



Support letter

The Czech Association of Hotels and Restaurants representing the interests of hotels in Czech Republic supports HOTREC in filing formal “community objections” against the new gTLD applications identified below:

String: .hotels

Applicant name: Booking.com B.V.

Application ID: 1-1016-75482

String: .hotel

Applicant name: Despegar Online SRL

Application ID: 1-1249-36568

String: .hoteles

Applicant name: Despegar Online SRL

Application ID: 1-1249-1940

String: .hoteis

Applicant name: Despegar Online SRL

Application ID: 1-1249-87712

The Czech Association of Hotels and Restaurants is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every “.hotel”, “.hotels”, “.hoteles” and “.hoteis” domain name.

The Czech Association of Hotels and Restaurants and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC’s objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, The Czech Association of Hotels and Restaurants requests that the objections filed by HOTREC be sustained.

Yours sincerely

Václav Stárek

President, The Czech Association of Hotels and Restaurants

Asociace hotelů a restaurací
České republiky o.s.
Revoluční 13, 110 00 Praha 1
IČ: 549436 (1)

8th of March, 2013 Prague

Date, Place

President

Function

Signature



Support letter

Association of Hotels, Restaurants and Similar Portugal (AHRESP), and is intended to defend and promote the collective interests of business entities representing the economic activities suchlike catering, beverage, hospitality, local lodging, tourism, food and beverage industry and trade, and vouchers meals issuing in Portugal, supports HOTREC in filing formal “community objections” against the new gTLD applications identified below:

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Application ID: 1-1016-75482

String: .hotel

Applicant name: Despegar Online SRL

Application ID: 1-1249-36568

String: .hoteles

Applicant name: Despegar Online SRL

Application ID: 1-1249-1940

String: .hoteis

Applicant name: Despegar Online SRL

Application ID: 1-1249-87712

AHRESP is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every “.hotel”, “.hotels”, “.hoteles” and “.hoteis” domain name.

AHRESP and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC’s objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, AHRESP requests that the objections filed by HOTREC be sustained.

12 March 2013

Austrian Professional Hotel Association
Wirtschaftskammer Österreich
Wiedner Hauptstraße 63 | 1045 Wien
T 05 90 900-3554 | F 05 90 900-3568
E hotels@wko.at
W <http://www.hotelverband.at>
W <http://www.hotelsterne.at>

Support letter

Austrian Professional Hotel Association, representing the interests of hotels in Austria supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

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Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

Austrian Professional Hotel Association is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

Austrian Professional Hotel Association and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, Austrian Professional Hotel Association requests that the objections filed by HOTREC be sustained.

Yours sincerely

11.03.2013, Vienna
Date, Place

CEO
Function



Fachverband Hotellerie
Wiedner Hauptstraße 63
A-1045 Wien
Signature



British Hospitality Association
Queens House
55-56 Lincoln's Inn Fields
London WC2A 3BH

T 020 7404 7744 F 020 7404 7799
E bha@bha.org.uk www.bha.org.uk

11 March 2013

To Whom It May Concern

Dear Sirs,

The British Hospitality Association, the national association representing hotels, restaurants and catering establishments in the United Kingdom, supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels
Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

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Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

The British Hospitality Association is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.



The British Hospitality Association and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, the British Hospitality Association requests that the objections filed by HOTREC be sustained.

Yours faithfully,



MARTIN COUCHMAN
DEPUTY CHIEF EXECUTIVE
BRITISH HOSPITALITY ASSOCIATION

Signed at its Registered Office: Queens House, 55-56 Lincoln's Inn Fields,
London, WC2A 3BH, on Monday 11 March 2013.



On behalf of CEHAT, the Spanish Confederation of Hotels and Tourist Accommodation, which represents the interests of the Spanish hotel industry, is supports HOTREC in filing formal “community objections” against the new gTLD applications identified below:

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String: .hotel

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Applicant name: Despegar Online SRL

Application ID: 1-1249-1940

String: .hoteis

Applicant name: Despegar Online SRL

Application ID: 1-1249-87712

CEHAT is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every “.hotel”, “.hotels”, “.hoteles” and “.hoteis” domain name.

CEHAT and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC’s objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, CEHAT requests that the objections filed by HOTREC be sustained.

Yours sincerely

Ramón Estalella

Madrid (España)

CEO

11 March 2013

Date, Place

Function

Signature

11 March 2013



Support letter

The Cyprus Hotel Association, representing the interests of hotels in Cyprus, supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

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Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

Cyprus Hotel Association is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

Cyprus Hotel Association and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, Cyprus Hotel Association requests that the objections filed by HOTREC be sustained.

Yours sincerely

Zacharias Ioannides
Director General

P.O.Box 24772, 1303 NICOSIA
Tel: 22452820, Telefax: 22375460
E-mail: cha@cyprushotelassociation.org
Web-site: www.cyprushotelassociation.org

Support letter

German Hotel- and Restaurant Association (DEHOGA Bundesverband), about 70.000 members, representing the interests of hotels in Germany supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

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Applicant name: Booking.com B.V.

