



Reconsideration Request Form

1. Requester Information:

Name: GNSO Intellectual Property Constituency
c/o Steve Metalitz, President

Address: 1818 N St. NW, 8th Floor, Washington, DC 20036 USA

Email: met@msk.com

Phone Number (optional): (+1) 202.355.7902

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:

Resolution 2012.05.06.02, .CAT RSEP Request to allow Whois changes. See <http://www.icann.org/en/groups/board/documents/resolutions-06may12-en.htm#1.2>.

4. Date of action/inaction:

May 6, 2012

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

May 8, 2012, the date on which approval of the resolution was posted at

<http://www.icann.org/en/groups/board/documents/resolutions-06may12-en.htm>.
See attached e-mail from David Olive (in item 12A of this submission).

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

IPC members have a strong, consistent, and frequently-expressed interest in public access to domain name registrant contact data. Such access facilitates monitoring, licensing and enforcement of the intellectual property rights of IPC members and their clients in the online environment. Authorizing the .cat registry to suppress public access to much of this data will make such activities more difficult, more expensive, and less effective in protecting intellectual property rights and combating consumer confusion.

IPC, as a recognized ICANN constituency, also has a strong interest in ensuring that ICANN conforms its actions to its obligations under the Affirmation of Commitments. Since this action is inconsistent with the AoC, this interest will be adversely affected unless the action is reconsidered and reversed.

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

All Internet users have a strong interest in preserving public access to Whois data. Such access provides needed transparency and accountability to the domain name system, and enables users to better know who they are dealing with online. Public access is of particular concern to law enforcement, consumer protection agencies, child protection services, and many other groups. Authorizing the .cat registry to suppress public access to much of this data will make such activities more difficult, more expensive, and less effective in enforcing laws and protecting consumers and the general public.

Furthermore, the entire ICANN community also has a strong interest in ensuring that ICANN conforms its actions to its obligations under the Affirmation of Commitments. Since this action is inconsistent with the AoC, this interest will be adversely affected unless the action is reconsidered and reversed.

8. If you are complaining of an action, are you seeking a temporary stay of the action? (Check one)

Yes

No

8a. If Yes, you are seeking a temporary stay, do you believe any harm(s) will occur if the action is not stayed? (Check one)

Yes

No

8b. If you answered Yes to 8a., please describe the harm(s) that you believe will occur if the action is not stayed:

Public access to .cat Whois data will be unjustifiably suppressed, undermining accountability and transparency in the domain name system and adversely affecting the interests summarized above.

9. Detail of Board or Staff Action – Required Information

Board action: If your request is in regards to a Board action or inaction, please provide a detailed explanation of the material information not considered by the Board. If that information was not presented to the Board, provide the reasons why you did not submit the material information to the Board before it acted or failed to act.

1. The Board failed to consider adequately IPC's arguments that the .cat submission conclusively demonstrated that the requested change was not needed to comply with Spanish Data Protection laws, and improperly credited the registry's unsupported assertion to the contrary.
2. The Board failed to conduct any due diligence on the registry's assertion that the change was endorsed by Spanish and EU law enforcement authorities, and then relied heavily on this unsupported assertion in granting the registry's request.
3. In granting the request, particularly in a situation in which it was conclusively demonstrated that the change was not required by the registry's national law, ICANN violated its duty under the Affirmation of Commitments to continue to enforce its current policy to the extent consistent with national law.
4. Had the Board considered, and followed, the Board-approved process for resolving conflicts between Whois and national privacy laws, it would have been apparent that the policy's goal of avoiding a conflict while adhering to established Whois policy to the maximum extent possible could have been accomplished through a much narrower resolution.
5. The Board resolution significantly increases the scope of the change sought by the registry, since it seems to require that registrants opt in to having their contact data accessible via Whois, as rather than providing an opt out as the registry requested.

See detailed discussion of these points in item 11.

10. What are you asking ICANN to do now?

The .cat registry's request to suppress public access to Whois data on many of its registrants should be denied. The Board should reconsider its contrary decision taken May 6.

