid that the .GOLD gTLD is delegated to June Edge, LLC, it will need to either negotiate with June Edge LLC or have WGC (IOM) Limited participate at an auction with a view to obtaining the delegation of the .GOLD gTLD. This may require additional (and possibly exorbitant) investments which are not justified, given the erroneous nature of the Decision.

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

Various third parties are adversely affected by the Decision:

- The risk remains that the .GOLD gTLD is not delegated to WGC (IOM) Limited and that Internet users will not benefit from the services by WGC (IOM) Limited under the .GOLD gTLD.

WGC (IOM) Limited, supported by the Requester and having understood that the Internet and a domain name system that can be trusted becomes increasingly important to the activities of the gold industry, proposes access to the second level .GOLD domains with the proper quality controls in place to provide trusted sources of information and product offers to consumers. In doing so, it is not the intention to reduce the Internet presence of gold or gold related offerings. On the contrary, WGC (IOM) Limited is in the process of developing Internet platforms specifically dedicated to consumers interested in gold. As it is its intention to stimulate and sustain the global demand for

gold, WGC (IOM) Limited highly encourages all parties with a legitimate interest in gold to become active in the Internet community. An open .GOLD gTLD without proper quality controls, as proposed by June Edge, LLC, would interfere with these activities and not benefit the Internet community;

- The possible delegation of the .GOLD gTLD to June Edge, LLC would be highly detrimental to the community represented by the Requester:

As explained in detail in the Requester's community objection (**Annex 3**), the community invoked by the Requester suffers various threats and would benefit from a trusted identifier for its community. If June Edge, LLC's application for .GOLD were to be granted, this gTLD would exist next to other TLDs, such as .BANK, that are representative of an industry and are perceived by the public as trusted identifiers for that industry. This would create a high likelihood that the .GOLD gTLD is perceived as a trusted identifier, whereas it may not be, given the lack of steps that June Edge, LLC has taken to prevent fraudulent activity and abuses in the operation of the gTLD.

This is particularly damaging to the community represented by the Requester, since gold has historically struggled with its reputation. As a valuable, highly mobile asset, whose origins cannot be traced, it has often been associated with criminal activity. As stated in its objection:

The World Gold Council and its members have invested significant effort in the past to create a positive image for gold and the gold industry by disseminating well-researched, factual information about gold and showcasing the Corporate Social Responsibility work of the gold mining companies.

(Annex 3, p. 10)

The pervasive presence of SPAM on the internet shows there is still significant work to be done to provide a positive and professional consumer experience for gold. If .GOLD domain names were available on an open and unrestrained registry, as envisioned by June Edge, LLC, it would be a significant setback for the work delivered by the community represented by the Requester. The community invoked and represented by the Requester is concerned that June Edge, LLC's operation of the .GOLD gTLD would lead to potential investors being misinformed about the characteristics of gold as an investment. Hence, they would be unsure where to buy gold safely and therefore refrain from purchasing it, which reduces the demand for gold. Conspiracy theories that are widely circulated on the Internet may also prevent potential investors from buying gold. This not only damages the gold industry by decreasing the demand for gold, but also directly damages the interests of the Requester, being the sponsor of the gold-backed exchange traded fund 'GLD' and deriving revenues from it. A decrease in demand would likely depress gold prices, which reduces the profit margins of the gold mining industry, referred to by the Requester in its objection:

The decrease in demand, as described in points 1 and 2, would likely depress gold prices, which reduces the profit margins of the gold mining industry and other players in the gold supply chain.

(Annex 3, p. 10)

As a result, accepting the Decision would unjustifiably (*infra*) be detrimental to the community represented by the Requester and not be in the interest of the Internet user.

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. 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.

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.

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.

Provide the Required Detailed Explanation here:

Although the dispute resolution in relation to the Requester's community objection was performed by a third party, ICANN has determined that the Reconsideration process can properly be invoked for challenges of the third party's decisions where it can be stated that either the vendor failed to follow its process in reaching the decision, or that ICANN staff failed to follow its process in accepting that decision (Recommendation of the Board Governance Committee (BGC) Reconsideration Request 13-5, August 1, 2013, page 4).

The new gTLD program included a dispute resolution procedure pursuant to which disputes between a person or entity who applies for a new gTLD and a person or entity who objects to that gTLD are resolved in accordance with the so-called New gTLD Dispute Resolution Procedure (Article 1(b), New gTLD Dispute Resolution Procedure (hereinafter, the 'Procedure'). Pursuant to Article 1(c) of the Procedure, Dispute resolution proceedings shall be administered by a Dispute Resolution Service Provider (DRSP) in accordance with the Procedure and the applicable DRSP Rules. In accordance with Article 20(a) the Panel appointed by the DRSP had to apply the standards that have been defined by ICANN.