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Application ID: 1-1249-1940

String: .hoteis

Applicant name: Despegar Online SRL

Application ID: 1-1249-87712

The German Hotel- and Restaurant Association is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

The German Hotel- and Restaurant Association and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, The German Hotel- and Restaurant Association requests that the objections filed by HOTREC be sustained.

Yours sincerely

2013-03-11

President

Date, Place

Function

Signature

Ernst Fischer

DEHOGA
Deutscher Hotel- und
Gaststättenverband e.V.
Am Weidendamm 1 A
10117 Berlin

HOTREC
111, boulevard Anspach – Box 4
B-1000 Bruxelles
BELGIQUE

Chambéry, March 12th 2013

Support letter to objections sent to ICANN (« .hotel »)

FAGIHT, one of the five French associations representing the hospitality industry, supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels
Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

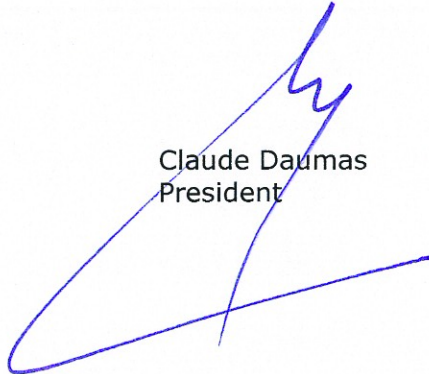
FAGIHT is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

FAGIHT and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections.

The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, FAGIHT requests that the objections filed by HOTREC be sustained.

Yours sincerely,



Claude Daumas
President

12 March 2013

Support letter

GastroSuisse is the Swiss association for hotels and restaurants and has over then 20'000 members. GastroSuisse supports the HOTREC with IH&RA in filing formal “community objections ” against the new gTLD applications identified below:

String: .hotels

Applicant name: Booking.com B.V.

Application ID: 1-1016-75482

String: .hotel

Applicant name: Despegar Online SRL

Application ID: 1-1249-36568

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Applicant name: Despegar Online SRL

Application ID: 1-1249-1940

String: .hoteis

Applicant name: Despegar Online SRL

Application ID: 1-1249-87712

GastroSuisse is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every “.hotel”, “.hotels”, “.hoteles” and “.hoteis” domain name. Only members of the hotel community described by HOTREC in its objections should be eligible to register domain names under these terms.

GastroSuisse and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC’s objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel

GastroSuisse

Für Hotellerie und Restauration
Pour l’Hôtellerie et la Restauration
Per l’Albergheria e la Ristorazione

Direction
Blumenfeldstrasse 20 | 8046 Zurich
T +41 44 377 53 52 | F +41 44 377 55 82
direktion@gastrosuisse.ch | www.gastrosuisse.ch

community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, GastroSuisse requests that the objections filed by HOTREC be sustained.

Yours sincerely



Klaus Künzli
President



Bernhard Kuster
CEO

SIEGE SOCIAL
22, rue d'Anjou - 75008 Paris
Tél. : 01 44 94 19 94
Fax : 01 42 65 16 21
gnc.siege@umih.asso.fr

HOTREC
111, boulevard Anspach – Box 4
B-1000 Bruxelles
BELGIQUE

Paris, March 12th 2013

Support letter to objections sent to ICANN (« .hotel »)

GNC, one of the five French associations representing the hospitality industry, supports HOTREC in filing formal “community objections” against the new gTLD applications identified below:

String: .hotels
Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

GNC is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every “.hotel”, “.hotels”, “.hoteles” and “.hoteis” domain name.

GNC and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC’s objections.

The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, GNC requests that the objections filed by HOTREC be sustained.

Yours sincerely,



Jacques BARRE
Président du GNC



Support letter

Hungarian Hotel & Restaurant Association (with a membership of 370 hotels and 8 hotel chains), representing the interests of hotels in Hungary supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels

Applicant name: Booking.com B.V.

Application ID: 1-1016-75482

String: .hotel

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Application ID: 1-1249-36568

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Applicant name: Despegar Online SRL

Application ID: 1-1249-1940

String: .hoteis

Applicant name: Despegar Online SRL

Application ID: 1-1249-87712

Hungarian Hotel & Restaurant Association is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

Hungarian Hotel & Restaurant Association and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, Hungarian Hotel & Restaurant Association requests that the objections filed by HOTREC be sustained.

Yours sincerely

11.03.2013. Budapest

General Secretary



István Kovács

Date, Place

Function

Signature

Magyar Szállodák és Éttermek Szövetsége
Budapest Kongresszusi Központ
1123 Budapest, Jageikó út 1-3.
Tel.: 466-9462 Tel./Fax: 322-3854
OTP Bank: 11705008-20426420
Adószám: 18013849-1-43

HOTREC
Mrs. A. Torres
Boulevard Anspach 111f
1000 BRUSSELS, BELGIUM

Woerden, March 11, 2013

Subject : Support letter
Contact : +31 (0) 348 489 470 / h.vanderkooij@khn.nl

To whom it may concern,

The Royal Dutch Hospitality Association, representing the interests of 80% of hotels in the Netherlands supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels
Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

The Royal Dutch Hospitality Association is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name, neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