11. What grounds or justification support your request?

Background

Currently, like all other gTLD registries operated under agreement with ICANN, the .cat Whois policy provides for free, real-time public access to a range of contact data regarding all registrants of .cat domains. See <http://www.icann.org/en/tlds/agreements/cat/cat-appendixS-22mar06.htm>, part VI. The registry operator, the puntCAT foundation, now proposes a drastic alteration of that policy. Under the .cat Whois proposal¹, any .cat registrant who unilaterally identifies himself or herself as “a human being, perceptible through the senses and subject to physical laws,” may opt out of having any contact data regarding the registration accessible to the public at all.² This opt out would be available even if the domain were used for commercial purposes. Anyone seeking contact information (that of the registrant, or of the administrative or technical contact) regarding a registration for which an “opt out” had been exercised would have to fill out a form on the registry’s website. This form would include full contact information on the requester, as well as the reasons for requesting the contact information. The registry’s sole obligation would be to forward this form to the registrant. There would be no recourse for the requester if the registrant chose not to respond.

The puntCAT request was posted for public comment on January 18, 2012. In comments timely filed February 10, 2012,³ IPC urged that this change be rejected, mainly for the following reasons:

(1) There is no conflict between the registry’s contractual obligations to ICANN and its legal obligations under national law. The compatibility of the current .cat Whois policy with applicable national data protection law is not in doubt. The registry sought and received an opinion from the Spanish Data Protection Agency, which states unequivocally that the registry’s current policy of unrestricted public access to Whois data, as required by its registry agreement with ICANN, “is not contrary” to Spain’s data protection law and “does not violate” that law or its implementing regulations. Thus, there is no basis for arguing that the registry’s contractual obligations to ICANN and its legal responsibilities as a Spanish legal entity are in conflict. This starkly contrasts with the two previous occasions in which gTLD registries were allowed by ICANN to reduce public access to Whois.

(2) Approval of the proposal would raise serious questions about ICANN’s compliance with the Affirmation of Commitments, and would reflect unsound policy. The change sought by the Registry extends far beyond the changes approved in the previous two cases, and would in effect eliminate public access to registrant contact data on any .cat registrant who chose to cloak that data in

¹ See <http://www.icann.org/en/registries/rsep/puntcat-cat-request-05oct11-en.pdf>.

² See proposed amendments to Appendix S, Part VI, <http://www.icann.org/en/tlds/agreements/cat/appendix-s-vi-redline-18jan12-en.pdf>, at page 1.

³ See <http://forum.icann.org/lists/cat-whois-changes/pdfiFqMw4LxTS.pdf>.

secrecy. This is precisely the opposite of the policy ICANN pledged to follow in the Affirmation of Commitments. Especially in the absence of any legal compulsion to do so, ICANN should not permit gTLD registries to flagrantly deviate from long-standing policy, in a way that will compromise the important public interest value served by public access to Whois data.

The public comment period closed on March 3, with no reply comment received from .cat. On March 5, two days later, ICANN staff sent an e-mail to the registry, stating “We would like to ask for your cooperation to address IPC’s concerns before we can proceed. Please send the reply to the public forum, if possible.”⁴

The same day, the registry submitted a comment⁵ stating “puntCAT believes there is an existing conflict between its current whois policy, and the european data protection Directive (Directive 95/46/EC), transposed to the spanish jurisdiction by the Ley Órganica de Protección de Datos 15/1999,” and quoting the Spanish Data Protection Authority’s view that the change sought by .cat would be “more appropriate” than the status quo. However, it made no reference to that Authority’s unequivocal conclusion that the registry current Whois policy, as set forth in its contract with ICANN, is fully consistent with Spain’s data protection law and “does not violate” it, and offered no evidence of any kind to the contrary.⁶

No further public comments were received, and IPC was not invited to make any further rebuttal to the registry’s untimely reply comment. In fact, there was no further word from anyone at ICANN regarding this request until the Board’s resolution was released on May 8. That resolution recited that “the potential issues cited during the public comment period and by ICANN were addressed by PuntCAT’s responses,” and granted the request, stating that “approving the proposal would prevent puntCAT domain registrants who are individuals to have their contact information from appearing in the puntCAT Whois when their domains are queried.” In other words, the resolution appears to impose a categorical exclusion from public access of registrant contact data on individuals in .cat, rather than an opt-out system as requested by the registry.

⁴ A copy of this e-mail is included under item 12B of this submission.

⁵ See <http://forum.icann.org/lists/cat-whois-changes/doc71LYodEpzy.doc>.

