

nameshop

Dear Akram Atallah,

I am writing yet again seeking answers for the unanswered questions surrounding the new gTLD evaluation of the Nameshop Application for .internet, in particular those related to the absence of due evaluation of our Change Request and Applicant Support Request.

Our concerns have caused several communications include those to the Chair and Members of the Board, to the CEO, our formal request for Reconsideration to the Board, that highlighting the gaps in the Ombudsman process. We have enjoined ICANN that a focused administrative attention to the technical ambiguity on these core issues would make it unnecessary to place any further emphasis on higher processes.

We need to be clear that the response to Nameshop's string change request was not influenced by the adverse SARP panel decision that the application may not proceed in the absence of Applicant Support.

The written response dated August 13 claimed that the change request entered by Nameshop pertaining to the string "INTERNET" was not accepted "due to the nature of the proposed change, not the string 'INTERNET' itself". We believe that response telegraphed an unfair and prejudicial hurdle, in fact advanced a 'new' reason for your refusal to consider the request.

We cannot account how the Nameshop Change Request would have been evaluated against the seven (7) criteria posted at

<http://newgtlds.icann.org/en/applicants/customer-service/change-requests>

It rather appears that **ex post facto** rule making was adopted in this refusal .

The process laid down several criteria, none of which included any prohibition on request for Change of Strings among them. As such, the process is silent with respect to response, in this case summary rejection of requests for Change of Strings."

It has been pointed out that the string .Internet does not form part of any list of reserved strings, not even on the second level, as shown in the example furnished earlier.

It has also been pointed out to you that strings were not revealed until Reveal Day, a safeguard to protect the valuable strings, which safeguard was not followed in the process of accepting our requested string change.

Nameshop is now forced to contemplate whether ICANN has deliberately and unfairly treated the Nameshop application in general and, the string change request in particular, to the detriment of the applicant and its economic future. The applicant as a new gTLD applicant finds it difficult to entirely dismiss the thought that ICANN chooses to be "fair" to other applicants but unfair to this applicant.

Under the circumstances, I am still without critical information for informed decision making. I wish to know the following:

Under what criteria did you deny the applicant support request? What is the specific reason?

Under what criteria did you refuse the Change request? What is the specific reason?

Is the string .internet a reserved string under existing rules? Or is it reserved for anyone?

a) Will you affirm, the string "INTERNET," applied for by Nameshop is not a reserved string and does not form part of the list of reserved strings entered in the Applicant Guidebook, Section 2.2.1.

b) Will you confirm if there were any other applicants, or any unrecorded indication of interest for the .internet string?

Our Public Interest Commitments were conveyed as part of the paper submitted for the Change Request. (By not paying attention to the Change Request, the Public Interest Commitments are also unacknowledged.)

While Nameshop does not request special treatment, especially on this count, ICANN might view this application as an opportunity to demonstrate its commitment to Internalization and fairness across geographical regions, in the sociological reality of most existing and even new gTLD registries as well as the significant Registrars are in countries where the Internet first grew. This application could be viewed as an application that happens to be a symbolic string, which happens to be from a region without a significant number of new gTLD applications, by a small firm, not a large corporation, not an existing Registry or a domain business of any prior significance. Fair and transparent evaluation would further the world's confidence in ICANN as an institution.

I hope that you would take up our long pending request for a meeting, at least during ICANN London to positively resolve these concerns. In the meantime, in view of the damaging delay on our application prioritized No 150 by the public random draw process, I wish to request you to

take up the change request as also accord due evaluation of the applicant support request without any further delay.

I am writing all this to request ICANN to be fair.

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Thank you

Sivasubramanian M
Proprietor

Erode, India
June 10, 2014