The Royal Dutch Hospitality Association and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

www.khn.nl

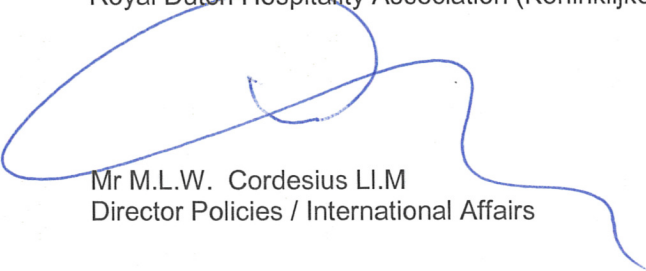
Koninklijke Horeca Nederland
Postbus 566
3440 AN Woerden
Pelmolenlaan 10
3447 GW Woerden

T 0348 489 489
F 0348 489 400
info@khn.nl



In the light of the above, The Royal Dutch Hospitality Association requests that the objections filed by HOTREC be sustained.

Yours sincerely,
Royal Dutch Hospitality Association (Koninklijke Horeca Nederland)

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a long, sweeping tail that extends to the right.

Mr M.L.W. Cordesius LI.M
Director Policies / International Affairs



Support letter

HORESCA, Fédération Nationale des Hôteliers, Restaurateurs et Cafetiers du Grand-Duché de Luxembourg, representing the interests of hotels in Luxembourg supports HOTREC in filing formal “community objections” against the new gTLD applications identified below:

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Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

HORESCA is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every “.hotel”, “.hotels”, “.hoteles” and “.hoteis” domain name.

HORESCA and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC’s objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, **HORESCA** requests that the objections filed by HOTREC be sustained.

Yours sincerely

François Koepp

March 9th 2013 Luxembourg Secretary General François Koepp

Signature

Support letter**Hotel · Restaurant
& Turisterhvervet**Vodroffsvej 32
1900 Frederiksberg C**Tel. +45 35 24 80 80**
Fax +45 35 24 80 88www.horesta.dk
horesta@horesta.dk

cvr.nr. 17 01 48 11

HORESTA - the national trade association for the hotel, restaurant and tourism industry in Denmark with about 2,000 members - supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

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String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

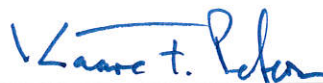
HORESTA is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

HORESTA and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, HORESTA Name requests that the objections filed by HOTREC be sustained.

Yours sincerely

Copenhagen march 19, 2013



Head of Business Law

Date, Place

Kaare Friis Petersen
Signature

Function

Letter of Support

The Irish Hotels Federation which is the national representative body of the hotel and guesthouse sector in Ireland supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

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String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

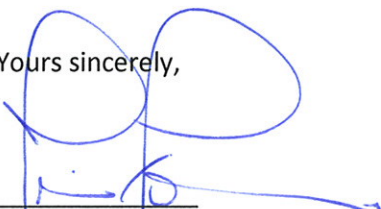
String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

The Irish Hotels Federation is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

The Irish Hotels Federation and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, the Irish Hotels Federation requests that the objections filed by HOTREC be sustained.

Yours sincerely,



Tim Fenn
Chief Executive

8th March 2013

**Irish Hotels Federation
13 Northbrook Road
Dublin 6**



MALTA HOTELS
& RESTAURANTS
ASSOCIATION

Malta Hotels & Restaurants Association
2, Gallina Street, Kappara SGN4111 - Malta

Tel: +356 2131 8133/4 - Fax: +356 2133 6477
info@mhra.org.mt - www.mhra.org.mt

Malta, 11 March 2013

Support letter

The Malta Hotel & Restaurants Association (MHRA), that represents the majority of the hotels and restaurants establishments in Malta, supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels

Applicant name: Booking.com B.V.

Application ID: 1-1016-75482

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String: .hoteis

Applicant name: Despegar Online SRL

Application ID: 1-1249-87712

MHRA is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

MHRA and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, the Malta Hotels & Restaurants Association requests that the objections filed by HOTREC be sustained.

Yours sincerely

Andrew Agius Muscat
Chief Executive Officer

To whom it may concern

Support letter.

The Norwegian Hospitality Association, representing the interests of hotels i Norway, supports HOTREC in filing formal “community objections ” against the new gTLD applications identified below:

String: .hotels
Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

The Norwegian Hospitality Association is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every “.hotel”, “.hotels”, “.hoteles” and “.hoteis” domain name.

The Norwegian Hospitality Association and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC’s objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, The Norwegian Hospitality Association requests that the objections filed by HOTREC be sustained.

Yours sincerely
The Norwegian Hospitality Association



2013.03.13 – Oslo, Norway

CEO

Date, Place

Function

Signature

Support letter

Hotelleriesuisse is the national Hotel Association of Switzerland. It's member hotels represent 67 % of the room capacity in Switzerland and realize almost 80 % of all bednights in Switzerland. Hotelleriesuisse supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels
Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712


hotelleriesuisse is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

hotelleriesuisse and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, hotelleriesuisse requests that the objections filed by HOTREC be sustained.

Yours sincerely

March, 11th 2013



Thomas Allemann
Member of the management board

HOTREC
111, boulevard Anspach – Box 4
B-1000 Bruxelles
BELGIQUE

Paris, March 12th 2013

Support letter to objections sent to ICANN (« .hotel »)

Synhorcat, one of the five French associations representing the hospitality industry, supports HOTREC in filing formal “community objections” against the new gTLD applications identified below:

String: .hotels
Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

Synhorcat is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every “.hotel”, “.hotels”, “.hoteles” and “.hoteis” domain name.