⁶ As discussed below, the Board’s seemingly unquestioning reliance upon the reply comment of the registry was unjustified and provides a strong ground for reconsideration of the decision. But in fact, that reply comment was not properly under consideration at all, because it would not have existed but for the intervention of ICANN staff, after the close of the reply comment period, to prod the registry to respond to the issues raised in the IPC comments. IPC understands that of course the Board would wish to have before it as much relevant information as possible in making its decisions. We also support efforts by the staff to make sure all viewpoints are heard in the public comment process. At the same time, the strong need to improve the integrity of the ICANN public comment process, much criticized both before and after the Accountability and Transparency Review Team report, must also be taken into account. The role of ICANN staff as a neutral party when different constituencies have different views has also been damaged in this case. The staff’s intervention on one side, after the close of the public comment period, risks creating a perception of the staff as having a “thumb on the scale” in favor of contracted parties.

Reasons for reconsideration

1. *The Board failed to consider adequately IPC's arguments that the .cat submission conclusively demonstrated that the requested change was not needed to comply with Spanish Data Protection, and improperly credited the registry's unsupported assertion to the contrary.*

The letter of the Spanish Data Protection Authority speaks for itself, and sharply demarcates this request from those from .tel and .name which the Board previously granted on a non-precedential basis.⁷ Both those changes were far less drastic than what .cat proposes, and there is at least a plausible argument that in both cases the resulting Whois regimes were consistent with long-standing ICANN policy – which is definitely not the case here.⁸ But there is also another critical difference which should dictate a different outcome for this request – the complete absence of any conflict between the registry's contractual obligation to ICANN and its duty to obey applicable national law.

Both .name and .tel argued that they needed to change their Whois policies in order to comply with privacy (data protection) law in the jurisdiction (in both cases, the UK) in which the registry was located. In the case of .cat, this is demonstrably not the case. In fact, the opposite is true: the data protection authority in Spain (where the .cat registry is located) has clearly stated that .cat's current Whois policies are in full compliance with Spanish data protection law. There is no foundation for the registry's statement, either in its original (October 2011) request or in its belated reply comment (stimulated by the intervention of ICANN staff) that the changes are needed "in order to comply with the provisions of Spain and EU legislation."

The 2002 and 2007 Board resolutions approving the .name and .tel contract changes speak obliquely of "the unique legal and business

⁷ At the end of the "rationale statement" accompanying the resolution, the Board asserts that the .tel Whois request was "similar" to the request here, and that Telnix is similarly situated [to the .cat registry], i.e., subject to European privacy law." Neither statement is correct, as explained in the text. The .cat request is far more disruptive of long-standing Whois policy than was the change approved for .tel. And while .cat is subject to European privacy law, the national data protection authority – the only agency empowered to enforce that law in Spain – has determined that .cat's current Whois policy does not violate that law. Furthermore, in approving the .tel changes, the Board specifically stated its conclusion "that the requested modifications are justified by the unique business and legal circumstances of the .TEL top-level domain, and the approval of these modifications should not be viewed as establishing a precedent that applies to other circumstances." <http://www.icann.org/en/groups/board/documents/minutes-18dec07-en.htm>.

⁸ See memo of Louis Touton, ICANN General Counsel, to the Board, 26 November 2002, at <http://www.icann.org/en/minutes/report-gnr-whois-26nov02.htm> ("GNR's proposal does not materially alter the existing Whois policy registry operators must follow, since all the elements of Whois data currently available for .name would continue to be available.... Rather than deviate from the basic Whois policy, GNR's proposal simply revises the mechanism through which its obligation to provide Whois data is fulfilled.") The .cat registry was incorrect to identify the .name and .tel changes as "similar in substance or effect" to the change sought for .cat (see page 7 of the RSEP form).

circumstances” faced by each registry as justification for the contract amendments. But there is no doubt that, in each case, the registry asserted that the status quo – compliance with the unmodified registry agreement with regard to Whois – would expose it to liability under the UK data protection law. Regardless of the merits of the assertion of conflict between contractual obligations and national legal requirements in these two cases, it is clear that the risk of such a conflict was both the main motivator of the registry request, and a significant factor in the Board’s decision to approve minor changes in each registry’s Whois policies.⁹

In the case of .cat, however, no such risk exists. We know this because the registry sought an opinion from the Spanish Data Protection Agency, and received a response dated September 4, 2009, which was included in the materials submitted in the RSEP process.¹⁰ The request from the puntCAT foundation asked for an opinion on “the impact that the current situation of the ‘whois’ directory of those who have a registered .cat domain has on personal data protection regulations, consisting of Organic Law 15/1999, dated 13 December, on the Protection of Personal Data, and its implementation directive.” The Data Protection Agency responded as follows: *“The processing currently being carried out by the inquirer [the registry] and by the registrars applying for domain name registration in favor of the applicant is not contrary to Organic Law 15/1999 in terms of the information collected and processed by them.”* The opinion letter goes on to discuss two grounds under that law for authorizing the processing of Whois data (consent, and fulfillment of a contract) and appears to endorse both of these as applicable to .cat Whois policies. Of particular importance here, this portion of the Agency’s opinion letter states:

“The inquiry states that the inquirer obtains consent from the interested parties for inclusion of their data in “whois” directories, available to the public wishing to access such data.

