



1-March-2017

Mr Chris Disspain
Chair, ICANN Board Governance Committee
Directors 12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
USA

Re: ICDR CASE NO. 01-15-0002-9483; dot Sport Limited v. ICANN (.SPORT)

Dear Mr Disspain,

I am writing to you regarding the recent Final Declaration in the above referenced Independent Review Proceeding. In accordance with Section 4.3 (x) A of the ICANN Bylaws, the "Board shall consider its response to IRP Panel decisions at the Board's next meeting, and shall affirm or reject compliance with the decision on the public record based on an expressed rationale." While SportAccord was disappointed in the result of the IRP based upon a perceived oversight by ICANN, the Panel in its Final Declaration has largely provided the ICANN Board a proper roadmap on how to resolve this issue in a timely manner.

SportAccord Background

Nearly five years ago, SportAccord on behalf of the global sports community applied for a single .sport top-level domain (TLD). Domain Venture Partners PCC Limited, the parent company of Dot Sport Limited, the complainant in the above referenced IRP, applied for sixty (60) TLDs, and were eventually awarded sixteen (16) TLDs. These sixteen TLD are now operated by Famous Four Media (FFM).

The concerns which caused SportAccord to file its original community objection against Dot Sport Limited in 2013 have been reaffirmed by the most recent reports from the Spamhaus Project. This report identified the top four "Most Abused TLDs" as all being extensions associated with FFM.¹ Further illustration can be found in the attached information on a web page with the domain *triamterenehydrochlorothiazide.science* purporting to provide a shopping comparison. Hydrochlorothiazide and Triamterene are substances prohibited by WADA (World Anti-Doping Association). The .science TLD is operated by FFM.² There are numerous similar pages in .science and other TLDs.

Perceived ICANN Oversight

In paragraph 7.77 of the Final Declaration, the Panel states:

As ICANN is at pains to point out, including in further and unsolicited posthearing submissions and evidence, the Ombudsman did not proceed after the Claimant submitted its

¹ See appendix I and <https://www.spamhaus.org/statistics/tlds/>.

² See appendix II (Whois output and website screen capture retrieved on February 28, 2017)

Second Reconsideration Request. The ICANN Board accordingly did not follow or refer to his recommendation in consideration the Reconsideration Request. (Emphasis added)

This statement is simply not true, as the Ombudsman did in fact issue a Final Report dated 25-August-2014 which was after the second ICANN Board Reconsideration Request dated 18 July 2014. Since learning of this inaccurate representation made to the Panel, SportAccord has brought it to the attention of ICANN's General Counsel, the IRP Panel and the Ombudsman. Unfortunately, SportAccord has not been provided an explanation to date as to how this happened, and more importantly what safeguards will be put in place to prevent this type of perceived oversight from happening again in the future.

As part of its engagement with the Office of the Ombudsman, SportAccord has provided proof that ICANN was on notice of Ombudsman's final report, since SportAccord was permitted to enter contractual negotiations with ICANN for the .sport TLD. Per ICANN policy, an applicant is prohibited from moving forward toward delegation during the pendency of any account accountability mechanism. It was only after receiving a copy of the Ombudsman's final report, that ICANN notified SportAccord of its ability to move forward with contractual negotiations.

Path Forward

The Panel has provided clear guidance for the ICANN Board in its Final Declaration regarding how to address its original failure to act in accordance with its Bylaws. Specifically, the ICANN Board needs to apply the IBA Conflict Guidelines regarding the allegations raised by Dot Sport Limited. SportAccord agrees that this is the proper standard as the Office of the Ombudsman itself applied in its "final" report. If the ICANN Board agrees with the Panel's Final Declaration, SportAccord believes that this review by either the Board Governance Committee or the full Board should take no longer than a couple of weeks, providing SportAccord the ability to move forward with contractual negotiations for .sport TLD by the time of the ICANN regional meeting in Johannesburg later this year.

While SportAccord proposes several recommendations below to prevent this type of situation from arising in the future, these recommendations are all independent from the recommendations made by the Panel in its Final Declaration. SportAccord has patiently waited for almost five years for the opportunity to operate the .sport TLD and it would like to avoid any future delays.