Synhorcat and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC’s objections.

SYNHORCAT

*Syndicat National des Hôteliers
Restaurateurs, Cafetiers et Traiteurs*

The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, Synhorcat requests that the objections filed by HOTREC be sustained.

Yours sincerely,



Didier CHENET
President



Istanbul, 11.03.2013
Ref:13/24-231

Support Letter

TUROB, Touristic Hotels & Investors Association, Turkey was founded in 1971. The Association represents 400 hotels and over 80.000 beds capacity, of which all the members are registered by Turkish Ministry of Tourism&Culture. TUROB supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels

Applicant name: Booking.com B.V.

Application ID: 1-1016-75482

String: .hotel

Applicant name: Despegar Online SRL

Application ID: 1-1249-36568

String: .hoteles

Applicant name: Despegar Online SRL

Application ID: 1-1249-1940

String: .hotels

Applicant name: Despegar Online SRL

Application ID: 1-1249-87712

TUROB is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

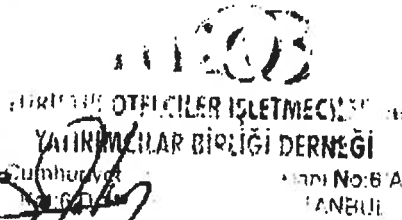
TUROB and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, TUROB requests that the objections filed by HOTREC be sustained.

Yours sincerely,

Timur BAYINDIR

The President





Union des Métiers et des Industries de l'Hôtellerie

HOTREC
111, boulevard Anspach – Box 4
B-1000 Bruxelles
BELGIQUE

Paris, March 12th 2013

Support letter to objections sent to ICANN (« .hotel »)

UMIH, the main french association representing the hospitality industry, supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels
Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

UMIH is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

UMIH and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections.

The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, UMIH requests that the objections filed by HOTREC be sustained.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'RH', with a horizontal line extending to the right.

Roland HEGUY
Président Confédéral

Stockholm 2013-03-11

Support letter

Visita is an employer's and trade organization, organizing the Swedish hospitality industry and thus representing the interests of hotels in Sweden, supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels

Applicant name: Booking.com B.V.

Application ID: 1-1016-75482

String: .hotel

Applicant name: Despegar Online SRL

Application ID: 1-1249-36568

String: .hoteles

Applicant name: Despegar Online SRL

Application ID: 1-1249-1940

String: .hoteis

Applicant name: Despegar Online SRL

Application ID: 1-1249-87712

Visita is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

Visita and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, Visita requests that the objections filed by HOTREC be sustained.

Yours sincerely,



Eva Östling Ollén
CEO



CONFEDERATION DES PROFESSIONNELS
INDEPENDANTS DE L'HOTELLERIE

HOTREC
111, boulevard Anspach – Box 4
B-1000 Bruxelles
BELGIQUE

Paris, March 12th 2013

Support letter to objections sent to ICANN (« .hotel »)

CPIH, one of the five French associations representing the hospitality industry, supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels
Applicant name: Booking.com B.V.
Application ID: 1-1016-75482

String: .hotel
Applicant name: Despegar Online SRL
Application ID: 1-1249-36568

String: .hoteles
Applicant name: Despegar Online SRL
Application ID: 1-1249-1940

String: .hoteis
Applicant name: Despegar Online SRL
Application ID: 1-1249-87712

CPIH is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

CPIH and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections.

The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, CPIH requests that the objections filed by HOTREC be sustained.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a stylized representation of the name 'Gérard Guy'.

Gérard Guy
President



Zväz hotelov a reštaurácií Slovenskej Republiky

Hotel und Gaststättenverband der Slowakischen Republik

The Slovak Association of Hotels and Restaurants

The Slovak Association of Hotels and Restaurants

Support letter

The Slovak Association of Hotels and Restaurants, representing hotels and restaurants in the Slovak Republic supports HOTREC in filing formal "community objections" against the new gTLD applications identified below:

String: .hotels

Applicant name: Booking.com B.V.

Application ID: 1-1016-75482

String: .hotel

Applicant name: Despegar Online SRL

Application ID: 1-1249-36568

String: .hoteles

Applicant name: Despegar Online SRL

Application ID: 1-1249-1940

String: .hoteis

Applicant name: Despegar Online SRL

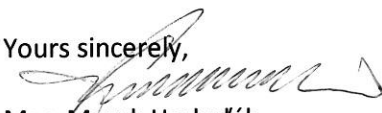
Application ID: 1-1249-87712

The Slovak Association of Hotels and Restaurants is of the opinion that the above mentioned applicants are not ensuring the non-discriminatory access for all hotels around the world to the applied for domain name; neither the protection of consumers, as there is no guarantee that a real hotel is behind every ".hotel", ".hotels", ".hoteles" and ".hoteis" domain name.

