

Reconsideration Request Form

Version of 1 October 2016

RECONSIDERATION OF THE SUBSTANTIVE ISSUE THAT SHOULD HAVE BEEN BOTH ENFORCED FROM ICANN INTERNALLY AND EXTERNALLY FORCED FROM ICANN VIA THEIR REGISTRAR – IN BREACH OF ICANN BYLAWS, POLICY, INTERNATIONAL AND NATIONAL LAW AND CORE VALUES, INVOLVING A REFUSAL TO TAKE ACTION ON A SERIOUS MATTER WHERE THE BOARD SHOULD HAVE BEEN ALERTED TO THE SERIOUSNESS OF THE UNDERLYING BREACHES OF THE INTERNAL CORRUPTION BETWEEN ICANN AND THE REGISTRAR.

ICANN's Board Governance Committee (BGC) is responsible for receiving requests for review or reconsideration (Reconsideration Request) from any person or entity that believes it has been materially and adversely affected by the following:

- (a) One or more Board or Staff actions or inactions that contradict ICANN's Mission, Commitments, Core Values and/or established ICANN policy(ies);
- (b) One or more actions or inactions of the Board or Staff that have been taken or refused to be taken without consideration of material information, except where the Requestor could have submitted, but did not submit, the information for the Board's or Staff's consideration at the time of action or refusal to act; or
- (c) One or more actions or inactions of the Board or Staff that are taken as a result of the Board's or Staff's reliance on false or inaccurate relevant information.

The person or entity submitting such a Reconsideration Request is referred to as the Requestor.

Note: This is a brief summary of the relevant Bylaws provisions. For more information about ICANN's reconsideration process, please visit <https://www.icann.org/resources/pages/governance-committee-2014-03-21-en>.

This form is provided to assist a Requestor in submitting a Reconsideration Request, and identifies all required information needed for a complete Reconsideration Request. This template includes terms and conditions that shall be signed prior to submission of the Reconsideration Request.

Requestors may submit all facts necessary to demonstrate why the action/inaction should be reconsidered. However, argument shall be limited to 25 pages, double-spaced and in 12-point font. Requestors may submit all

documentary evidence necessary to demonstrate why the action or inaction should be reconsidered, without limitation.

For all fields in this template calling for a narrative discussion, the text field will wrap and will not be limited.

Please submit completed form to reconsideration@icann.org.

1. Requestor Information

Name: Mr. Fraser Lee

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

(Note: ICANN will post the Requestor's name on the Reconsideration Request page at <https://www.icann.org/resources/pages/accountability/reconsideration-en>. Requestor's address, email and phone number will be removed from the posting.)

2. **Description of specific action you are seeking to have reconsidered.**

ICANN's refusal to investigate the underlying enforcement of their own policy breach to enforce the very BYLAWS they administer, and the very Registrar Agreement Contract that has been breached between the Registrar and Registrant as this site without a doubt breaches the Terms of Use and ICANN's **Internet Governance – Guide for Law Enforcement** and follow through in this report of Cyberbullying and Cyber Terrorism. This is a formal worldwide complaint about ICANN's inaction to enforce their powers under the below BYLAWS and take the necessary powers to ensure that the internet is protected by Cyber Terrorism. ICANN has demonstrated a sheer disrespect and negligence for worldwide crimes, law, real court cases, over 92,000 DMCA complaints all caused by one website www.ripoffreport.com and I ask you to please review the '**cause of action**' and **purpose of ICANN in their own mission statement** in the shoes of the decision maker as clearly they are not enforcing their Registrar Agreement and the Registrar is not enforcing their Terms of Use, and together ICANN is engaging in breaches of the 'ICANN Guide for Law Enforcement'. This is a serious issue. ICANN and the ISP are facing litigation and interception from 4 continents, a full-scale class action, the FBI, the Department of Homeland Security and the Governments of all European and Asia Pacific Nations over the allowance of this disgrace of a website clearly proven by law to breach all the very BYLAWS even ICANN set. Please can you use your powers to investigate the entirety of ticket #EWO-100-61631 of which ICANN were extremely rude and blunt in their response, despite people's lives

being taken, jobs being lost by this illegal defamation and cybercrime proven every day. ICANN and DNC Holdings is not protected by law. If they wish to get technical they are not protected as it is case law that Google has been found a secondary publisher of content from this site and liable to pay costs, damages in defamation and future damages. It could be argued that the ISP and ICANN are responsible for this site by issuing a license to endorse its contents against its policies and against reasonable 'warning' as this letter is and so is my complaint. I hereby place ICANN on notice. I ask for a formal review of their complaint before involving the entire internet community and the media, and various global organisations. It is ludicrous, with all the evidence that ICANN can have a policy on abuse and not enforce it when so much evidence is available. If ICANN don't enforce it, I'll see to it that they are deemed as licensing and owning the content as publishers and advise all colleagues in the middle of legal action to add ICANN as a Defendant. Please advise them that I am serious, and this is my expertise. I am not one to be underestimated and have been engaged by the internet community to speak up. That I will.

