

ICANN Board Governance Committee (BCG)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
USA

Sent by email to reconsideration@icann.org

Re: Request for Reconsideration of the Community Priority Evaluation results regarding Application ID 1-1273-63351 (.GMBH)

Dear Sirs,

Please find attached a Reconsideration Request submitted on behalf of TLDDOT GmbH and its application ID 1-1273-63351 (.GMBH).

This Reconsideration Request is submitted to the ICANN Board Governance Committee (BGC), within the 15-day deadline allowed to submit such a request.

As a preliminary remark, TLDDOT is seeking to appeal a third-party evaluator decision (CPE results as of 11 June 2014 for application ID 1-1273-63351) due to obvious and blatant mistakes the evaluator made in this determination.

We are more than convinced that this Reconsideration Request meets the requirements defined by ICANN. Should the BGC consider that the Reconsideration Request is not the appropriate procedure, we ask the BGC to inform us which jurisdiction should handle our appeal. According to the general principle of laws, and in particular fundamental rights such as the right to a fair trial, TLDDOT should have the possibility to submit its present claim to ICANN.

Yours sincerely,



Dirk Krischenowski
CEO of TLDDOT GmbH

1. Requester Information

Name: TLDDOT GmbH

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional): Contact Information Redacted

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.

Germany based company TLDDOT GmbH is seeking reconsideration of the EIU (Economic Intelligence Unit) Community Priority Evaluation panel determination that TLDDOT's application 1-1273-63351 for .GMBH did not meet the requirements for Community Priority specified in the Applicant Guidebook.

4. Date of action/inaction:

The Community Priority Evaluation Report lists the date of the Panel Determination as 11 June 2014. TLDDOT believes that as a wrong result of the Panel Determination, the Application was placed into active contention by the NGPC thereafter.

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

TLDDOT became aware of the determination on 11 June 2014 when TLDDOT received an email from ICANN indicating the CPE status for the .GMBH Community Application had been updated.

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

The Panel Determination, based on its violation and misapplication of the policies and processes set out in the AGB, CPE Guidelines, and ICANN Bylaws, and the subsequent placement of the .GMBH Community Application into active

contention by the NGPC will materially affect TLDDOT because TLDDOT will now have to resolve contention of the Application with 4 other applicants. This will cause significant material harm to TLDDOT and the GMBH community as future registrants will have to pay the tremendous costs of winning an auction.

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

The improper denial of Community Priority status to the .GMBH Community Application will likely result in delegation of the .GMBH TLD to one of the non-community applicants, which as governments of Austria, Germany and Switzerland have stated, do not have enforceable safeguards in place.¹ If .GMBH proceeds to auction and the string is awarded to a generic, non-community application, ICANN is not only ignoring government's requirements which call for transparent, enforceable registration policies, it is possible that anyone could register a .GMBH domain, even if they did not have an active GMBH company, which could result in significant harm to registered GMBH companies within Austria, Germany, Liechtenstein and Switzerland, the consumers that patronize them, and the governments then tasked with combatting the damages. Governments are charged with the administrative oversight associated to the registration and continued compliance of applicable laws and additionally participate in stringent business services, which combat fictitious registration, and help to prevent misconduct and consumer hardship. Governments would be financially affected by the additional time and staff needed to combat any harmful registrations. The use of the designation .GMBH implies that the company has the right to conduct business within the respective territories. This designation, if used haphazardly, could create false consumer confidence, business identity theft, and a legacy of damage that ultimately affects Registrants, end users, and Registry operators. Furthermore, the use of a .GMBH domain name by a company or entity that does not have an active GMBH company would violate laws that prohibit portraying a business as a GMBH company if it is not properly registered.

8. Detail of Board or Staff Action – Required Information

The Panel Determination, and ICANN's subsequent placing of the .GMBH Community Application into active contention in reliance on the Panel Determination, is inconsistent with established policies and procedures in the AGB and ICANN's Bylaws. The inconsistencies with established policies and procedures include: (A) the Panel's failure to properly validate all letters of support; (B) the Panel's repeated reliance on "research" without disclosure of the

¹ <http://www.icann.org/en/news/correspondence/vogel-middeldorf-to-chehade-09jul13-en.pdf>

source or substance of such research; (C) The Panel’s “Double Counting”; (D) the Panel’s apparent evaluation of the .GMBH Community Application in connection with several other applications for corporate identifier gTLDs; and (E) the Panel’s failure to properly apply the CPE criteria in the AGB in making the Panel Determination.