The Slovak Association of Hotels and Restaurants and its members are a part of the hotel community described by HOTREC in its objections and it supports all of the arguments set forth in the HOTREC's objections. The new gTLD applications by Booking.com B.V. and Despegar Online SRL create a likelihood of material detriment to the rights or legitimate interests of a significant portion of this hotel community and, notably, the applicants are not acting and do not intend to act in accordance with the interests of the hotel community.

In the light of the above, The Slovak Association of Hotels and Restaurants requests that the objections filed by HOTREC be sustained.

Yours sincerely,


Mgr. Marek Harbuľák
Secretary General

**ZVÄZ HOTELOV A REŠTAURÁCIÍ
SLOVENSKEJ REPUBLIKY
BANSKÁ BYSTRICA**

Bratislava, March 11,

*Cikkerova 5, 974 01 Banská Bystrica
Korešpondenčná adresa: Bajkalská 25, 821 01 Bratislava
Tel.: 02/58 233 386, fax: 02/58 233 386, e-mail: zhr@zhrs.sk, www.zhrs.sk
IČO: 00623491, DIČ: 2021066179, Bankové spojenie: Tatra banka, a.s., č. účtu: 2628131443/1100*

HOTREC Actions / Community Objection procedural steps	Date	External Events. Information published on ICANN web site or GAC website
	20/11/2012	Three GAC Early Warning sent to Booking.com B.V.
	05/02/2013	Comment Period opens on "Closed Generic" gTLD Applications.
	05/02/2013	Comment Period opens on "Revised New gTLD Registry Agreement Including Additional Public Interest Commitments Specification".
	05/03/2013	Posting of Public Interest Commitments (PIC) Specifications. Booking.com B.V. does not submit a PIC.
HOTREC files a Community Objection against HOTELS Application (Booking.com B.V.)	13/03/2013	
	15/03/2013	Public Interest Commitments Dispute Resolution Procedure Introduced
HOTREC send a letter to NGCP related to "Closed Generic" gTLDs Application	02/04/2013	
Administrative review of the objection completed	04/04/2013	
	11/04/2013	Beijin GAC Communique including Safeguards on New gTLDs - Category 2 Restricted Registration Policies.

HOTREC Actions / Community Objection procedural steps	Date	External Events. Information published on ICANN web site or GAC website
	23/04/2013	Comment Period Opens on New gTLD Board Committee Consideration of GAC Safeguard Advice (To solicit input on how the New gTLD Board Committee should address GAC advice regarding safeguards applicable to broad categories of New gTLD strings).
ICC consolidates HOTREC and HCPC Objections against HOTELS	25/04/2013	
	29/04/2013	Comment Period Opens on Proposed Final New gTLD.Registry Agreement
	10/05/2013	NGPC Progress on GAC Advice
	22/05/2013	Update on NGPC Progress on GAC Advice on New gTLDs
Booking.com submits its response to the Objection	24/05/2013	
	14/06/2013	NGPC Progress on Addressing GAC Beijing Advice on New gTLDs
Appointment of Ms. Kirby as the Expert	24/06/2013	

HOTREC Actions / Community Objection procedural steps	Date	External Events. Information published on ICANN web site or GAC website
HOTREC requests a stay of the proceedings	25/06/2013	Approved Resolutions Meeting of the New gTLD Program Committee. <i>"the NGPC adopts the "Proposed PIC Spec Implementation of GAC Category 2 Safeguards" (20 June 2013), attached as Annex I [PDF, 52 KB] to this Resolution, to accept and implement the GAC's Category 2 Safeguard Advice for applicants not seeking to impose exclusive registry access. " and "the NGPC directs staff to defer moving forward with the contracting process for applicants seeking to impose exclusive registry access for "generic strings" to a single person or entity and/or that person's or entity's Affiliates (as defined in Section 2.9(c) of the Registry Agreement), pending a dialogue with the GAC."</i>
	27/06/2013	NGPC Progress on Addressing GAC Beijing Advice on New gTLDs.
	01/07/2013	
	03/07/2013	NGPC Progress on Addressing GAC Beijing Advice on New gTLDs. <i>"The NGPC approved the form of the New gTLD Registry Agreement and authorized ICANN staff to take all necessary steps to implement it and to move forward with implementation of the New gTLD Program."</i>
	18/07/2013	Durban GAC Communique
ICC confirms full constitution of the Expert Panel	06/08/2013	

HOTREC Actions / Community Objection procedural steps	Date	External Events. Information published on ICANN web site or GAC website
HOTREC requests as stay of the proceedings based on the revision of Specification 11 of the Registry Agreement	09/08/2013	
<i>Booking.com opposes the stay of the proceedings, stating that "neither NGPC nor ICANN nor any other organization advised, recommended or ordered to stay Community Objection proceedings regarding "closed generic" gTLDs"</i>	12/08/2013	
The Expert denies HOTREC's request for a stay of the proceedings	13/08/2013	
	16/08/2013	NGPC Begins Consideration of GAC Durban Advice on New gTLDs
	19/08/2013	ICANN inquires as to whether applicants targeted by Category 2 Safeguard Advice plan to operate the applied-for TLDs as exclusive access registries.
<i>HOTREC's files supplemental comments, including NGPC request for "[ICANN] staff to defer moving forward with the contracting process for applicants seeking to impose exclusive registry access for 'generic strings' to a single person or entity and/or that person's or entity's Affiliates (as defined in Section 2.9(c) of the Registry Agreement), pending a dialogue with the GAC [Governmental Advisory Committee]."</i>	20/08/2013	
HOTREC requests the Expert to conduct hearings	02/09/2013	

