



The Internet Corporation for Assigned Names and Numbers

11 May 2016

Mr. Flip Petillion  
Crowell Moring  
7, Rue Joseph Stevens  
B-1000 Brussels  
Belgium

Re: New gTLD Applications for .HOTEL and .ECO

Dear Mr. Petillion:

Thank you for your letter to the members of the ICANN Board and Mr. Akram Atallah, dated 27 April 2016. We have published the letter to the gTLD correspondence page (see <https://www.icann.org/en/system/files/correspondence/petillion-to-atallah-icann-board-27apr16-en.pdf>), and we have addressed your questions below.

As you are aware, on 10 March 2016, the ICANN Board took a resolution to accept the Independent Review Process (IRP) Panel's Final Declaration on the IRP relating to the applications for .HOTEL and .ECO (see <https://www.icann.org/resources/board-material/resolutions-2016-03-10-en#2.a>).

*Resolved (2016.03.10.10), the Board accepts the following findings of the Panel's Final Declaration: (1) ICANN is the prevailing party in the Despegar Online SRL, Donuts Inc., Famous Four Media Limited, Fegistry LLC, and Radix FZC v. ICANN IRP; (2) ICANN is the prevailing party in the Little Birch, LLC and Minds + Machines Group Limited v. ICANN IRP; (3) the IRP Panel's analysis is limited to declaring whether the Board has acted consistently with the provisions of ICANN's Articles of Incorporation and Bylaws; (4) the Board (including the Board Governance Committee) acted consistently with the Articles of Incorporation and Bylaws; (5) the parties shall each bear their own expenses including legal fees; and (6) the IRP costs shall be divided between the parties in a 50% (claimants) / 50% (ICANN) proportion.*

*Resolved (2016.03.10.11), the Board notes the Panel's suggestions, and: (1) directs the President and CEO, or his designee(s), to ensure that the New gTLD Program Reviews take into consideration the issues raised by the Panel as they relate to the consistency and predictability of the CPE process and third-party provider evaluations; (2)*

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*encourages ICANN staff to be as specific and detailed as possible in responding to DIDP requests, particularly when not disclosing requested documents; (3) affirms that, as appropriate, ICANN will continue to ensure that its activities are conducted through open and transparent processes in conformance with Article IV of ICANN's Articles of Incorporation; and (4) directs the President and CEO, or his designee(s), to complete the investigation of the issues alleged by the .HOTEL Claimants regarding the portal configuration as soon as feasible and to provide a report to the Board for consideration following the completion of that investigation.*

The Board further explained in its rationale (see <https://www.icann.org/resources/board-material/resolutions-2016-03-10-en#2.a.rationale>),

*Finally, with respect to the Panel's recommendation that ICANN respond to a letter from the .HOTEL Claimants regarding the portal configuration issue as soon as feasible, the Board notes that staff has informed the Board that it is nearing the end of its investigation of this matter. The Board is recently in receipt of two letters from Claimants regarding the portal configuration issue, dated 1 March 2016 and 8 March 2016, respectively. Staff has provided the Board with an update of its investigation into the issues set forth in the letters. The Board has directed the President and CEO, or his designee(s) to complete its investigation into this matter as soon as feasible. The Board notes that out of a matter of equity and fairness, the investigation should include the opportunity for all relevant parties to be heard. The Board expects the staff will prepare a report for the Board following the completion of its investigation, at which time the Board will consider the .HOTEL Claimants request for cancellation of HOTEL Top-Level Domain S.a.r.l.'s application for .HOTEL.*

With reference to this resolution, your letter asked,

*In view of the limited rationale supporting the Board's resolution, the ultimate goal of ICANN's consideration of these issues is not entirely clear to my clients. I therefore ask you 1) to clarify whether ICANN's consideration will involve the re-evaluation process as requested in my letter of 8 March 2016, and 2) to specify what measures ICANN will take pending the New gTLD Program Reviews to ensure that a re-evaluation of the CPE process involving the .hotel (to the extent necessary) and .eco contention sets remains meaningful.*

Your question conflates two aspects of the resolution. With respect to the portion of the resolution that "directs the President and CEO, or his designee(s), to ensure that the New gTLD Program Reviews take into consideration the issues raised by the Panel as they relate to



the consistency and predictability of the CPE process and third-party provider evaluations,” the ICANN community is currently in the process of reviewing the New gTLD Program, and it will take into consideration the issues raised by the IRP Panel. However, it is not anticipated that the findings of these reviews would impact the processing of applications from the 2012 application round. Such findings from the New gTLD Program Reviews would be considered in the development of future application rounds. With respect to your inquiry concerning the re-evaluation of the .HOTEL and .ECO applications within Community Priority Evaluation, nothing in the Board’s resolution speaks to the re-evaluation of .HOTEL or .ECO.

We hope that this information provides appropriate clarification on this matter. If you have any questions, please contact our Global Support Center at [globalsupport@icann.org](mailto:globalsupport@icann.org).

Sincerely,

A handwritten signature in black ink that reads "Christine A. Willett". The signature is written in a cursive, flowing style.

Christine A. Willett  
Vice President, GDD Operations