3. Date of action/inaction:

15 November 2016

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

15 November 2016

5. Describe how you believe you are materially and adversely affected by the action or inaction:

ICANN were extremely rude and blunt in their response, despite people's lives being taken, jobs being lost by this illegal defamation and cybercrime proven every day. It is not me, it is the world – it is misleading and deceptive and conduct they are ignoring that has been reported that completely breaches their own mission statements and BYLAWS. They are affecting the world by their own inaction to uphold their promise to the world by not committing to their promises made to the world to protect from cyber terrorism.

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

The website in question is full of legally proven illegal defamatory, copyright infringing, hateful, suicidal and human rights depriving content and is in breach of the Universal Charter of Human Rights, almost all of the ICANN supposed policies intended to protect the intent of the internet, the endorsement of worldwide crimes and attraction of litigation and risk to the Registrars and ICANN (and ICANN and the Registrars are **NOT** protected, and if it needs to be sued to be shown this then I will make it happen), multiple court judgments and over

92,000 DMCA complaints. Despite people's lives being taken, families destroyed, jobs being lost by this illegal defamatory monstrosity of a monetized organised cybercrime, cyberbullying and cyberterrorist website, ICANN has failed to enforce the Registrar is to abide by their contract with their Registrar Agreement and their Terms of Use with the Registrant, to the detriment of the millions of victims of this websites **admitted** unconfirmed defamatory illegal hate crime endorsed website. A case can be made against ICANN and the Registrar for sponsoring and endorsing the content as they have refused to enforce their policies.

7. Detail of the ICANN Action/Inaction – Required Information

I allege that ICANN have breached both the attached 'ICANN EXPECTED STANDARDS OF BEHAVIOR' policy and the BYLAWS enforced I have been advised falls within the "ICANN Contractual Compliance Department".

I allege that ICANN are giving favor to a Registrar, and a Registrant and have breached the communities expectation of them to preserve the security, stability and resiliency of the Domain Name System and to promote consumer trust.

I allege that ICANN have refused to look at the inner causal reason of the complaint I made in ticket #EWO-100-61631 of which I ask for a full review and action in the shoes of the decision maker on the merits of the case. The case has merits and ICANN, Registrar and Registrant policy was intentionally not applied in breach of the expected standards and the "ICANN Guide for Law Enforcement". A copy of the entire complaint and its merits are attached. It is not good enough to the world and ICANN have a responsibility to stop cyber bullying and to NOT ENDORSE hate crime which is supposed to be on their agenda to enforce - not to attack the little guy who reports it.

I seek a result to the underlying issue - and so does the world as a one sentence "they followed their policy" is an absolute lie, and does not resolve the fact that the abuse to the world is against the so-called intent to "preserve the security, stability and resiliency of the Domain Name System and to promote consumer trust".

If ICANN do not take action, the world will see one of the biggest class actions it has ever seen and the so-called protection of ICANN and/or a Registrant will be challenged by law as you will be seen to sponsor terrorism.

Provide the Required Detailed Explanation here:

I reported DNC Holdings as they refused to investigate my legitimate abuse complaint and failed to look at the evidence and refused to take an evidence based approach. From the start, they refused any investigation resulted in misinterpreted prior complaints despite the evidence, and breached the Registrar Rights and Responsibilities obligation and failed to apply the abuse complaints procedure they signed and declared on their Registrar certificate.

They have breached their contract with you and placed a liability on ICANN by

not listening to the industry. The matter is vital. Instead of listening responded with threats and refused to accept any emails in the matter despite getting all material facts wrong and failing to enforce their Terms Of Use in breach their obligation to you.

They are unfit to be a Registrar and I wished for ICANN to review the communication and disgusting customer service in accordance with your contract. I hereby respectfully provide you with all relevant documents. I have spent a lot of time on this. Please start with my document labelled: Response - ICANN Domain Terms of Use Violation and Registrar Accreditation Agreement.pdf

Then, that will direct you to: First Attempt at the 24 hour 7 day a week abuse service - Unanswered - causing complaint.pdf

Second Attempt at Original Letter - It took a complaint just to get them to respond.pdf

Attachment1 - Entire Email Chain From then on.pdf
IG_Booklet_FINAL2.pdf (the guide the world entrusts ICANN to enforce)

