

New gTLD Application Change Request Form

Priority Number:	524
Application ID:	1-1309-81322
Applying Entity Name:	Asia Spa and Wellness Promotion Council Limited
Applied-for TLD:	spa
Primary Contact Name:	Mr. Edmon Chung
Primary Contact Email:	Contact Information Redacted
Primary Contact Phone No:	Contact Information Redacted
Question Number(s) to Change:	21(a)(b)
Reason(s) for the change request:	<p>The GAC Advice on .SPA from the Singapore GAC Communiqué on March 27, 2014 (https://gacweb.icann.org/display/GACADV/2014-03-27-spa) indicates that “the GAC understands that the relevant parties in these discussions are the city of Spa and the applicants.”</p> <p>Furthermore, the ICANN Board NGPC has resolved on May 14, 2014 (https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-14may14-en.pdf) to accept the GAC Advice on .SPA and will proceed with the “normal process”. We therefore understand that it should proceed according to the Applicant Guidebook given the acceptance of the GAC advice.</p> <p>According to the Applicant Guidebook (AGB: 2.2.1.4.2), the determination of “which governments are relevant” to a geographic name requiring government support (or non-objection) is based “on the inputs of the applicant, governments, and its own research and analysis.” The GAC advice states clearly that the relevant government for .SPA is the city of Spa.</p> <p>Also according to AGB: 2.2.1.4.2: “An application for a city... will</p>

New gTLD Application Change Request Form

require documentation of support or non-objection... if: (a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents.”

We note that (as explained in our response to the GAC Advice: <http://newgtlds.icann.org/sites/default/files/applicants/08may14/gac-advice-response-1-1309-81322-en.pdf>) It is clear from applicant statements from BOTH remaining applications for .SPA that the applicants intends to use the TLD “primarily for purposes associated with the city name” (even if it is not for purposes associated with the city or its citizens).

Therefore, given the clear provisions in the AGB, the specific indication of the relevant parties in the GAC Advice, the expressed purposes of the TLD from the applicant statements as it relates to the AGB on geographical names requiring government support (or non-objection), we anticipate that the only appropriate path forward would be to follow the AGB: 2.3.1 Geographic Names Extended Evaluation, “In the case of an application that has been identified as a geographic name... the applicant has additional time in the Extended Evaluation period to obtain and submit this documentation... (at least 90 calendar days from the date of the notice).”

This change request is in anticipation of the Geographic Names Extended Evaluation for the remaining applications for .SPA. In particular, we are including a letter of support from the relevant government entity as specified in the GAC Advice accepted by the ICANN Board NGPC.

Additional Information Required

In addition to completing this form, please provide **a redlined document of the changes you are requesting**. Please be sure to include the question number(s) for the requested change(s).

New gTLD Application Change Request Form

The redlined document should:

- Be based on the current application answer text exactly as it appears in the Customer Service Portal
- Reflect the new answer text you are requesting.

Acceptable formats for the redlined documents are: .doc, .docx, .rtf

If available, please use the Track Changes feature of your word processor in preparing your redlined document.

21(a). Is the application for a geographic name?

As a result of the GAC Advice on .SPA: <https://gacweb.icann.org/display/GACADV/2014-03-27-spa> and the acceptance of such advice by the ICANN Board NGPC: <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-14may14-en.pdf>, all .SPA applicants must consider that the "relevant parties" include "the city of Spa" which in turn means that all .SPA applications must be identified as applications for a geographic name requiring government support (or non-objection) according to the Applicant Guidebook.

21 (b) If a geographic name, attach documentation of support or non-objection from all relevant governments or public authorities.

Attached. According to the GAC Advice on .SPA, the relevant government for .SPA is the City of Spa.

Edmon Chung 5/20/14 6:46 PM

Deleted: No

Edmon Chung 5/20/14 6:52 PM

Deleted: .

April 30, 2014



AUTHENTI' CITY

VILLE DE SPA
Mayor

ICANN
Attention: New gTLD Evaluation Process
Contact Information Redacted

OBJET: Letter for support for .SPA (as applied for by the ASWPC)

This letter is to confirm that the City of Spa fully supports the application for .spa submitted to ICANN by **Asia Spa and Wellness Promotion Council Limited** (hereunder the "ASWPC") in the New gTLD Program (ID number 1-1309-81322). As the Mayor of the City of Spa I confirm that I have the authority of the City of Spa, which I represent, to be writing to you on this matter.

The gTLD will be used to promote the mission and purposes of the .spa TLD (Applicant's Response to Question 20c Purpose of community-based TLD) namely:

- A. to support the spa and wellness community, especially to extend the spa experience on the Internet;
- B. to advocate a spa mentality towards sustainable holistic body, mind and spiritual wellness; and,
- C. to transcend the spa philosophy in promoting the natural curative revitalisation of the society and the environment.

All these purposes will be carried out with the involvement of the City of Spa as described in the Memorandum of Understanding of 13 July 2013, because the City of Spa is also the historical thermal town which gave its name to the "spa" activity, and in order to ensure that the introduction of the .spa TLD will not inadvertently impact the activities of the City of Spa and of its inhabitants and enterprises.

The City of Spa has worked closely with the applicant in the development of this proposal.

The City of Spa supports this application, and in doing so, understands that in the event that the application is successful, the ASWPC will be required to enter into a Registry Agreement with ICANN. In doing so, the ASWPC will be required to pay fees to ICANN and comply with consensus policies developed through the ICANN multi-stakeholder policy processes.

The City of Spa further understands that, in the event of a dispute between the City of Spa and the ASWPC, ICANN will comply with a legally binding order from a court in the jurisdiction of the City of Spa.

This application is being submitted as a community-based application, and as such it is understood that the Registry Agreement will reflect the community restrictions proposed in the application. In the

event that the registry is not complying with these restrictions, possible avenues of recourse include the Registry Restrictions Dispute Resolution Procedure.

In the event that this application is successful the City of Spa will enter into a separate agreement with the ASWPC. This agreement will outline the conditions under which the City of Spa will coordinate with ASWPC in the operation of the TLD, and circumstances under which the City of Spa would disengage. ICANN will not be a party to this agreement, and enforcement of this agreement lies fully with the City of Spa.

The City of Spa understands that the Geographic Names Panel engaged by ICANN will, among other things, conduct due diligence on the authenticity of this documentation. I would request that if additional information is required during this process, that our attorney Philippe Laurent Contact Information Redacted be contacted in the first instance.

Thank you for the opportunity to support this application.

Yours sincerely,

The Mayor,
J. HOUSSA