



June 3, 2014

To the attention of the members of the
ICANN Board Governance Committee
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292

By e-mail: reconsideration@icann.org

Request for Reconsideration of the Decision of August 21, 2013 Materially Affecting Amazon EU S.à.r.l.

Dear Mr. Tonkin and Members of the Board Governance Committee,

I write to the Board Governance Committee (“BGC”) further to Amazon E.U. S.a.r.l.’s (“Amazon”) Request for Reconsideration of the New gTLD Program Committee’s May 14, 2014 Resolution that prevents the applications for .AMAZON and IDN equivalents (the “Amazon Applications”) from proceeding. Amazon asks for clarification as to how the BGC – which is preparing a recommendation to the Board - will address the review. Quite in contrast with the Requests for Reconsideration that relate to a Staff action, Amazon’s current request implies a review of an ICANN Board decision. In brief, BGC members are now asked to review and consider a decision in which the majority of BGC members were involved and with which they agreed. Amazon is wondering how this issue will be addressed.

In addition, one BGC member (who is currently a non-voting member of the BGC) may have a conflict as his company is the backend registry provider of record for three of Amazon’s applications (unrelated to the applications at issue here) (and for the record, we are not questioning whether this member will declare a potential conflict, but rather its effect on the process). This leaves only one member of the BGC without apparent relationship to the parties involved or prior involvement in this matter.

Similarly, my client requests clarification on how the BGC will make a recommendation on the merits of the Request for Reconsideration. Will this recommendation be addressed to the full Board of Directors, the Board of Directors without the NGPC members (who took part in the decision), or will the NGPC be asked to make a determination on a Request for Reconsideration concerning the NGPC’s own actions)?

Finally, my client asks the BGC for clarifications on how it will be administering the conflicts review as the BGC is also responsible for making a determination regarding potential conflicts.

Yours sincerely,

A handwritten signature in black ink that reads "Flip Petillion". The signature is written in a cursive, slightly slanted style.

Flip Petillion
Crowell & Moring LLP
Contact Information Redacted