Proposed Recommendations

SportAccord would like to proactively address an issue that both FFM and other portfolio applicants have alleged in numerous accountability reviews challenging successful community objections. Specifically, allegations that a panellist with any association to the underlying community are inherently biased in favour of that community. The third party administrative providers that ICANN relies upon are some of the most respected in the world, and the quality and integrity of their panellists are directly attributed to organization itself. That is why it has been disappointing to see several internationally respected panellists maligned by disgruntled portfolio applicants. While actual bias is an important factor that the ICANN Board must safeguard against, the IBA Conflict Guidelines provide a clear framework to make these determinations as opposed to the broad prohibitions being advocated by some. To be clear, if the proposed standard advocated by FFM and others were adopted, that standard would essentially exclude a substantial portion of the board from exercising their fiduciary duty based upon their mere perceived bias.

SportAccord also believes that that this problem could have been potentially mitigated if ICANN would have made a transcript of the hearing available on its website. Upon

information and belief, a transcript is only available if either party formally requests it. In this case, it appears that neither ICANN nor Dot Sport Limited requested a transcript. If a transcript had been made available and if the "posthearing" submissions by ICANN referenced by the Panel were properly and timely posted on the ICANN website per the Bylaws requirements, SportAccord could have identified this potential oversight sooner. ICANN needs to commit to ensuring that all relevant communications with the panel are properly and timely documented on the ICANN website. The ICANN Board should also direct ICANN to request and make available a transcript for all future IRP hearings.

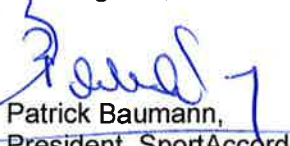
SportAccord also believes that ICANN needs to review the internal procedures by which document and discovery requests are processed by ICANN. ICANN's credibility as the global trustee of the Internet's unique identifiers will be called into question when it is perceived as selectively withholding or making only certain information available. If the Board directs such a review to take place, SportAccord believes that any such report and/or findings should be made publicly available.

Finally, SportAccord believes that the underlying facts and circumstances that lead to the misrepresentations being made to the IRP Panel need to be publicly addressed. This request is to reaffirm the trust and independence of the Ombudsman Office, which we believe was undermined in the Final Declaration. A third party reading of the Final Declaration could improperly infer that the Office of the Ombudsman was not diligent in completing its final review, or was improperly influenced by ICANN from completing its final review. Based upon our preliminary discussions with the Ombudsman Office, we remain confident in this office's independence and believe that the public record needs to properly reflect this as well.

Conclusion

SportAccord remains as committed to operating the .sport TLD as the day it did when it filed its application almost five years ago. While we were disappointed with the result of the Final Declaration, we respect the decision reach by the Panel based upon the information before it and believe that it has provided a clear roadmap for the ICANN board to timely resolve this matter. Should the ICANN Board or staff have any questions or concerns please do not hesitate to contact.

Best regards,



Patrick Baumann,
President, SportAccord

CC:

Board Governance Committee Members
John Jeffery
Amy Stathos

BGC Members: Disspain, Cherine Chalaby, Rinalia Abdul Rahim, Asha Hemrajani, Markus Kummer, Ram Mohan, and Mike Silber

Appendix I

Spamhaus statistic report dated Feb 28, 2017

The Spamhaus Project - The Top 10 Most Abused TLDs - Mozilla Firefox

File Edit View History Bookmarks Tools Help

dot Sport L... Photo of Tr... Board Gov... Independen... The Spamh... ICANN58 C... Donuts Clo... 2017 Board... BYLAWS F... The Sp... X Famous F

https://www.spamhaus.org/statistics/tlds/ Search

The World's Most Abused TLDs

TLD Check

TLD Result:

Top Level Domain (TLD) registries which allow registrars to sell high volumes of domains to professional spammers and malware operators in essence aid and abet the plague of abuse on the Internet. Some registrars and resellers knowingly sell high volumes of domains to these actors for profit, and many registries do not do enough to stop or limit this endless supply of domains.

A TLD may be "bad" in two ways. On one side, the ratio of bad to good domains may be higher than average, indicating that the registry could do a better job of enforcing policies and shunning abusers. However, some TLDs with a high fraction of bad domains may be quite small, and their total number of bad domains could be relatively limited with respect to other, bigger TLDs. Their total "badness" to the Internet is limited by their small total size.