In the present case, both the DRSP and the Panel have derogated from the Procedure and the Panel has failed to apply the standard defined by ICANN in reaching his Decision (*infra*). As a result, the policy for dealing with disputes has not been followed. Accepting the Decision as an expert determination and advice would thus be contrary to ICANN's policy, as ICANN would accept an expert determination that was not made in accordance with ICANN's policy.

In addition, ICANN shall not apply its standards, policies, procedures, or practices inequitably or single out any particular party for disparate treatment unless justified by substantial and reasonable cause, such as the promotion of effective competition (Article II(3), ICANN Bylaws). In the unlikely event that ICANN considers that accepting the Decision is not contrary to its policies, the Requester requests a derogation by ICANN from its Procedure because accepting the Decision would create inequitable and disparate treatment without justified cause. Only ICANN can permit a derogation to its Procedure. Indeed, Article 1(d) of the Procedure provides that parties cannot derogate from the Procedure without the express approval of ICANN. *A contrario*, ICANN can give its express approval to derogate from the

Procedure, and must do so if ICANN's standards, policies and procedures were not applied correctly or were applied in a discriminatory manner. Since the Decision creates inequitable and disparate treatment without justified cause, ICANN must allow for a derogation of the Procedure, in order to ensure a fair and correct handling of the Requester's community objection.

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?)

The Requester asks ICANN to reject the advice set forth in the Decision, and instruct another panel to make an expert determination that applies the standards defined by ICANN in its entirety, and in particular with respect to determining whether a Community Objector has standing to assert the objection. Should ICANN consider that there is a need to derogate from the Procedure in order to comply with the process defined in the Applicant Guidebook, the Requester asks to make the necessary derogations allowing for a non-discriminatory application of ICANN's standards, policies and procedures.

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: there must be a loss or injury suffered (financial or non-financial) that is a directly and causally connected to the Board or staff action or inaction that is the basis of the Request for Reconsideration. The requestor must be able to set out the loss or injury and the direct nature of that harm in specific and particular details. 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.)

The appointed Panel did not apply the standard, defined by ICANN

- The standard, defined by ICANN

In accordance with Article 3.2.2. of the Guidebook, established institutions associated with clearly delineated communities have standing to object to a gTLD application. To meet the standing requirements for a community objection, the objector must prove that it is an established institution and that it has an ongoing relationship with a clearly delineated community.

Factors that may be considered in making the determination whether the objector has an ongoing relationship with a clearly delineated community include, but are not limited to:

- The presence of mechanisms for participation in activities, membership, and leadership;
- Institutional purpose related to the benefit of the associated community;
- Performance of regular activities that benefit the associated community; and
- The level of formal boundaries around the community.

The panel must perform a balancing of the factors listed above, as well as other relevant information, in making its determination. It is not expected that an objector must demonstrate satisfaction of each and every factor considered in order to satisfy the standing requirements.

If the above standing requirements are met by the objector, the panel must consider

the Community Objection on its merits, where different standards apply. A community objection should be accepted on its merits if there is substantial opposition to the gTLD application from “a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted” ((emphasis added), Applicant Guidebook, Module 3-22). Such substantial opposition is proven if:

- The community expressing opposition can be regarded as a clearly delineated community¹;
- Community opposition to the application is substantial;
- There is a strong association between the community invoked and the applied-for gTLD string; and
- The application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted.

The objector must meet all four of the abovementioned tests for the objection to prevail.

- The application of a different standard in the decision

In the Decision, the Panel appointed by ICC (the ‘Panel’) rejected the Community Objection on procedural grounds. The Panel considered that the Requester did not meet the standing requirements. The Panel did not consider any other arguments

¹ This substantive requirement is different from the standing requirement as is shown by the different consideration factors to prove that the community invoked is clearly delineated (See Applicant Guidebook, Module 3-22).

nor the substance of the objection. Thus, the Panel decided that the Requester was not a proper party who could object to June Edge, LLC's application and the Panel never reached the merits of the objection.