HOTREC Actions / Community Objection procedural steps	Date	External Events. Information published on ICANN web site or GAC website
The Expert denies HOTREC's request fo conducting hearings	03/09/2013	
	12/09/2013	NGPC Takes Action on GAC Durban Advice on New gTLDs
	01/10/2013	<p>NGPC Considers Remaining Beijing and Durban Advice on New gTLDs. <i>"Category 2 Safeguard Advice: The NGPC directs staff to move forward with the contracting process for applicants for strings identified in the Category 2 Safeguard Advice that are prepared to enter into the Registry Agreement as approved.</i></p> <p><i>The NGPC further directs staff to prepare an analysis and proposal for how to implement the Category 2 Safeguard Advice for applicants who do intend to impose exclusive registry access for generic strings."</i></p>
	02/10/2013	Comment Period Opens on Revised Public Interest Commitments Dispute Resolution Procedure (PICDRP)

HOTREC Actions / Community Objection procedural steps	Date	External Events. Information published on ICANN web site or GAC website
Expert determination is communicated to HOTREC	09/10/2013	<p>Applicant Responses to GAC Category 2 Advice (Published 9 October 2013 and updated 25 October 2013).</p> <p><i>"Applicants of 35 applications indicated that their applications currently state that the applied-for TLDs will be operated as exclusive access registries, but the applicants will not operate them as exclusive access registries."</i></p> <p><i>"Applicants of the 35 applications mentioned above will be asked to submit a change request to align their applications and intent. Once an application change request has been approved by ICANN and the application becomes eligible, these applicants will be invited to the Contracting process in order of priority number."</i></p> <p>Booking.com's application for HOTELS is included in this set of 35 applications.</p>
	08/11/2013	Minutes from the GAC's Durban Meetings published
	19/11/2013	

21/11/2013

Buenos Aires GAC Communique. *"II. GAC Advice to the Board 1. Category 1 and Category 2 Safeguard Advice*
The GAC welcomed the response of the Board to the GAC's Beijing Communiqué advice on Category 1 and Category 2 safeguards. The GAC received useful information regarding implementation of the safeguards during its discussions with the New gTLD Program Committee. GAC members asked for clarification of a number of issues and look forward to ICANN's response.

a. The GAC highlights the importance of its Beijing advice on 'Restricted Access' registries, particularly with regard to the need to avoid undue preference and/or undue disadvantage.

i. The GAC requests

1. A briefing on whether the Board considers that the existing PIC specifications (including 3c) fully implements this advice."

RECOMMENDATION OF THE BOARD GOVERNANCE COMMITTEE (BGC)

RECONSIDERATION REQUEST 13-19

21 JANUARY 2014

The Requester seeks reconsideration of the NGPC's¹ alleged failure (inaction) to stay the Requester's community objection to the application for the .HOTELS gTLD following the NGPC's 25 June 2013 resolution deferring the contracting process for the .HOTELS string pending a dialogue with the GAC².

I. Brief Summary.

Booking.com applied for .HOTELS, indicating that the string will be operated as a "closed" or "exclusive access" registry. The Requester filed a Community Objection against Booking.com's application, and lost. The Requester claims that the NGPC's failure to stay the Requester's Objection following the NGPC's resolution deferring the contracting process for "closed generic" TLDs (which includes .HOTELS) violated Article 4 of ICANN's Articles of Incorporation and Article 1, Sections 2, 7, 8 and 9 of ICANN's Bylaws, and caused a breach of due process.

The Requester's arguments do not support reconsideration. First, the stated grounds are improper bases for reconsideration under ICANN's Bylaws. The Requester seeks reconsideration on the grounds that the NGPC's failure to stay the Requester's Objection following the 25 June 2013 Resolution violated ICANN's Articles of Incorporation and ICANN's Bylaws. The Board's purported violations of ICANN policy or procedure is not

¹ New gTLD Program Committee.

² Governmental Advisory Committee.

grounds for reconsideration. Requester makes no argument and provides no evidence that the NGPC took an action or inaction without considering material information or as a result of reliance on false or inaccurate material information, which are the grounds for challenging Board conduct under the reconsideration process.

Second, even if these were proper bases for reconsideration, the stated grounds do not support reconsideration because there is no policy or process that requires the NGPC to stay objection proceedings while ICANN considers and/or communicates with the GAC regarding advice on new gTLDs. Further, the Requester raised the purported implications of the 25 June 2013 Resolution with the Expert Panel for the Objection and was granted leave to file an additional submission following both the Resolution and the NGPC's approval of the revised New gTLD Agreement to include a provision prohibiting registry operators from limiting registrations in "generic term" registries exclusively to "a single person or entity and/or that person's or entity's 'Affiliates.'" And, based on the submissions and evidence provided by the parties, the Expert Panel determined that the Requester was unable to satisfy its burden of proving a likelihood of material detriment to prevail on its Objection.

Therefore, the BGC recommends that Request 13-19 be denied.