We furthermore anticipate from the text of the determination that the evaluator did not had the expertise knowledge and experience required and promised, by ICANN to oversee and understand a long-standing community that exists covered by the legal framework for GMBH companies in Austria, Germany and Switzerland (the GMBH community).

- **The Panel’s Failure to Validate All Letters of Support**

CPE Panels are required to validate all letters of support and opposition. However, in evaluating the .GMBH Community Application for Community Priority, the Panel here, to the knowledge of TLDDOT, did not meet this obligation. TLDDOT submitted multiple letters of support for the .GMBH Community application via various pathways. It is unknown to TLDDOT if all those letters have been successfully validated by the EIU Panel and which have been taken into account for the CPE.

- **The Panel’s “Research”**

In its Determination, the Panel repeatedly relies on its “research.” For example, the Panel states that its decision not to award any points to the .GMBH Community Application for 1-A Delineation is based on that

“Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as a GmbH. Based on the Panel’s research, there is no evidence of GmbHs from different sectors acting as a community as defined by the Applicant Guidebook.”

Similarly, the Panel states that its decision not to award any points for 1-B Extension is based on its determination that the .GMBH Community Application did not meet the criteria for Size or Longevity because

“Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as a GmbH. Based on the Panel’s research, there is no evidence of GmbHs from different sectors acting as a community as defined by the AGB.”

Thus, the Panel’s “research” was a key factor in its decision not to award any points to the .GMBH Community Application. However, despite the significance of this “research”, the Panel never cites any sources or gives any information about its substance or the methods or scope of the “research.”

TLDDOT does not take issue with the Panel conducting independent research during its evaluation of the .GMBH Community Application. However, as discussed above, ICANN’s Bylaws obligate it (and by extension Staff and expert

panels working in behalf of ICANN) to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness.² To the extent that the Panel’s “research” is a key factor in its decision not to award any points to the .GMBH Community Application, which is significant to prevail in a CPE, it is not consistent with ICANN’s obligation to operate in a transparent manner or with procedures designed to ensure fairness, to not include even a single citation or any information on the substance or method of the “research.” The principles of transparency and fairness require that the Panel should have disclosed to TLDDOT (and the rest of the community) what “research” done by which “researcher” and “evaluator” showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as an GMBH and that there is no evidence of GMBHs from different sectors acting as a community as defined by the Applicant Guidebook.

- **The Panel’s “Double Counting”**

The AGB sets forth an established policy against “double counting” in the CPE criteria, such that “any negative aspect found in assessing an application for one criterion should only be counted there and should not affect the assessment for other criteria.”³ However AGB contains numerous instances of double counting as does the Determination. For example, one of the requirements for Delineation is that “there must be awareness and recognition of a community (as defined by the applicant) among its members.” However, “awareness and recognition of a community (as defined by the applicant) among its members” is also a requirement for Size and for Longevity. Accordingly, if a CPE panel makes a determination that there is not sufficient awareness and recognition of a community (as defined by the applicant) among its members” to award any points to an application for Delineation,⁴ then this negative aspect found in assessing an application for this one criteria, will also affect the assessment of Size and Longevity and result in no points being awarded for Extension as well, as it did here when the Panel determined in these sections that “They therefore would not typically associate themselves with being part of the community as defined by the applicant.”

The requirement for Uniqueness is an even more blatant violation of the principle of no double counting. The AGB states that in order to be eligible for a score of 1 for Uniqueness, the application must score a 2 or 3 for Nexus.⁵ Accordingly, a negative aspect found in assessing Nexus will affect the assessment of Uniqueness, as it did in the Panel Determination as set forth below.