The other side is that some large TLDs may have a large number of bad domains as a result of the sheer size of their domain corpus. Even if their corrective measures are effective,

The 10 Most Abused Top Level Domains

As of **28 February 2017** the TLDs with the worst reputations for spam operations are:

| | | |
|-----------------|-----------------------------|--|
| .science | Badness Index: 10.07 | Domains seen: 58,572 Bad domains: 54,132 (92.4%) |
| .stream | Badness Index: 8.76 | Domains seen: 21,216 Bad domains: 18,986 (89.0%) |
| .party | Badness Index: 8.29 | Domains seen: 32,041 Bad domains: 26,125 (81.5%) |
| .men | Badness Index: 8.27 | Domains seen: 61,956 Bad domains: 47,565 (76.8%) |
| .top | Badness Index: 7.80 | Domains seen: 650,540 Bad domains: 393,935 (60.6%) |

Appendix II
Example of a .science web page purporting to offer a shopping comparison for a
WADA-prohibited substance

```
$ whois triamterenehydrochlorothiazide.science
Domain Name: TRIAMTERENEHYDROCHLOROTHIAZIDE.SCIENCE
Domain ID: D830807-SCIENCE
WHOIS Server: whois.nic.science
Referral URL: http://alpnames.com
Updated Date: 2016-05-15T14:39:29Z
Creation Date: 2016-04-28T07:50:32Z
Registry Expiry Date: 2017-04-27T23:59:59Z
Sponsoring Registrar: Alpnames Limited
Sponsoring Registrar IANA ID: 1857
Domain Status: ok https://icann.org/epp#ok
Registrant ID: C830549-SCIENCE
Registrant Name: Samuil Katasonov
Registrant Organization: Samuil Katasonov
Registrant Street: Aviakinstruktora Milya str 8-231
Registrant City: Moscow
Registrant State/Province: Moscow
Registrant Postal Code: 109166
Registrant Country: RU
Registrant Phone: +7.9252091046
Registrant Email: Pretlowcet142459@yahoo.com
Admin ID: C830549-SCIENCE
Admin Name: Samuil Katasonov
Admin Organization: Samuil Katasonov
Admin Street: Aviakinstruktora Milya str 8-231
Admin City: Moscow
Admin State/Province: Moscow
Admin Postal Code: 109166
Admin Country: RU
Admin Phone: +7.9252091046
Admin Email: Pretlowcet142459@yahoo.com
Tech ID: C830549-SCIENCE
Tech Name: Samuil Katasonov
Tech Organization: Samuil Katasonov
Tech Street: Aviakinstruktora Milya str 8-231
Tech City: Moscow
Tech State/Province: Moscow
Tech Postal Code: 109166
Tech Country: RU
Tech Phone: +7.9252091046
Tech Email: Pretlowcet142459@yahoo.com
Billing ID: C830549-SCIENCE
Billing Name: Samuil Katasonov
Billing Organization: Samuil Katasonov
Billing Street: Aviakinstruktora Milya str 8-231
Billing City: Moscow
Billing State/Province: Moscow
Billing Postal Code: 109166
Billing Country: RU
Billing Phone: +7.9252091046
Billing Email: Pretlowcet142459@yahoo.com
Name Server: NS1.SOFTLAYER.COM
Name Server: NS2.SOFTLAYER.COM
DNSSEC: unsigned
>>> Last update of WHOIS database: 2017-02-28T21:14:45Z <<<
```

COMPARE SHOPS

You are wondering about best source of high quality meds?

No wonder, everyone wants to get more quality for less money. Well, now you do have the possibility to enjoy the quality you need for a lot less money.

With the help of our website you will finally be able to spend just a few minutes of your time to find a pharmacy that's worth your attention and the money spent.



Triamterene Hydrochlorothiazide

In this comparison table you can see the most known and reputable online pharmacies. Some of them sell only generics, others - brands and generics at the same time. There are differences in prices, payment methods and delivery types, so you can choose the one that fits you best.