II. Facts.

A. Relevant Background Facts.

Booking.com B.V. ("Booking.com") filed an application for .HOTELS, indicating that the string will be operated as a "closed" or "exclusive access" registry.

On 13 March 2013, Requester HOTREC ("Requester") filed a Community Objection

with the ICC³ to Booking.com’s application asserting that there is “substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.” (Applicant Guidebook (“Guidebook”), § 3.2.1; New gTLD Dispute Resolution Procedure (“Procedure”), Art. 2(e).)

On 11 April 2013, the GAC issued its Beijing Communiqué. Among other advice, the GAC advised that “[f]or strings representing generic terms, exclusive registry access should serve a public interest goal.” (Beijing Communiqué, Annex I, Pg. 11 available at <http://www.icann.org/en/news/correspondence/gac-to-board-18apr13-en.pdf>.) The GAC identified .HOTELS, among others, as a string that it considers to be a generic term and for which the applicant is currently proposing to provide exclusive registry access.⁴ (*See id.*)

On 25 April 2013, the ICC consolidated the Requester’s Objection with another objection to Booking.com’s application for .HOTELS. .

On 25 June 2013, the NGPC accepted the GAC’s advice about applicants seeking to impose exclusive registry access for strings the GAC deemed as generic terms, and directed staff to defer contracting with such applicants “pending a dialogue with the GAC” regarding an appropriate definition of “public interest goal” (“25 June 2013 Resolution”). (*See* <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm>; *see also* ICANN NGPC Paper No. 2013-06-25-2b: GAC Advice in Beijing Communiqué regarding Safeguard Advice Applicable to Category 2 Strings, Briefing Materials 1, Pgs. 25-31, available

³ International Centre for Expertise of the International Chamber of Commerce.

⁴ The ICANN Bylaws require the Board to take into account the GAC’s advice on public policy matters in the formulation and adoption of policies. (Bylaws, Art. XI, § 2.1.j.) In the context of the New gTLD Program, there are also specific procedures pursuant to which the GAC may provide advice to ICANN on new gTLDs. (Guidebook, Section 3.1.)

at <http://www.icann.org/en/groups/board/documents/briefing-materials-1-25jun13-en.pdf>.)

On 1 July 2013, the Requester, citing the 25 June 2013 Resolution, asked the ICC to stay the Community Objection proceedings; Booking.com opposed the request for a stay.

On 2 July 2013, the NGPC approved revisions to the New gTLD Registry Agreement including a provision prohibiting registry operators from limiting registrations in “generic term” registries exclusively to “a single person or entity and/or that person’s or entity’s ‘Affiliates.’” (<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm#1.d>; *see also* <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-item-1d-02jul13-en.pdf>, Annex I, New gTLD Agreement.)

On 22 July 2013, the Requester sought leave from the ICC to file an additional submission in reply to Booking.com’s Response; Booking.com opposed the request.

On 13 August 2013, the Panel denied the Requester’s request for a stay and granted the request to file an additional submission.

On 19 August 2013, ICANN inquired with applicants (including Booking.com) that applied for strings the GAC identified as generic terms, as to whether they still intended to operate the string as an exclusive access registry.

On 20 August 2013, the Requester filed its additional submission with the Panel, noting the 25 June 2013 Resolution; Booking.com responded.

On 3 and 4 September 2013, Booking.com and the Requester, respectively, confirmed with the Panel that they had no objection to the way the objection proceedings were conducted and agreed that they had been treated with equality and a reasonable opportunity to present their positions.

On 4 September 2013, Booking.com informed ICANN that, although its application

currently states that .HOTELS will be operated as an exclusive access registry, Booking.com will not operate .HOTELS as an exclusive access registry.

(<http://newgtlds.icann.org/sites/default/files/applicants/09oct13/gac-advice-response-1-1181-77853-en.pdf>.)⁵

On 28 September 2013, the NGPC adopted a resolution that allows applicants that do not plan to operate as an exclusive access registry, and that are prepared to enter into the Registry Agreement as approved (which prohibits exclusive registry access for generic strings), to move forward with the contracting process (“28 September 2013 Resolution”).

(<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-28sep13-en.htm#2.a.rationale>; *see also* Annex 1 to Resolution available at <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-28sep13-en.pdf>.)

On 9 October 2013, ICANN announced that, based on the 28 September 2013 Resolution, applicants that have confirmed they no longer intend to operate the applied-for string as an exclusive access registry (which includes .HOTELS) will be asked to submit a change request to align their applications and intent. Once the application change request has been approved by ICANN and the application becomes eligible, the applicants will be invited to the contracting process in order of priority number. (<http://newgtlds.icann.org/en/announcements-and-media/announcement-4-09oct13-en>.)

On 19 November 2013, the Panel rendered an “Expert Determination” in favor of Booking.com. Based on the submissions and evidence provided by the parties, the Panel determined that Requester failed to prove that Booking.com’s application “creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the Hotel

⁵ Booking.com’s response to ICANN was published on 9 October 2013.

Community” (Determination, Pg. 25, ¶ 8.52) and deemed Booking.com the prevailing party. (Determination, Pg. 26, ¶ 10.)

On 4 December 2013, the Requester filed Request 13-19.