⁹ See Letter from J. Beckwith Burr to Louis Touton Regarding Amendment to Whois Provisions of .name Registry Agreement (9 November 2002), at <http://www.icann.org/en/correspondence/burr-letter-to-touton-09nov02.htm> (counsel to .name registry states that “the changes sought by Global Name Registry are intended to ensure that its operation of .name complies with the [Data Protection] Act.”); see also memo of Louis Touton, ICANN General Counsel, to the Board (noting registry’s “desire to provide heightened confidence that its Whois service lies with the United Kingdom Data Protection Act of 1998,” and concluding that “the proposed mechanism also gives a higher level of confidence that GNR’s Whois service fully meets the requirements of the UK data-protection law,” at <http://www.icann.org/en/minutes/report-gnr-whois-26nov02.htm>; see also <http://www.icann.org/en/minutes/minutes-20nov07.htm> (minutes reflecting representation by Kurt Pritz to the Board that “the UK Privacy Commissioner’s Office had clearly indicated to ICANN Staff that they believed it was necessary to change existing ICANN contractual provisions for .TEL registry”).

¹⁰ See <http://www.icann.org/en/registries/rsep/puntcat-cat-request-05oct11-en.pdf>, at pages 24-31.

Although the specific clauses on which this consent is based are not included in the inquiry, the current situation, in which the directories include the personal data detailed in the inquiry, could be considered legally valid provided that the clauses in question make clear the access conditions of the aforementioned directories in the terms established in Article 5.1 of the Organic Law.”

(Of course, all .cat registrations must be made through ICANN-accredited registrars. All of these registrars are subject to the requirement (set out in Section 3.7.7.4 and 3.7.7.5 of the Registrar Accreditation Agreement, see <http://www.icann.org/en/registrars/ra-agreement-21may09-en.htm#3>) to disclose to every registrant the purposes for which registrant contact data is collected and the recipients of such data, and to obtain the consent of the registrant to such uses. This disposes of the disclosure issue raised in the proviso to the Data Protection Authority’s opinion quoted above.)

The Agency’s letter concludes flatly and unequivocally, *“the current situation does not involve a violation of the data protection regulations by the inquirer.”*

In concluding, without any analysis, that “the potential issues cited during the public comment period were addressed by PuntCAT’s responses,” it seems evident that the Board did not consider the merits of any of the issues, but simply whether some response had been made. In noting, in its “rationale” document accompanying the resolution, that “the PuntCAT registry continues to affirm that the proposed changes are in alignment with how the data protection framework must be interpreted when addressing the challenges posed by the Whois system,” the Board once again simply stated the registry’s position but made no analysis or reasoned consideration of whether this position – so diametrically opposed to the clear language of the Data Protection Authority’s written opinion – could bear any scrutiny. Finally, in quoting (in the rationale document) the registry’s assertion that that “the language used by the Spanish data protection Agency is, in our understanding, clear enough to proceed with the changes as proposed,” the Board was obviously allowing itself to be confused by the registry’s advocacy. Whether the proposed Whois change would, if adopted, be consistent with Spanish data protection law was a question that was never in issue. The operative question is whether this change was required by that law. That question is conclusively and clearly answered in the negative by the Data Protection Authority’s written opinion, and nothing in the registry’s reply comment can be read to cast any doubt on that answer.

2. *The Board failed to conduct any due diligence on the registry’s assertion that the change was endorsed by Spanish and EU law enforcement authorities, and then relied heavily on this unsupported assertion in granting the registry’s request.*

The Board’s rationale statement recites that, “According to the Registry, this service is endorsed by law enforcement and data protection agencies

representatives from Catalonia, Spain and the EU, as indicated in the RSEP annexes.” This assertion is unsupported and there is no evidence that ICANN staff or the Board undertook any efforts to verify the truth of the assertion.

