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**ACTO**

Organização do Tratado  
de Cooperação Amazonica

Organización de/Tratado  
de Cooperación Amazónica

Amazon Cooperation  
Treaty Corporation

De Organisatie van de Overeenkomst  
voor Amazonische Samenwerking

SP - Secretaria Permanente

SP - Secretaria Permanente

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**SP/OTCA/274/2019**

Brasilia, April 18th, 2019

To Mr.  
**Cherine Chalaby**  
Chair  
ICANN Board

Dear sir,

Please find attached hereto the position of the eight Member States of the Amazon Cooperation Treaty Organization (ACTO), in relation to the ".AMAZON" TLD application.

To that effect, I would like to point out some topics I consider relevant:

The ACTO Member States and the Organization's Permanent Secretariat, under the provisions set forth in paragraph 28 of the Ministerial Declaration of Tena dated December 1st, 2017, have been working on the issue in order to submit a common view point and, as per resolution of the Amazon Cooperation Council dated August 27th, 2018, in order to reach an agreement mutually acceptable to all parties, any implication related to the Amazon Region or the name Amazon is, necessarily and inevitably, related to these eight countries that geographically share this important territory.

In recent months and, particularly, in the last few weeks, work has begun towards an effective exchange of criteria, view points and proposals among the parties. The Amazon countries have deepened their efforts to listen to and work with IC and, in due course, with the Amazon Inc. company.

Additionally, it is necessary to take into account that the countries have presented their joint and individual proposals during the past few weeks. Notwithstanding the above mentioned, these proposals have not been fully considered by the company, which-in turn - has not taken into account the holistic nature of the Amazon Region's identity when seeking the criteria to safeguard its cultural, social and natural heritage.

The participation of eight different governments involves more complex internal decision-making processes. However, the issue is of utmost importance for Amazon countries because of the public interest it entails. Therefore, setting the conditions and environment to encourage a dialogue in good faith and mutual respect is necessary.

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In my letter dated April 11th, an extension of the deadline to continue searching for a mutually agreed solution was requested. To this, you replied through a letter dated April 15th stating that, as per ICANN's established procedure, any extension of time had to be coordinated with the company. It is worth noting, though, that some Member States, in the framework of the submission of their proposals, have also indicated to Amazon Inc. the need to extend the deadline to continue with the established dialogue. Notwithstanding this, the company has not replied to these requests. Because of this situation, and in agreement with the MS, a letter dated April 11th was sent.

Once again, the Amazon countries and ACTO, committed to a dialogue and to searching solutions that guarantee the balance, respect and interests of all stakeholders, did present their joint proposal. Additionally, the need to continue with this dialogue is restated, and therefore the deadline set for April 21st should be reviewed and extended, and the request to Amazon Inc. to agree to this extension is also reiterated, suggesting a new deadline on June 7th,

In the event the ICANN Board decides to take action regarding the ".AMAZON" domain, we shall request that each of the points raised by the ACTO Member Countries in any Resolution be addressed.

Besides, a request for information related to the "ICANN Documentary Information Disclosure Policy (DIDP)" has been filed before the ICANN office. This request is being considered, and a decision is expected before May 2nd, 2019. This information is relevant to make well-informed decisions.

To this end and having nothing further to add, please accept the assurances of my highest and most distinguished consideration.

  
ALEXANDRA MOREIRA  
Secretaria General



Cc: Mr. Brian Huseman (Vice President of Amazon Inc.)  
Mrs. Manal Ismail (GAC Chair)



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### **Proposed Language for Public Interest Commitment to Share the .AMAZON TLD**

1. Registry Operator agrees to share the .AMAZON TLD with the Amazon Cooperation Treaty Organization ("ACTO") and its member States, and is committed to ensuring that ACTO member States shall participate in the governance, administration and use of the .AMAZON TLD, with a view to promoting and safeguarding the cultural and natural heritage of the Amazon Region.
2. Registry Operator commits that it will not use as domain names in the .AMAZON TLD terms that have major international or well-recognized importance to the cultural or natural heritage of the Amazon Region, or terms that can cause confusion or mislead about matters that can be reasonably associated with the cultural or natural heritage of the Amazon Region.

### **Reserved-blocked domain names**

3. Registry Operator commits that it will permanently reserve (block from all use) in the .AMAZON TLD up to 4,500 domain names, and their translations in English, Spanish, Portuguese and Dutch, that have major, international or well-recognized importance to the cultural or natural heritage of the Amazon Region.

### **Domain names allocated to ACTO and its members**

4. Registry Operator undertakes to make available for ACTO and its member States a list of second level domain names in the .AMAZON TLD that have major, international or well-recognized importance to the cultural or natural heritage of the Amazon Region, including country names and two-letter and three-letter codes for allocation to the entity to which they correspond. The list of second level domain names made available for ACTO and its member States will be approved by the Steering Committee following proposal by ACTO and its member States, and the corresponding second level domain names will be managed in their entirety by ACTO or the relevant ACTO member State(s).

### **Steering Committee**

5. Registry Operator commits that it will create a Steering Committee for Registry Operator and ACTO member States to exercise their shared responsibility with respect to the governance and use of the .AMAZON TLD, notably: (i) to discuss and decide on any concerns ACTO member States may have about domain names used in the .AMAZON TLD as per paragraph 2; (ii) to identify, revise and update, over the course of two years from the Committee's establishment, the list of domain names permanently reserved as per paragraph 3; and (iii) identify, revise, update and request domain names for allocation to ACTO or ACTO member States as per paragraph 4. Decisions of the Steering Committee will be taken by consensus, under a non-objection procedure, and will be subject to strict confidentiality rules.

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6. Registry Operator commits to ensure that a "Looking for the Amazon Region? Click here" button linking to one ACTO's chosen website appears visibly in every .AMAZON TLD webpage not made available for ACTO or ACTO member States.
7. This Public Interest Commitment shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process, without prejudice to recourse to a similarly binding arbitration process appropriate to resolve disputes between private and public parties. Differences over terms with major, international or well-recognized importance to the cultural or natural heritage of the Amazon Region, or over terms that can cause confusion or mislead about matters that can be reasonably associated with the cultural or natural heritage of the Amazon Region, will be resolved with the assistance of the UNESCO World Heritage Center or a third party agreeable to ACTO member States and Amazon Inc.
8. ACTO and its member states are the sole entities that have standing to invoke or contest any alleged failure of Registry Operator to abide by this Public Interest Commitment.
9. Registry Operator agrees to implement and adhere to remedies ICANN imposes (which may include a reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and, where applicable, by arbitration, and to be bound by any such determination.

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