

**DETERMINATION  
OF THE BOARD GOVERNANCE COMMITTEE (BGC)  
RECONSIDERATION REQUEST 15-8**

**20 JUNE 2015**

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The Requester, Atgron, Inc, seeks reconsideration of the ICANN Board Governance Committee's ("BGC's") summary dismissal of Reconsideration Request 15-5, which sought reconsideration of the BGC's determination of Reconsideration Request 15-1. Request 15-1, filed by the Requester on 15 January 2015, challenged staff's actions in processing the Requester's Registry Services Evaluation Policy ("RSEP") request to allow the Requester to offer third-level domain name registrations in .WED.

The Bylaws provide that the BGC "may summarily dismiss a Reconsideration Request if, among other things: (i) the requestor fails to meet the requirements for bringing a Reconsideration Request; [or] (ii) it is frivolous, querulous or vexatious."<sup>1</sup> The BGC finds summary dismissal appropriate here because this is the third reconsideration request filed by the Requester based on the exact same facts and circumstances, raising the exact same arguments, and, as twice before, the Requester fails to satisfy the reconsideration criteria set forth in the Bylaws.<sup>2</sup> Furthermore, the Requester's conduct in filing multiple requests regarding the same underlying facts and raising the same arguments borders on frivolous, querulous, and vexatious. The BGC therefore summarily dismisses Request 15-8. The BGC also notes that ICANN is

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<sup>1</sup> Bylaws, Art. IV, § 2.9.

<sup>2</sup> Article IV, § 2.2 of ICANN's Bylaws states in relevant part that any entity may submit a request for reconsideration or review of an ICANN action or inaction to the extent that it has been adversely affected by:

- (a) one or more staff actions or inactions that contradict established ICANN policy(ies); or
- (b) one or more actions or inactions of the ICANN Board that have been taken or refused to be taken without consideration of material information, except where the party submitting the request could have submitted, but did not submit, the information for the Board's consideration at the time of action or refusal to act; or
- (c) one or more actions or inactions of the ICANN Board that are taken as a result of the Board's reliance on false or inaccurate material information.

charged with using its resources in the public benefit; responding to the Requester's repeated reconsideration requests, when they do not raise any new arguments or assert any grounds for reconsideration, is not an appropriate use of those resources.