

**Subject:** Re: [Reconsideration Request] Reconsideration Request 20-1  
**Date:** Tuesday, March 24, 2020 at 9:42:16 AM Pacific Daylight Time  
**From:** reconsider on behalf of Herb Waye  
**To:** Reconsideration  
**CC:** ombudsman  
**Attachments:** ATT00001.txt

Greetings,

Pursuant to Article 4, Section 4.2(l), I am accepting consideration of Request 20-1.

Regards Herb

Herb Waye  
ICANN Ombudsman

<https://www.icann.org/ombudsman> [icann.org]  
<https://www.facebook.com/ICANNOmbudsman> [facebook.com]  
Twitter: @IcannOmbudsman

ICANN Expected Standards of Behavior:

<https://www.icann.org/en/system/files/files/expected-standards-15sep16-en.pdf> [icann.org]

Community Anti-Harassment Policy

<https://www.icann.org/resources/pages/community-anti-harassment-policy-2017-03-24-en> [icann.org]

Confidentiality

All matters brought before the Ombudsman shall be treated as confidential. The Ombudsman shall also take all reasonable steps necessary to preserve the privacy of, and to avoid harm to, those parties not involved in the complaint being investigated by the Ombudsman. The Ombudsman shall only make inquiries about, or advise staff or Board members of the existence and identity of, a complainant in order to further the resolution of the complaint. The Ombudsman shall take all reasonable steps necessary to ensure that if staff and Board members are made aware of the existence and identity of a complainant, they agree to maintain the confidential nature of such information, except as necessary to further the resolution of a complaint

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**From:** Reconsideration <reconsideration@icann.org>  
**Date:** Friday, March 20, 2020 at 5:28 PM  
**To:** ombudsman <ombudsman@icann.org>  
**Subject:** Reconsideration Request 20-1

Dear Herb,

ICANN recently received Reconsideration Request 20-1, which was submitted on 8 January 2020 by Namecheap, Inc. (Requestor), seeking reconsideration of: (i) the removal of the price control provisions from the .ORG registry agreement; and (ii) ICANN's conduct with respect to its evaluation of the proposed change of control of Public Interest Registry (Change of Control Request), the registry operator for .ORG.

On 18 March 2020, the Board Accountability Mechanisms Committee (BAMC) issued a Partial Summary Dismissal of Reconsideration Request 20-1. Pursuant to Article 4, Section 4.2(k) of the ICANN Bylaws, the BAMC determined that three of the four claims set forth in Request 20-1 were not sufficiently stated and should be summarily dismissed. The BAMC Partial Summary Dismissal has been posted on the webpage for [Reconsideration Request 20-1 \[icann.org\]](https://www.icann.org/who/abmc/reconsideration-request-20-1), and is attached to this email for your reference.

The BAMC concluded that the request for reconsideration of the ICANN Board's and Staff's lack of transparency insofar as the Requestor alleges that ICANN org has not disclosed the criteria that it will use to evaluate the Change of Control Request and is not applying a 2002 Report of the Dot Org Task Force (the 2002 DNSO Policy Guidelines) to the Change of Control Request meets the requirements for bringing a reconsideration request. This was not a determination on the merits.

Pursuant the Article 4, Section 4.2(l) of the ICANN Bylaws, a reconsideration request must be sent to the Ombudsman for consideration and evaluation if the request is not summarily dismissed following review by the BAMC to determine if the request is sufficiently stated. Specifically, [Section 4.2 \(l\)](#) states:

(l) For all Reconsideration Requests that are not summarily dismissed, except Reconsideration Requests described in [Section 4.2\(l\)\(iii\)](#) and Community Reconsideration Requests, the Reconsideration Request shall be sent to the Ombudsman, who shall promptly proceed to review and consider the Reconsideration Request.

(i) The Ombudsman shall be entitled to seek any outside expert assistance as the Ombudsman deems reasonably necessary to perform this task to the extent it is within the budget allocated to this task.

(ii) The Ombudsman shall submit to the Board Accountability Mechanisms Committee his or her substantive evaluation of the Reconsideration Request within 15 days of the Ombudsman's receipt of the Reconsideration Request. The Board Accountability Mechanisms Committee shall thereafter promptly proceed to review and consideration.

(iii) For those Reconsideration Requests involving matters for which the Ombudsman has, in advance of the filing of the Reconsideration Request, taken a position while performing his or her role as the Ombudsman pursuant to Article 5 of these Bylaws, or involving the Ombudsman's conduct in some way, the Ombudsman shall recuse himself or herself and the Board Accountability Mechanisms Committee shall review the Reconsideration Request without involvement by the Ombudsman.

Please advise whether you are accepting the remaining aspect of Request 20-1 for evaluation or whether you are recusing yourself pursuant to the grounds for recusal set forth in Section 4.2(l)(iii). If you are accepting Request 20-1 for evaluation, please note that your substantive evaluation must be provided to the BAMC within 15 days of your receipt of Request 20-1.

Best regards,

ICANN  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094