- **The Panel’s Failure to Evaluate the .GMBH Community Application**

² ICANN Bylaws, Article III, Section 1

³ AGB Section 4.2.3

⁴ <http://www.icann.org/sites/default/files/tlds/gmbh/gmbh-cpe-1-1273-63351-en.pdf>

⁵ AGB Section 4.2.3

Independent of other Applications

It is a well-established ICANN policy within the new gTLD program that every application will be treated individually. Evaluating multiple applications together with regard to Community Priority violates this policy as well as ICANN's mandate to operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness. Individual treatment aside, to the extent that the Panel is taking into account other applications when making its determination, fairness and transparency dictate that it should disclose this fact.

The EIU's actions in evaluating applications for community priority is inconsistent with ICANN's well-established policy of treating gTLD applications individually and the ICANN policy and mandate to operate in a fair and transparent manner. It is clear that the EIU panels for the Community Applications for .GMBH, .INC, .LLC and .LLP were working in concert and/or have been evaluated by the same "unknown" evaluator. First, the EIU panels gave the .GMBH, .LLP, .LLC and .INC Community Applications the exact same score, 5 out of 16. Furthermore, all those Community Priority Evaluation Reports have virtually identical language and reasoning, with just some of the factual details swapped out, including heavy reliance on the yet as unidentified "research," to come to the same conclusions.

The failure of the Panel to evaluate the .GMBH Community Application, which is certainly different in jurisdiction and many other aspects, on its own merit and reliance in information and analysis of other applications may have resulted in the .GMBH Community Application being penalized unjustly.

- **The Panel's Failure to Properly Apply the CPE Criteria**

The process and criteria for evaluating Community Priority applications is set forth in Section 4 of the AGB. ICANN has also published the Community Priority Evaluation (CPE) Guidelines prepared by the EIU (CPE Guidelines),⁶ the purpose of which, according to the ICANN website, is "to ensure quality, consistency and transparency in the evaluation process."⁷ However, the "[CPE Guidelines] do not modify the framework or standards laid out in the AGB." Accordingly, the policies and processes are in the AGB control. As will be explained in more detail below, the scoring in, and ultimate outcome of the Panel Determination is inconsistent with the CPE process set forth in the AGB.

Criterion #1: Community Establishment

The Panel determined that the community as identified in the .GMBH Community Application did not meet the criterion for Delineation or Extension, and awarded the .GMBH Application 0 out of 4 points for Community Establishment. This

⁶ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>

⁷ <http://newgtlds.icann.org/en/announcements-and-media/announcement-27sep13-en>

determination is not consistent with the AGB and CPE Guidelines.

Delineation

The Panel determined that the community as identified in the .GMBH Community Application did not meet the criterion for Delineation because the community did not demonstrate sufficient delineation, organization and pre-existence and awarded the .GMBH Community Application 0 out of 2 points.

According to the Panel Determination, two conditions must be met to fulfill the requirements for delineation: there must be a clear straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members. The Panel states that the community definition in the .GMBH Community Application does not show a clear and straightforward membership. Additionally, the Panel determined that the community as defined in the application does not have awareness and recognition of a community among its members, because

“This is because GmbH companies (Layer 3 of the community as defined by the applicant) operate in vastly different sectors, which sometimes have little or no association with one another. Research showed that firms are typically organized around specific industries, locales, and other criteria not related to the entities structure as a GmbH. Based on the Panel’s research, there is no evidence of GmbHs from different sectors acting as a community as defined by the Applicant Guidebook. Furthermore, the regulatory authorities and associations (Layers 1 and 2, respectively) would likely have only a tangential relationship with the core GmbH community and have remits extending beyond those relating to the community. They therefore would not typically associate themselves with being part of the community as defined by the applicant.”

In fact, while there may be a wide variation of the type of business of companies that elected to be a GMBH, there are strong commonalities and binding requirements for any GMBH registered, such as:

- Annual fees paid to the relevant registers
- Annual reviews conducted by the relevant registers and the legislators
- Regular information on relevant topics by the relevant registers
- Equal operational, legal and tax issues

Additional the relevant company registers and the relevant legislators conduct regular activities together with the GMBH companies, such as⁸:

- Regular congresses and other events on a local and national basis
- Regular membership publications (journals, newsletters, ...)