The Panel considered that the Requester is an established institution and that the 'gold mining industry' (which the Requester alleged and showed to represent – a fact that the Panel expressly recognized) is sufficiently delineated as a **community**:

Considering World Gold Council's allegations and evidence, there is certainly a case for asserting that the gold mining industry is sufficiently delineated as a community. It has a wide yet discernible membership, mechanisms for participation, and a minimum of structure and organization. World Gold Council's community objection, however, refers to the gold industry in general and not to the gold mining industry in particular. Thus, says World Gold Council, "The community to which the World Gold Council is related can be defined as the gold industry, in which the World Gold Council's members represent[t] approximately 60% of global corporate gold production" World Gold Council's objection, page 6. Also: "[T]he World Gold Council is an established institution and has an ongoing relationship with a clearly delineated community, the gold industry" Id.

(**Annex 1**, para. 36 on p. 6)

The membership criteria of a hypothetical community of gold producers or of Parisians are relatively easy to establish. If a company produces gold or helps produce gold, then it is arguably a member of the gold producers' community. If a person was born or spent significant time in Paris, then it is arguably a member

of the community of Parisians. No such clear test exists to determine who is a member of the gold industry community, which goes to confirm the lack of delineation of that community.

(**Annex 1**, footnote on p. 6-7)

The Panel declared that the 'gold industry' is not sufficiently delineated as a community. The Panel then mistakenly jumped to the conclusion that Requester failed to prove the existence of a clearly delineated community for purposes of meeting the standing requirement.

In reaching this Decision, the Panel made an error in interpreting and applying

ICANN's community objection standards related to standing.

The Panel correctly quoted the community objection standing requirements, but failed to apply them.

To meet the standing requirements, it is sufficient that the objector shows that it is an established institution having an ongoing relationship with a clearly delineated community. In its Decision, the Panel ruled that the Requester proved the existence of an established institution and its ongoing relationship with a community, namely the gold mining industry. The Panel also recognized that – considering the Requester's allegations and evidence – the gold mining industry is a clearly delineated community, as we quote here and at greater length above:

Considering World Gold Council's allegations and evidence, there is certainly a case for asserting that the gold mining industry is sufficiently delineated as a community.
(Annex 1, para. 36 on p. 6)

However, the Panel nevertheless concluded that the Requester failed to meet the standing requirements.

This is undoubtedly contradictory: the Panel cannot first confirm that the gold mining industry is a clearly delineated community (which was an allegation made by the Requester in its Objection: Requester expressly referred to the gold mining industry, contrary to the Panel's suggestion that the Requester referred only to the gold industry) but then conclude that the Requester failed to prove the existence of a clearly delineated community.

Indeed, in its objection, the Requester stated:

The gold industry represented by the World Gold Council is publicly recognized as a community at a global level. The World Gold Council was established 25 years ago and has been in existence ever since (Annex 1). The World Gold Council's members comprise the world's leading gold mining companies, representing approximately 60% of global corporate gold production (representing approximately \$48 Billion at today's gold price (12th March 2013) and 70% of market capitalisation. These members actively participate in the World Gold Council's activities, are fully aware of their activities in the gold industry that link them as a community and take collective action through the World Gold Council in stimulating demand for gold. The World Gold Council's members and their operations are global, spanning 36 countries and covering all continents.

The World Gold Council uses clear criteria for membership admission and partnerships. The membership criteria stipulate that members be a major gold producer (gold production is their primary focus) and be in good standing. Membership benefits comprise distinct activities and advantages, such as sharing of unique insights into the demand in the industry or gold markets in a particular geography. The membership criteria as well as the confidential partnership criteria are clear and transparent boundaries that delineate the community that the World Gold Council represents. These criteria are clear and transparent boundaries that delineate the community that the World Gold Council represents or partners with.

[...]

In summary, the community that the World Gold Council represents or partners with, is recognized as a community at a global level. The World Gold Council has clear and transparent boundaries delimiting the community. It has been in existence for 25 years and closely unites a global community that includes the world's leading gold mining companies. The entities representing the community, who are clearly opposed to the application of .GOLD by June Edge, LLC can therefore clearly be regarded as a clearly delineated community in accordance with the Guidebook's criteria.

(Annex 3, p. 7)

It is clear from the above that the Requester is representative of the gold production / gold mining community, which the Panel considered being a clearly delineated community. It is clearly stated in the objection that the activities of the Requester's members, identified as gold mining companies, link them as a community. It is therefore clear that the Requester referred to the gold mining company as a clearly delineated community with which it has an ongoing relationship.