IPC believes that any such due diligence investigation would likely have revealed that the assertion is materially false. We have been repeatedly advised in our inquiries that the .cat Whois proposals have not been endorsed or approved by the Spanish national law enforcement agency (Guardia Civil), nor by the relevant regional police (Mossos d’Esquadra). We understand that inquiries undertaken by U.S. law enforcement contacts with their Spanish counterparts confirm that these national and regional law enforcement agencies have not, to this day, given their endorsement to this proposal.

The board obviously (and appropriately) considered the position of the relevant law enforcement agencies a significant factor in its evaluation of the request. But it apparently never asked for any documentation from the registry of what position those agencies took, relying instead on unsupported assertions. IPC urges the Board Governance Committee, in the context of reconsideration of the Board action, to undertake the due diligence that clearly has never been undertaken to date, and to make appropriate inquiries about the veracity and completeness of the assertions made by the registry on this score.

3. *In granting the request, particularly in a situation in which it was conclusively demonstrated that the change was not required by the registry’s national law, ICANN violated its duty under the Affirmation of Commitments to continue to enforce its current policy to the extent consistent with national law.*

The Affirmation of Commitments states in section 9.3.1, “ICANN additionally commits to enforcing its existing policy relating to WHOIS, subject to applicable laws. Such existing policy requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information, including registrant, technical, billing, and administrative contact information.”¹¹ Under the .cat proposal, access to Whois information on those .cat registrants who opt out would be neither timely, unrestricted, nor public. (Under the literal terms of the Board’s resolution, in which all public access to the contact data of all individual .cat registrants would be “prevented,” the problem would be compounded.) Since there is nothing in “applicable law” to require any change in .cat’s current Whois practices, granting the registry’s request is flagrantly inconsistent with the commitments ICANN made three years ago in the Affirmation of Commitments. On this ground as well, reconsideration is required.

The .cat proposal is not a mere tweak in ICANN’s long-standing Whois policies; nor is it just the interposition of a “speed bump” to guard against abuse of public access to Whois data. Instead, it turns the policy of public access to registrant contact data – which has been in effect since long before ICANN

¹¹ See <http://www.icann.org/en/about/agreements/aoc/affirmation-of-commitments-30sep09-en.htm>.

became the steward of the domain name system – on its head. ICANN has committed to governments around the world not to do this, or at least not to deviate from the policy except to the extent demonstrably required in order to conform contractual obligations to the dictates of national law in particular circumstances. Since, as stated above, the current policy has been considered by the relevant agency and deemed not to violate national law, the justification for doing the opposite of what the AoC requires is totally absent. There is no way to resolve the inconsistency between ICANN’s solemn commitments and the action it has taken here, save to reconsider the decision.

4. *Had the Board considered, and followed, the Board-approved process for resolving conflicts between Whois and national privacy laws, it would have been apparent that the policy’s goal of avoiding a conflict while adhering to established Whois policy to the maximum extent possible could have been accomplished through a much narrower resolution.*

Effective January 17, 2008, ICANN has an established “Procedure for Handling WHOIS Conflicts with Privacy Law.” <http://archive.icann.org/en/processes/icann-procedure-17jan08.htm>. This procedure is designed precisely to ensure the careful and nuanced consideration that was so lacking in consideration of puntCAT’s request. Almost uniquely among Whois-related initiatives, the procedure is based on a recommendation that was supported by a broad cross-section of the community, and which was adopted by the GNSO Council, and affirmed by the Board, without dissent. That the Board ignored this procedure in this case reflects poorly on its commitment to the bottom-up consensus process to which ICANN is supposed to be dedicated.

Moreover, the policy mandates explicitly that “The goal of the consultation process should be to seek to resolve the problem in a manner that preserves the ability of the registrar/registry to comply with its contractual WHOIS obligations to the greatest extent possible.” A review under this process would likely have concluded that, as the Spanish Data Protection Agency concluded, the status quo—and full compliance with ICANN’s WHOIS requirements—is consistent with Spanish law. But even assuming that some conflict were found, the process would have resulted in a resolution that, unlike puntCAT’s proposal, preserved puntCAT’s ability to comply with its contractual WHOIS obligations to the greatest extent possible. This could have involved, for instance, some additional measures to ensure—as required by Registrar Accreditation Agreement section 3.7.7.5—that registrars obtain valid consent to the use of registrant data in WHOIS, thereby preserving the substance of ICANN’s WHOIS requirements. It certainly would not have involved approval of the sweeping changes – turning long-established Whois policy on its head – sought by the registry here.