| Online Pharmacy | SKY Pharmacy | My USA Express | Canadian Health&Care Mall | Trusted Tablets |
|------------------------|--|--|--|--|
| Prices | Hydrochlorothiazide from \$0.3 | Hydrochlorothiazide from \$0.57 | Hydrochlorothiazide from \$0.52 | Generic Microzide from \$0.68 |
| Shipping | Worldwide Airmail (10-21 days), EMS courier (3-6 days) | Worldwide Registered Mail: 7+ days, EMS: 2-5 days | Worldwide Airmail (10-21 days), Express Courier (US Customers Only) | Worldwide Trackable Courier Service (5-9 days), Standard International Airmail (10-21 days) |
| Payment Methods | Visa, MasterCard | Visa, MasterCard, AmEx, Echeck, Diners Club, iCB | Visa, AmEx, eCheck | Visa, MasterCard, Amex |
| Currency | USD, GBP, CAD, EUR, AUD | USD, EUR, GBP | USD, GBP, CAD, EUR, AUD, CHF | USD, EUR, GBP, CAD, CHF, AUD, NZD, JPY, NOK, SEK, DKK, PLN, BRL, ARS, MXN, ZAR, SGD, CZK, RON, HUF |
| Language | English, Italian, Español, Deutsch, Français | English, Italian, Spanish, French, German | English, Deutsch, Español, Français | English, Deutsch, Italiano, Français, Español, Português, Čeština, Dansk, Nederlands, Suomi, Norsk, Ελληνικά, Svenska, Türkçe, 日本語, Nihongo, Magyar, Polski |
| Prescription | No | No | No | No |
| Additional Information | <p>\$1 for customer service (by customers votes)</p> <p>\$1 for discount & bonus program (by customers votes)</p> <p>Pills Free with every orders!</p> <p>Free shipping on all orders above \$200!</p> <p>100% Satisfaction Program. They guarantee delivery of your medication. If your order is not received, please let them know, and they will try to solve this problem ASAP.</p> <p>NO customs fees - they do not indicate the cost of your order on the package. You do not need to pay customs fees.</p> <p>Pay 70% LESS - Their drugs prices are 70% less than your local pharmacy.</p> | <p>Special re-order price - save 15%</p> <p>Apart from the 5%, 10% and 15% off that our customers get for their repeat orders, we also send free pills with every order.</p> <p>Even first time customers at their pharmacy can now benefit from a 5% discount on the total cost. Just enter the coupon number - 98212 before checkout in the relevant field. You will immediately get a 5% off on the total price!</p> | <p>4 Free Bonus Pills for ALL orders!</p> <p>Free Regular Airmail (10-21 days) for orders starting with \$150.00!</p> <p>Free Express Courier (US Customers Only) shipping for orders starting with \$300.00!</p> <p>Free insurance (guaranteed reshipment if delivery failed) for orders starting with \$200.00!</p> | <p>You are guaranteed to get a 5% discount on your second order.</p> <p>You are guaranteed to get a 7% discount on your third and further orders.</p> <p>Free Standard Airmail Service for all orders for more than \$150.</p> <p>from 4 to 20 gift Generic Viagra Soft pills to every order for more than 20 pills of any Erectile Dysfunction drug.</p> <p>You can get up to a 30 % discount on your next purchase if you tell your friends about our site.</p> <p>After you place an order, submit 5 or more e-mail addresses of your friends. Your friends will get a 5% discount while placing an order.</p> |

Pay 70% LESS - Their drugs

prices are 70% less than your local pharmacy.

Discounts - a lot of discounts with a nearly every order.

Discreet packaging: All orders arrive in discreet unmarked **parcels**. They leave the shipment description blank.

addresses of your friends

Your friends will get a 5% discount while placing an order.

Take a survey and get a 5% discount on your next order.

Various holiday and seasonal discounts! Check banners at the **main page** and get a discount!

Toll free phone support.

Live support.

Would you like to understand which of the several pharmacies out there are best for you to buy Hydrochlorothiazide? Are you considering a pharmacy that would provide low prices, excellent quality Hydrochlorothiazide and quick delivery straight to your doorstep? You are welcome to examine our contrast page right now, since it includes an option of finest locations to order effective medicines from, getting fantastic price cuts every time. Just look and you will certainly recognize: there disappears threat for you or space for doubts, only most reliable drug stores with budget friendly drugs.

Triamterene Hydrochlorothiazide 37.5 25. Hydrochlorothiazide 25 mg Tablet. Hydrochlorothiazide Lisinopril.

Hydrochlorothiazide is utilized for treating high blood pressure and edema. It's not a first-choice treatment for edema created by cirrhosis of the liver, as there are various other preferable alternatives. Hydrochlorothiazide dosage for edema is from 25 to 100 mg a day, while it may be varying from 12.5 to 50 mg for hypertension. Taking depression or anxiety medications, muscular tissue relaxers, seizure medicines, chilly medicine or pain medication along with Hydrochlorothiazide may trigger lightheadedness. If you really need to execute tasks that require performance and concentration, you could talk to your medical professional regarding possible solutions.

Generic Hydrochlorothiazide. Hydrochlorothiazide Triamterene.

Triamterene Hydrochlorothiazide

Hydrochlorothiazide.science © All rights reserved 2011