The fact that this community may be a clearly delineated community within a larger industry (the gold industry, also referred to by the Requester) is of no relevance to

meet the standing requirements for filing a community objection. Even if the Requester may have referred to both the community of gold producers/miners and the gold community², the fact of the matter, as found by the Panel, is that the gold producers/miners constitute a clearly delineated community. And that is all that is necessary to satisfy that element of the standing requirement. This is confirmed by the Panel in ICC Case No. EXP/348/ICANN/1 who ruled in its unchallenged Expert Determination (**Annex 4**):

Even if one was to assume, for the purpose of the examination of UIA's standing to object, that the term "*architect*" has the meaning advocated by SFB, i.e. that it includes landscape architects, naval architects, system architects etc., the "*structural architects*" (as understood by SFB) would still qualify as a "*clearly delineated community*" within a larger community of "*architects*" (as understood by SFB).

(**Annex 4**, para. 62 on p. 27)

Even if one were to assume that the term 'gold community' includes sectors that are not part of the community of gold producers/miners that is referred to by the Requester, the gold mining community invoked by the Requester would still qualify as a clearly delineated community within a larger 'gold community'.

As a result, the Requester, being an established institution having an ongoing relationship with a clearly delineated community, clearly fulfilled the standing requirements for filing a community objection.

Based on a contradictory reasoning and in contravention of the standards developed by ICANN as confirmed in earlier decisions, the Panel nevertheless decided that the

² The Requester considers being representative of both the gold mining industry and the gold industry as a whole.

Requester failed to fulfill the standing requirements and deprived the Requester of a thorough analysis of its full objection on the merits. Not only did the Panel incorrectly apply ICANN's standards, this incorrect application of ICANN's standards, diametrically opposed to the decision in ICC Case No. EXP/348/ICANN/1, creates an unjustifiable disparate treatment between the Requester and the objector in the unchallenged decision in ICC Case No. EXP/348/ICANN/1.

Also, the Requester is convinced that a thorough analysis of its objection based on the standards laid down in the Applicant Guidebook would have resulted in a successful objection. However, the Panel deprived the Requester of such analysis, as it incorrectly applied the standing requirements laid down in the Applicant Guidebook and deprived the Requester of an analysis on the merits of the case.

The DRSP did not follow the process developed by ICANN

- The Decision was not timely

The Panel was appointed on 30 July 2013 (**Annex 5**). The procedural rules granted 45 days to render his Expert Determination. Hence, the Expert Determination was due on or before 13 September 2013. Only in specific circumstances and in consultation with the Dispute Resolution Provider, if significant additional documentation is requested by the Panel, a **brief** extension may be allowed (Article 21(a) New gTLD Dispute Resolution Procedure).

Even if one were to accept that this timeframe was extended by the additional submissions by the parties (*quod non*), his decision would have been due on or before 14 October 2013, as the latest additional submission was filed on 30 August

2013 (Annex 6).

However, it took the Panel until 7 January 2014 to issue its Expert Determination.

Not only was the WGC deprived of a thorough analysis of its full objection on the merits, it took the Panelist more than 4 months after the final submissions in this case to issue the Decision. There is no justification for this delay, especially after considering the brief and cursory nature of the Decision.

- No appropriately qualified expert was appointed

In accordance with the Applicant Guidebook, Module 3-16, a panel (ruling on a community or other objection) must consist of *"appropriately qualified experts appointed to each proceeding by the designated DRSP"*.

In the case at hand, the DRSP must have failed to designate an appropriately qualified expert, as the appointed Panel failed to apply correctly the community objection standing requirements, as developed by ICANN and confirmed in earlier and unchallenged Expert Determinations. This shows that the Panel was unfamiliar with ICANN's standards and processes.

Conclusion

ICANN's established policy was violated in many respects as 1) the Panel did not apply the standard defined by ICANN to determine the standing of a Community Objector, 2) the DRSP and the appointed Panel proceeded with issuing an expert determination beyond the allowed time frame and 3) the DRSP failed to appoint an appropriately qualified expert.

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

Yes

No

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.

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>.

1. Expert Determination in the matter before the ICC with case number EXP/434/ICANN/51
2. Letter from the ICC International Centre for Expertise of 8 January 2014 in ICC Case No. EXP/434/ICANN/51
3. Requester's community objection of 13 March 2013
4. Expert Determination in the matter before the ICC with case number EXP/348/ICANN/1
5. Appointment of the Panel in ICC Case No. EXP/434/ICANN/51
6. Response by June Edge, LLC and additional submissions by the parties in ICC Case No. EXP/434/ICANN/51

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.

Flip Pittman January 23, 2014
Signature Date