8. What are you asking ICANN to do now?

Comply with the attached "Internet Governance - ICANN Guide for Law Enforcement" - Enforcement of Registrar Accreditation Agreement and Registry Agreement - Terms of Use, recognition of 92,000 DMCA takedown legal notices, and unacceptable use of the consumer internet proven by law, giving ICANN the ability to **PERFORM ITS INTENDED AND PROMISED FUNCTION to protect the Domain Name System (DNS) and domain name registrations to prevent further, unlawful activity, abuse, consumer fraud, deception, cyber terrorism, cyber bullying, or malfeasance, and/or violations of law and support the ability of public safety organizations to investigate, prevent, attribute, and disrupt unlawful activity, abuse, consumer fraud, deception or malfeasance, and/or violations of national law that involve the DNS and domain name registrations and most importantly enforce ICANN contractual obligations with gTLD registries and registrars, (i.e., Registrar Accreditation Agreement, Registry Agreement); and take down the site "RIPOFFREPORT.COM" AS EXPECTED BY THEIR POLICIES OR RISK BEING SUED AS AN ENDORSER OF CYBER TERRORISM.**

9. Please state specifically the grounds under which you have the standing and the right to assert this Reconsideration Request, and the grounds or justifications that support your request.

The grounds are factually proven in the documents that were sent and rejected by ICANN who ignored the common issue simply by falsely stating that the Registrar did nothing wrong and not looking at the Global reported issue which is

a breach of their BYLAWS and policy and disgusts the world as to their capacity to perform the services they promised under their misleading statements, exposing them to liability.

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

Yes

No

10a. If yes, is the causal connection between the circumstances of the Reconsideration Request and the harm substantially the same for all of the Requestors? Explain.

The connection is informal with the possibility to be made formal by the petitions online, multiple litigants and various stakeholders and industry groups to form a class action of negligence. **ICANN IS NOT IMMUNE FROM EUROPEAN COUNTRIES FOR SPONSORING TERRORISM.** The circumstance and harm the website does affects all who have had **unlawful activity, abuse, consumer fraud, deception, cyber terrorism, cyber bullying, or malfeasance, and/or violations of law and support the ability of public safety organizations to investigate, prevent, attribute, and disrupt unlawful activity, abuse, consumer fraud, deception or malfeasance, and/or violations of national law that involve the DNS and domain name registrations that have caused them a loss from them litigating**, and I will be encouraging them to do so if no action is taken unless ICANN complies with their policies and BYLAWS in this Reconsideration Request and removes the site “killing the internet”, that admits none of its content can be proven, and admits, even so, it will not remove false statements, making a fool out of ICANN’s policies and Registrant’s supposed powers. If it takes a lawsuit, that’s what will be.

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

Yes, they are attached.

Terms and Conditions for Submission of Reconsideration Requests

The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if: (i) the requests involve the same general action or inaction; and (ii) the Requestors are similarly affected by such action or inaction.

The Board Governance Committee may dismiss a Reconsideration Requests if: (i) the Requestor fails to meet the requirements for bringing a Reconsideration Request; or (ii) it is frivolous.

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.

For all Reconsideration Requests that are not summarily dismissed, except where the Ombudsman is required to recuse himself or herself and Community Reconsideration Requests, the Reconsideration Request shall be sent to the Ombudsman, who shall promptly proceed to review and consider the Reconsideration Request. The BGC shall make a final recommendation to the Board with respect to a Reconsideration Request following its receipt of the Ombudsman's evaluation (or following receipt of the Reconsideration Request involving those matters for which the Ombudsman recuses himself or herself or the receipt of the Community Reconsideration Request, if applicable).

The final recommendation of the BGC shall be documented and promptly (i.e., as soon as practicable) posted on the ICANN Website and shall address each of the arguments raised in the Reconsideration Request. The Requestor may file a 10-page (double-spaced, 12-point font) document, not including exhibits, in rebuttal to the BGC's recommendation within 15 days of receipt of the recommendation, which shall also be promptly (i.e., as soon as practicable) posted to the ICANN Website and provided to the Board for its evaluation; provided, that such rebuttal shall: (i) be limited to rebutting or contradicting the issues raised in the BGC's final recommendation; and (ii) not offer new evidence to support an argument made in the Requestor's original Reconsideration Request that the Requestor could have provided when the Requestor initially submitted the Reconsideration Request.

The ICANN Board shall not be bound to follow the recommendations of the BGC. The ICANN Board's decision on the BGC's recommendation is final and not subject to a Reconsideration Request.

Due to the seriousness of the allegations and research that ICANN must undertake of the damage this site has done worldwide, and its immediate legal repercussion to the world, ICANN and the effect that we will be pushing for the definition of Registrar's and ICANN's role to be read in accordance with the representations by President's and Governments as endorsers of the licensing of the content as the BYLAWS and policy indicate a liability to protect from violations of law and support the ability of public safety organizations and to investigate, prevent, attribute, and disrupt unlawful activity, abuse, consumer fraud, deception or malfeasance, and/or violations of national law that involve the DNS and domain name registrations, as Google has now been determined to be a secondary publisher, the world will see that ICANN and Registrars will be seen to be redetermined by determined as being a sponsor of cyber-terrorism licenses.

I formally request a hearing by proxy due to the seriousness of the breach.

FLee

16/12/2016

Signature