

**IN THE MATTER OF AN INDEPENDENT REVIEW PROCESS BEFORE THE  
INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION**

**Gulf Cooperation Council (GCC)**

Gulf Cooperation Council Building  
King Khaled Road,  
Diplomatic Area 7153, Saudi Arabia

**(Claimant)**

v.

**Internet Corporation for  
Assigned Names and Numbers  
(ICANN)**

12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094-2536

**(Respondent)**

**ICDR Case No. 01-14-0002-1065**

**WITNESS STATEMENT OF ABDULRAHMAN AL MARZOUQI IN SUPPORT OF  
CLAIMANT GULF COOPERATION COUNCIL'S REPLY IN SUPPORT OF ITS  
REQUEST FOR EMERGENCY ARBITRATOR AND INTERIM MEASURES OF  
PROTECTION**

Akin Gump Strauss Hauer & Feld LLP

Counsel for Claimant GCC

**WITNESS STATEMENT OF ABDULRAHMAN AL MARZOUQI**

1. My name is Abdulrahman Al Marzouqi. I am the Manager of Internet Advancements in the Policy Programs Department for the Telecommunications Regulatory Authority (TRA) in the United Arab Emirates (UAE). In this capacity, my responsibilities include, among other things, representing the UAE government in its dealings with ICANN and representing the Gulf Cooperation Council (GCC) with respect to the .PERSIANGULF gTLD application as well as the .ISLAM and .HALAL gTLD applications. Specifically, I attend meetings with ICANN and ICANN's Governmental Advisory Committee (GAC) to ensure the GCC's values and interests are promoted and protected. Since the GCC first became aware of Asia Green's application for the .PERSIANGULF gTLD, I have voiced the GCC's strong opposition to that application at ICANN meetings and at meetings with GAC. Between September 2013 and November 2014, I have engaged in a lengthy dialogue with ICANN to find a mutually acceptable way to resolve the GCC's dispute over the .PERSIANGULF gTLD. I provide this statement in support of the GCC's Reply in Support of its Request for Emergency and Interim Relief. I have personal knowledge of the facts set forth below and, if called as a witness, could and would competently testify to them.

**My Participation at the GAC Meetings in Beijing and Durban**

2. I attended the GAC Meetings in Beijing, China in April 2013. During the GAC Meetings in Beijing, I voiced the GCC's concerns that the .ISLAM and .HALAL gTLD applications should not proceed because they lacked community involvement and support. Other GAC members expressed similar concerns.

3. While attending the GAC Meetings in Beijing, I also voiced the GCC's concerns about the .PERSIANGULF gTLD application. Specifically, because the Arab nations that border

the Gulf strongly disfavor the “Persian Gulf,” name, the .PERSIANGULF gTLD application lacks community support and has in fact garnered strong opposition from the Arab community.

4. At the conclusion of the GAC Meetings in Beijing, GAC provided non-consensus advice to ICANN that the .ISLAM and .HALAL gTLD applications should not proceed because they lack community involvement and support.

5. I also attended the GAC Meetings in Durban, South Africa in July 2013. During the meetings in Durban, I again voiced the GCC’s opposition to the .PERSIANGULF gTLD application, again emphasizing the lack of community support and strong community opposition from the Arab community because “Persian Gulf” is a disputed name. A substantial amount of GAC members in attendance shared these concerns.

6. Despite this substantial opposition, GAC could not reach a consensus. Iran is the only nation in the Gulf that favors the “Persian Gulf” name, and Iran’s GAC representative obviously does not share the other GAC members’ concerns about the .PERSIANGULF gTLD application. Not wanting a single GAC member to block consensus, the GAC Meeting Chairperson tried repeatedly to obtain a consensus. At one point during the meeting, the GAC Meeting Chairperson pulled me to the side to express her frustration that GAC could not reach a consensus.

7. When the GAC Meetings in Durban concluded, I, along with all the other GAC members to whom I spoke, understood and expected that ICANN would treat the .PERSIANGULF gTLD application the same way that ICANN has treated the .ISLAM and .HALAL gTLD applications. All three gTLD applications lack community support, and the .PERSIANGULF gTLD application, unlike the .ISLAM and .HALAL gTLD applications, also is strongly opposed by the Arab community because “Persian Gulf” is a disputed name.

## **The GCC's Resolution Efforts**

8. Immediately after ICANN's Board action in September 2013 to proceed with the .PERSIANGULF gTLD application, notwithstanding the GCC's opposition, I reached out to my ICANN counterparts to initiate an attempt at resolution.

9. My ICANN counterparts advised me that they were interested in trying to reach a resolution, but instructed me to wait until the Independent Expert issued a declaration on the GCC's Community Objection to the .PERSIANGULF gTLD application before initiating any attempt at resolution.

10. In reliance on ICANN's assurances that it would work with the GCC towards a resolution, I complied with ICANN's instruction and waited until the Independent Expert issued his declaration before re-initiating the resolution process with ICANN. The Independent Expert did not issue his declaration until October 30, 2013, more than one month after ICANN's Board action.

11. After the Independent Expert's October 30, 2013 ruling, I again reached out to my ICANN counterparts. I reiterated the GCC's concerns with the .PERSIANGULF gTLD—that it was a disputed geographic name that lacked community support. My ICANN counterparts advised they would get back to me.

12. After several months of dialogue with my ICANN counterparts proved unsuccessful, I arranged for a meeting with high-level GCC representatives and high-level ICANN members, including ICANN CEO Fadi Chehade, in hopes of facilitating a resolution.