⁸ See <http://www.dihk.de/en> as an example for the German GMBH community

- Direct consulting and other services to members
- Lobbying activities to position GMBH in favor of other corporate identifiers

By this the GMBH community is not different from other communities, such as the Australian Tennis Federation.

Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community and there must be documented evidence of community activities. The Panel indicated that the community as defined in the application does not have at least one entity mainly dedicated to the community because:

“The community as defined in the application does not have at least one entity mainly dedicated to the entire community as defined by the applicant. Additionally, existing entities do not represent a majority of the community as defined by the applicant, as they are limited in geographic scope or only represent parts of the community.”

We think the EIU panel is not in the position to determine that the GMBH communities in the four relevant countries do not have an oversight organization above them. As the GMBH communities of the four relevant countries are represented by the support letter of the relevant governments, which organization do they believe should be above the government?

As shown above the GMBH community conducts many regular activities on various levels.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007. The Panel determined that the community defined in the .GMBH Community Application does not meet the requirements for pre-existence. However, rather than providing evidence or explanation for this determination, the Panel instead merely cites a sentence from the AGB and then makes the conclusory determination that the .GMBH Community application refers to a “community” construed to obtain a sought-after corporate identifier as a gTLD string, which is based on the Panel’s previous conclusion that GMBH companies would typically not associate themselves with being part of the community as defined by the applicant. This is a conclusion that is questionable at best. In fact, as the panel must be aware, the GMBH legislation, framework and members exist for more than 100 years and GMBHs have existed in all four countries concerned long before September 2007.⁹

⁹ <http://de.wikipedia.org/wiki/GmbH-Gesetz> u.a.

Extension

The Panel determined that the community as identified in the application did not meet the criterion for Extension because the .GMBH Community application did not demonstrate considerable size or longevity for the community identified in the .GMBH Community Application, which is inconsistent with the AGB.

Size

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must be of considerable size and (2) must display an awareness and recognition of a community among its members. As mentioned in section (C) the EIU panel again try to neglect the size of the community because a previous (wrongful) determination:

“The GmbH Community comprises of about 1.4 million companies with the legal form of a GmbH. In Austria, Germany, Liechtenstein and Switzerland, thereof about 1.15 million in Germany. However, as previously stated, the community as defined in the application does not have awareness and recognition of a community among its members.”

As the Panel acknowledged, there are about 1.4 million registered GMBHs. Accordingly, when the AGB definition of “Size” is properly applied, it is clear that the community identified in the .GMBH Community application meets this criteria and should have been awarded the points.

Longevity

According to the Panel, two conditions must be met to fulfill the requirements for size: (1) the community must demonstrate longevity and (2) must display an awareness and recognition of a community among its members. However, the second requirement for longevity cited by the Panel - that the community must display an awareness and recognition of a community among its members – does not exist in the AGB definition of size. Rather, the AGB states that:

“Longevity” means that the pursuits of a community are of a lasting, non-transient nature¹⁰

Similarly, the CPE Guidelines, which were prepared by EIU, do not list the requirement that the community must display an awareness and recognition of a community among its members as part of the criteria of longevity. The Panel’s application of this additional requirement to the criteria of longevity, is thus not only inconsistent with the established process in the AGB, but also violates the established policy of not “double counting” as discussed above, since the Panel erroneously determined that the members of the GMBH community do not have an awareness of their community.

GMBHs are corporate structures that are intended to be perpetual until either the

¹⁰ AGB, Pg. 4-11

entity is wound down or the statutory requirements are not met. In other words, they are the direct opposite of transient. Accordingly, when the AGB definition of "longevity" is properly applied, it is clear that the community identified in the .GMBH Community application meets this criteria and should have been awarded points.

Criterion #2: Nexus between Proposed String and Community

The Panel determined that the .GMBH Community Application did not meet the criterion for Nexus of Uniqueness and awarded no points. However, the Panel's determination with regards to Nexus was based on incorrect factual information and the Panel's determination with regard to Uniqueness was based on its erroneous determination of Nexus.