5. *The Board resolution significantly increases the scope of the change sought by the registry, since it seems to require that registrants opt in to having their contact data accessible via Whois, as rather than providing an opt out as the registry requested.*

As stated above, the Board resolution seems to adopt an even more sweeping change in Whois policy than the registry sought: categorical exclusion of the registrant contact data of individual registrants from all public access, rather than the opt-out system which the registry asked for.

To be clear, IPC would not view it as an acceptable outcome in this reconsideration proceeding if the registry were simply allowed to implement the opt-out system it requested, rather than the exclusion system the Board approved. For the reasons stated throughout this reconsideration request, we believe the change to an opt-out system is not justified.

But the fact that the Board approved something that was not even asked for provides yet another ground for a complete reconsideration of the entire proposal. It certainly seems likely that the board was misinformed or somehow unaware of the content of the proposal before it. It evidently thought that what was requested was a system which would “prevent puntCAT domain registrants who are individuals to have their contact information from appearing in the puntCAT Whois when their domains are queried” – because that is what it approved. This misapprehension reflects a fundamental flaw in the process that requires reconsideration of the entire decision.

Conclusion

IPC wishes to emphasize that it is unaware of any substantial abuses occurring to date with respect to .cat domain names or the Internet resources associated with them, whether with regard to violations of trademark or copyright, or with regard to consumer scams, trafficking in malware, violations of child protection norms, or similar malicious or criminal behaviors. We recognize that, as a sponsored TLD catering to speakers of the Catalan language, .cat is at a reduced risk of becoming the venue for such conduct, in comparison to another gTLD that does not impose any restrictions on who may register a domain name and for what purpose. We are deeply concerned, however, that with ICANN’s approval of the .cat registry proposal to suppress public access to much – perhaps most – of the registrant contact data currently made available by it via Whois, the risk of such activities occurring in .cat would increase dramatically. The possibility to operate a website and other Internet resources in virtually complete anonymity would provide a powerful incentive for wrong-doers to game any registration restrictions the registry imposes. For this concrete and practical reason, as well as because of the numerous procedural and substantive flaws that pervade the Board’s decision and the way that it was made, IPC urges that the Board’s action be reconsidered and reversed.

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

A. See reference in item 5 above.

From: David Olive [mailto:david.olive@icann.org]
Sent: Tuesday, May 08, 2012 5:51 PM
To: Metalitz, Steven
Cc: Samantha Eisner
Subject: Re: [Soac-infoalert] Fwd: [policy] Approved Board Resolutions | Regular Meeting of the ICANN Board | ICANN

Thank you Steve.

My note on this list is a periodic and not a comprehensive information service to the SO-AC leaders when such documents are made public on the ICANN website. The information was made available to me at the same time it was available to all on the public website - on May 8.

I would advise you to also check the ICANN website for the latest publications and notices.

If your question relates to the official date of Board resolutions, it is clearly marked on the documents found at
<http://www.icann.org/en/groups/board/documents/resolutions-06may12-en>.

Regards. David

Sent from my iPhone
David A. Olive

On May 8, 2012, at 10:16 PM, "Metalitz, Steven" <met@msk.com> wrote:

Thank you David.

I see that your e-mail was sent May 8 and the Board meeting was held May 6. For purposes of calculating the time period within which to seek reconsideration under Article IV, section 2.5(a) of the Bylaws, please tell me on what date the page linked to below was "first published in a preliminary report or minutes of the Board's meetings." Thank you.

Steve Metalitz, IPC president

* * * * *

B. See reference in item 11 above (under "Background").

From: Karla Valente [mailto:karla.valente@icann.org]
Sent: Monday, March 05, 2012 1:45 PM
To: Nacho Amadoz
Cc: Metalitz, Steven
Subject: PuntCAT IPC comment - please address

Dear Nacho,
Cc Steve Metalitz

I hope you are well. We continue to process PuntCAT RSEP request. The public period ended, however, there was a comment from the IPC that triggered further investigation from ICANN. We would like to ask for your cooperation to address IPC's concerns before we can proceed. Please send the reply to the public forum, if possible. If you encounter difficulties, please send it to me and I will make sure it is posted.

Thank you in advance for your time and let me know if you have any questions.

Kind regards,

Karla Valente
Director, gTLD Registry Programs
Internet Corporation for Assigned Names and Numbers (ICANN)

Respectfully submitted,

Steve Metalitz, IPC president, on behalf of IPC

June 7, 2012