13. Arranging a meeting of such high-level leaders from so many different countries is time consuming. In addition to obvious geographic and time-zone related obstacles, it was

difficult to find a mutually convenient time and location where such high-ranking individuals can meet.

14. Such a meeting did take place in June of this year, at the GCC Telecom Council Ministers Meeting. At that meeting, GCC representatives reiterated their objections to the .PERSIANGULF gTLD to Mr. Chehade. A true and correct copy of a July 9, 2014 letter from my colleague Mohammed Al Ghanim, the Director General of the TRA, to Mr. Chehade (“July Follow-up Letter”) is attached.

15. Following this June meeting and the July Follow-up Letter, my ICANN counterparts again advised me that they had taken the GCC’s position under advisement and would get back to the GCC with an answer.

16. ICANN did come back with an answer two months later in September 2014. It was then that my ICANN counterparts first suggested to me that the GCC’s only recourse towards resolution *may* be to file a request for independent review of ICANN’s Board action. Of course, it had long been 30 days since the initial ICANN Board action to proceed with the .PERSIANGULF gTLD application.

17. I again spoke with my ICANN counterparts at ICANN’s October meetings in Los Angeles. ICANN’s handling of geographic gTLD applications was a topic of discussion at those meetings, and I remained hopeful that the GCC and ICANN could finally resolve the dispute.

18. Unfortunately, no resolution was reached at the ICANN October meetings. In early November, I advised the GCC to proceed with the independent review process. I also advised my ICANN counterparts of the same.

19. At no time from September 2013 to November 2014 did ICANN state, let alone suggest, that if the GCC engaged in resolution efforts it would be time-barred from seeking an independent review of the September 2013 Board action.

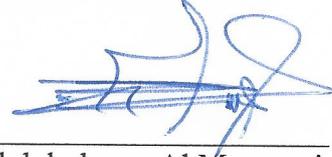
**The GCC Only Recently Became Aware of the Need to Request Emergency Relief**

20. By filing its request for independent review, the GCC seeks to prevent ICANN from signing the registry agreement for the .PERSIANGULF gTLD. Of course, if ICANN signs the registry agreement before the independent review is complete, then the independent review process would be rendered meaningless.

21. I have therefore been in constant contact with my ICANN counterparts to determine whether ICANN will agree to not sign the registry agreement for the .PERSIANGULF gTLD while the GCC's independent review process is ongoing.

22. I only learned in December 2014 that ICANN intends to sign the registry agreement for the .PERSIANGULF gTLD as soon as possible. Because of ICANN's intention to sign the registry agreement imminently, I also advised the GCC to file a request for emergency relief to ensure the independent review process would not be rendered meaningless.

Being in full agreement with the contents of this witness statement, I hereby sign it and acknowledge its contents on this 22 day of December 2014.



Abdulrahman Al Marzouqi



Date : 9 July, 2014  
Ref : TRA/DG/O/9741

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### New gTLD Application “.PERSIANGULF”

Dear Mr. Chehade,

This has reference to the new gTLD Application “.persiangulf” (“Application”) by Asia Green IT System Bilgisayar San. ve Tic. Ltd. Sti (“applicant”) and to TRA’s letter ref (TRA/DG/EDPP/6234) dated 14 October 2012 and addressed to ICANN Chairman on the same subject.

I also refer to the GCC Telecom Council Minsters Meeting held on 11 June 2014 in Kuwait City where this subject was raised and discussed.

I would like to firstly thank the ICANN for its commitments toward ensuring the sustainability and resilience of the Internet. The new gTLD programs was built to cater for new opportunities and innovation in the Internet while continuing to ensure security and stability of the Internet and ensuring that it meets expectation of the Internet community.

To this end, on behalf of the GCC countries, the UAE TRA would like to continue to raise its concern against the Application “.persiangulf” which impacts the Internet community in the GCC region.

We would like to highlight that:

- (1) The applied for new gTLD is problematic and refers to a geographical place with disputed name.**
- (2) There is Lack of community involvement and support from significant portion of the community (supported by the panel determination in the formal community-based objection against this Application), and**

**(3) GCC countries, GCC secretariat and League of Arab States have raised official objection letters to ICANN against this Application.**

While the TRA and the GCC has followed all the processes that were established by ICANN for the new gTLD program however it unfortunate to see that the Application is still continues to progress.

While the GAC did not issue an advice objecting against the Application (due to lack of consensus because one particular country did not agree to the objection), this does not mean those countries which are port of the community targeted by the Application are agreeing to the Application to proceed and this certainly does not mean that ICANN should ignore this fact and continue to allow the Application to proceed.

In this letter I would like to highlight one important issue in addition to the concerns raised previously:

- **Application sustainability and growth:** ICANN in building the new gTLD have put strict requirements and criteria to ensure that Applications are sustainable and made in the interest of the greater Internet community. The security, functionality and stability of Internet rely greatly on a successful operation of the DNS system. It is worrying to see how a TLD being opposed by majority of the community targeted would be able to operate and sustain. We believe the motive behind this Application has nothing to do with Internet community interest, nor commercial interest. We request ICANN to analyze the Application from financial and sustainability angle given that the community continues to oppose the Application. If the TLD is not expected or meant to serve the community being targeted then we believe the TLD would eventually fail and would not sustain financially.

For the above reasons, we would like to **reiterate its strong opposition against** this Application and request the ICANN and the new gTLD program evaluators to not allow this Application to progress.

Best Regards,



**Mohammed Al Ghannim**  
Director General

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