Nexus

The Panel determined that the .GMBH Community Application did not meet the criterion for Nexus because the string identifies the name of the core community members (i.e. companies with the legal form of a GmbH), it does not match or identify the regulatory authorities, courts and other institutions that are included in the definition of the community as described in Criterion 1-A.

TLDDOT notes that community members and community oversight bodies by nature rarely have the same name. The CPE determination for .HOTEL made clear that it is tolerated that all bodies representing community members do not necessarily need to have the name of the TLD string.

As an initial matter, it should be noted that according to the AGB, to receive the maximum score of 3, "the essential aspect is that the applied for string is commonly known by others as the identification/name of the community."

TLDDOT's own research results lead to the strong statement that the general public in the relevant countries associates the string GMBH with companies incorporated with this identifier. This is the basis of the Community described in TLDDOT's application.

Accordingly, it is clear that the .GMBH Community Application should receive at least two points for Nexus.

Uniqueness

The Panel determined that the application does not meet the criterion for Uniqueness because the string as defined in the application does not demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus and is therefore ineligible for a score of 1 for Uniqueness. Furthermore, the Panel's basing of its decision with regard to Nexus and Uniqueness (and the AGB's direction to do so) on the results of another criteria violates the established policy against double counting. Regardless, since "GMBH" has no other significant meaning outside the four relevant countries, the .GMBH Application should have been awarded 1 point for Uniqueness..

Criterion #3: Registration Policies

The Panel correctly awarded the .GMBH Community Application points at least for Eligibility and Name Selection but determined that the .GMBH Community Application did not meet the criterion for Enforcement because it provided specific enforcement measures but did not include appropriate appeal mechanisms.

However, the .GMBH Community Application does in fact contain an appropriate appeals mechanism. According to the .GMBH Community Application, the enforcement mechanism is as follows:

“The Registry anticipates that disputes over eligibility will be minimal within the GmbH Community. Nevertheless it has put in place an adequate procedure to assist the GmbH Community’s Registrants in dealing with denials of eligibility in a way that supports community needs and values. The Registry’s informal denial procedures will not super-cede any formal dispute procedures.”

This section shows that TLDDOT outlined policies that include specific enforcement measures constituting a coherent set. TLDDOT will establish a process for questions and challenges that could arise from registrations and will conduct random checks on registered domains. There is also an appeals mechanism, whereby a third party has the right to request a review of a decision to hold a domain name, the so-called Eligibility Requirements Dispute Resolution Process (ERDRP).

Accordingly, the .GMBH Community Application should have received one point for Enforcement.

It is also not understood why the Content and Use are not consistent with the community-based purpose. Again, the Panel seems to constitute its decision with regard to Criterion #1 and #2 but the results of another criteria violate the established policy against double counting. Furthermore the Applicant Guidebook has asked for a description of policies, but not the full policies

Criterion #4: Community Endorsement

The Panel incorrectly determined that the .GMBH Community Application only partially met the criterion for Support and Opposition, which is inconsistent with the CPE process as set forth in the AGB.

Support

The Panel awarded the .GMBH Community Application only 1 out of 2 points for Support because it determined that while TLDDOT possesses documented support from at least one group with relevance, that TLDDOT was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from a majority of the recognized community institution(s)/member organization(s).

EIU panel's determination is insofar incorrect as the applicant, TLDDOT GMBH, is definitely a community member as defined in the application.

As the EIU panel did not mention in detail which support letters were acknowledged in the CPE and states that TLDDOT "possesses documented support from at least one group with relevance and this documentation contained a description of the process and rationale used in arriving at the expression of support" TLDDOT anticipates that EIU either or both has not reviewed all support letters, missed support letters or did not successfully validate support letters.

Although TLDDOT provided a comprehensive graphic and descriptive overview on the GMBH community layers in Austria, Germany and Switzerland and presented a support letter of these governments which are the legislators for the local GMBH laws and ultimate authority for the GMBH community the EIU panel offensively and incorrectly states that

"these groups do not constitute the recognized institutions to represent the community, as they only represent the same geographic area in each case, and not similar communities in other nations. Even within this geographic region, these groups do not represent both the core GmbH companies as well as the other bodies and institutions that are included in the community definition."

Accordingly, the .GMBH Community Application should have been awarded full points for Support.

