

Statement on “.amazon” and other strings containing geographic names

47th ICANN GAC Durban Meeting

Submitted by Argentina, Brazil, Chile, Peru and Uruguay, with the full support of Amazon basin countries.

- We acknowledge that the “GAC principles regarding new gTLDs” adopted on 2007, clearly establish that the principles “shall not prejudice the application of the principle of national sovereignty”. Besides, we understand that highlighting the importance of public interest is a relevant element that gives stability, sustaining the multistakeholder model and ultimately the legitimacy of ICANN’s administration.
- In this sense, this model should contemplate adequate mechanisms before the GAC, to guarantee a proper representation of the Governments and their communities regarding the Public Policy issues within the ICANN framework. It is fundamental that Governments have the adequate instance where their opinions can be effectively considered, particularly in a context of an unprecedented wide open call for applications that has brought uncertainty for both governments and applicants, has created conflicts with existing rules and will establish precedents and benchmarking for future operations.
- In the context of the last applications for the New gTLD Process, various strings have generated concerns from different countries. This is the case of Brazil, Peru and the Amazonic countries with the application for “.amazon” by the company Amazon, Inc. and until very recently was the case for Argentina and Chile with the application for “.patagonia”.
- From the beginning of the process, our countries have expressed their concerns with the aforementioned applications, presenting various documents to the GAC referring to the context and basis of the national and regional concerns, including Early Warning and GAC Advice requests. Various facts, recorded in several historiographical, literary and official documents throughout history, including recent Official Regional Declarations, haven been submitted and explained by each country directly to the GAC and to the applicants, through the established procedures and through an active engagement process with the interested parties that has allowed us to explain our position for requesting the withdrawal of the applications. This is the position adopted, for example, by the IV Latin American and Caribbean Ministerial Conference on Information Society, the Amazon Cooperation Treaty Organization, the Brazilian Internet Steering Committee, the Brazilian Congress and the Brazilian Civil Society, the Peruvian Congress Commission on Indigenous Peoples, local governments of the Peruvian Amazon region and several representatives of the Peruvian Civil Society.

- The 2007 principles states that ICANN's core values indicate that the organization, while remaining rooted in the private sector, recognizes that governments and public authorities are responsible for public policy and should take into account governments' or public authorities' recommendations. They also make reference to the provisions of the Universal Declaration of Human Rights and the obligation that the new gTLDs should respect "the sensitivities regarding terms with national, cultural, geographic and religious significance". They clearly add that "ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities". Therefore, within the context of the approved principles there is a clear basis that supports our position as governments.
- We understand that the introduction, delegation and operation of new gTLDs is an ongoing process, and therefore, it is subject to constant evaluation, evolution and change in order to improve the program. Being the first applications to be analyzed, the decisions that will be taken are going to be relevant for future cases and will have effects in future applications, which might potentially affect every country.
- In relation with this application, involved governments have expressed serious concerns related to public interest. In particular ".amazon" is a geographic name that represents important territories of some of our countries, which have relevant communities, with their own culture and identity directly connected with the name. Beyond the specifics, this should also be understood as a matter of principle.
- During our last meeting in Beijing, the great majority of the governments' represented in the GAC understood the legitimate concerns we have raised related to the use of geographic names in new gTLDs. We believe that this new GAC meeting is again an important opportunity for the GAC to give a clear mandate following the current principles for new gTLDs, approving the GAC advice proposals submitted by Brazil and Peru for ".amazon", addressed to the ICANN Board in order to reject this application.
- We stand by the commitment to the "GAC principles regarding new gTLDs" adopted in 2007, which require countries' prior approval for the filing of geographic names and encourage ICANN to formulate clear criteria limiting the utilization of geographic names as top level domain names in the next rounds of the program.