9. What are you asking ICANN to do now?

TLDDOT is asking that ICANN to reverse the decision of the Panel and grant TLDDOT's .GMBH application Community Priority status. There is precedence for this when, as here, there is substantial and relevant evidence indicating that the Objection was inconsistent with ICANN procedures, despite the diligence and best efforts ICANN staff (see .MED case). In the alternative, ICANN should disregard the results of the first Panel determination and assemble a new CPE Panel to reevaluate the Community Priority election by TLDDOT for its .GMBH application in compliance with the policies and processes in the AGB, CPE Guidelines and ICANN Bylaws. To the extent that ICANN assembles a new Panel to re-evaluate the .GMBH Community Application for Community Priority, the Panel should not be affiliated with EIU, or at a minimum, should not consist of the same EIU panelists or anyone who participated in the initial CPE.

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.

TLDDOT has standing and the right to assert this request for Reconsideration because the Panel's Determination, and the NGPC's subsequent placement of

TLDDOT's .GMBH application into active contention, was based on the EIU Panel's failure to follow the established policies and procedures for Community Priority Evaluation in the AGB and ICANN's Bylaws. ICANN has previously determined that the reconsideration process can properly be invoked for challenges to expert determinations rendered by panels formed by third party service providers, such as the EIU, where it can be stated that the Panel failed to follow the established policies or processes in reaching its determination, or that staff failed to follow its policies or processes in accepting that determination. In addition, the NGPC's placement of the .GMBH Community Application into active contention based on the Panel Determination constitutes ICANN staff or Board Action. Furthermore, ICANN staff became involved with the Panel Determination when it responded to TLDDOT's complaints that the EIU Panel may only be addressed via the CSC portal.

This failure to follow established policies and procedures by the Panel and the NGPC will result in material harm to, and have an adverse impact on, TLDDOT, registered businesses in Austria, Germany, Switzerland and Liechtenstein, and consumers in that as a result of the Determination and placement of TLDDOT's .GMBH application into active contention, at best, TLDDOT will have to expend significant additional funds to win the contention auction for .GMBH, and at worst, TLDDOT will lose the contention auction and not be able to operate the .GMBH TLD and the string will be operated generically without necessary consumer protections in place and against the GAC Advice and GAC Early Warnings in this respect.

Potential registrants and the public generally, can be reversed by setting aside the decision of the Panel and granting TLDDOT's .GMBH application Community Priority status, or in the alternative, by assembling a new CPE Panel to reevaluate the Community Priority election by TLDDOT for its .GMBH application in compliance with the established policies and processes in the AGB and CPE Guidelines.

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

X__ 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.

The causal connection between the circumstances of the Reconsideration Request and the harm caused by the awarding of the string to a non-community applicant are the same for TLDDOT and all supporting organizations. As

discussed above, the improper denial of Community Priority to the .GMBH Community Application will likely result in delegation of .GMBH to one of the non-community applicants, which do not have enforceable safeguards in place, and could allow anyone to register a .GMBH domain name regardless of their actual business registration status and entity type or place of business globally.

This likely facilitates fraudulent business registration, business identity theft, and other harmful online activity as well as cause significant consumer confusion and protection issues.

The stakeholders and supporters for the corporate identifier GMBH have expressed their clear and concise opinions via letters to ICANN calling for the issuance of these strings in a community format in order to provide appropriate protections for both the community and consumers with the necessary recourse required to hold the Registry Operators accountable if these strings are not operated in a responsible manner.

As the governments of Austria, Germany, Switzerland and Liechtenstein have the ultimate responsibility for GMBH registration and validation, this is of significant concern to them, the Chambers of Commerce and Industry and corresponding public authorities that maintain the public GMBH registers. The issuance of these strings to a non-community applicant without enforceable protection mechanisms directly disregards the opinions expressed by the relevant governments in regards to this matter and shows a blatant disregard by ICANN to operate accountably as required by the ICANN bylaws.

Do you have any documents you want to provide to ICANN?

No.

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.

Dirk Krischenowski

25 June 2014

Signature

Date

Dirk Krischenowski

CEO of TLDDOT GMBH