B. The Requester’s Claims.

The Requester claims that the NGPC improperly failed to stay the Requester’s Objection to Booking.com’s application following the 25 June 2013 Resolution. Specifically, the Requester contends that the NGPC violated Article 4 of ICANN’s Articles of Incorporation and Article 1, Sections 2, 7, 8 and 9 of ICANN’s Bylaws by not complying with the following principles of international law:

1. The right to adversarial proceedings. (Request, Section 10.1, Pg. 16.)
2. The right to equality of arms. (Request, Section 10.2, Pg. 17; *see also* Request, Section 6, Pg. 6.)
3. The right to fairness in the proceedings by way of the administration of evidence. (Request, Section 10.3, Pgs. 17-18.)

C. Relief Requested.

The Requester asks that the NGPC reinstate new Community Objection proceedings for all strings identified in the GAC’s advice relating to exclusive registry access after the applicants, including Booking.com, submit change requests to reflect their intent to no longer operate the proposed string as an exclusive access registry. The Requester also asks that it be reimbursed for all of its expenses (administrative fees, expert fees, and attorney fees) relating to its Objection. If no reimbursement is provided, the Requester asks that the NGPC ensure that the new Objection proceedings be available to the Requester at no cost. (Request, Section 9, Pg. 14.)

III. Issues.

The apparent issue for reconsideration is whether the NGPC’s purported failure to take

appropriate action by not staying the Requester's Objection to Booking.com's application following the 25 June 2013 Resolution supports reconsideration.

IV. The Relevant Standards for Evaluating Reconsideration Requests.

ICANN's Bylaws provide for reconsideration of a Board or staff action or inaction in accordance with the criteria specified in Article IV, Section 2.2 of the Bylaws.⁶ (Bylaws, Art. IV, § 2.) Requester is challenging a Board action or inaction. Dismissal of a request for reconsideration is appropriate if the BGC⁷ recommends, and in this case the NGPC agrees, that the requesting party does not have standing because the party failed to satisfy the criteria set forth in the Bylaws for challenges of a Board action or inaction. (Bylaws, Art. IV, § 2.9.)

V. Analysis and Rationale.

A. The NGPC's Failure to Stay the Requester's Objection Does Not Support Reconsideration of a Board Action or Inaction.

A challenge of a Board action or inaction must be based upon the Board taking an action or inaction without consideration of material information or as a result of the Board's reliance on false or inaccurate material information.⁸ (Bylaws, Art. IV, § 2.2.) Purported violations of

⁶ Article IV, Section 2.2 of ICANN's Bylaws states in relevant part that any entity may submit a request for reconsideration or review of an ICANN action or inaction to the extent that it has been adversely affected by:

- (a) one or more staff actions or inactions that contradict established ICANN policy(ies); or
- (b) one or more actions or inactions of the ICANN Board that have been taken or refused to be taken without consideration of material information, except where the party submitting the request could have submitted, but did not submit, the information for the Board's consideration at the time of action or refusal to act; or
- (c) one or more actions or inactions of the ICANN Board that are taken as a result of the Board's reliance on false or inaccurate material information.

⁷ Board Governance Committee.

⁸ The Requester is not challenging a staff action. (Request, Section 2, Pg. 3.) To challenge a staff action, Requester would need to demonstrate that the staff action violated an established policy or process.

ICANN policy or procedure are not proper grounds for challenging Board action or inaction.

As discussed above, the Requester seeks reconsideration on the grounds that the NGPC's failure to stay the Requester's Objection following the 25 June 2013 Resolution violated ICANN's Articles of Incorporation and ICANN's Bylaws. The stated grounds are improper bases for reconsideration under ICANN's Bylaws and will therefore not be considered.

Requester makes no argument and provides no evidence that the NGPC took an action or inaction without considering material information or as a result of reliance on false or inaccurate material information.

Even if the Requester's claims were proper bases for reconsideration, the stated grounds are not well founded in that there is no policy or process that requires the NGPC to stay objection proceedings while ICANN considers and/or communicates with the GAC regarding advice on new gTLDs. The Guidebook provides that the "receipt of GAC advice will not toll the processing of any application (*i.e.*, an application will not be suspended but will continue through the stages of the application process)." (Guidebook, Section 3.1.) The NGPC's 25 June 2013 Resolution directed staff to defer moving forward with the contracting process for applicants seeking to operate exclusive access registries with strings representing generic terms (such as .HOTELS) pending further communication with the GAC. (25 June 2013 Resolution).

There is also no support for the Requester's claim that its due process rights were somehow violated by the NGPC's failure to stay the objection proceedings. The Requester claims that it was not given the opportunity to object to Booking.com's application in its final

(continued...)

(Bylaws, Art. IV, § 2.2.) While the Requester asserts that the Panel improperly considered and relied upon hypothetical or future events in its Determination, the Request is not based on these claims.

version as a result of the NGPC's purported inaction. (Request, Section 10, Pg. 16.) The Requester also claims that the NGPC's "actions/inaction related to 'closed-generic' TLD Applications misled the Expert in rendering her determination and led to an unfair determination." (Request, Section 10, Pg. 20.)

The Panel dismissed the Requester's Objection on the grounds that the Requester failed to prove that Booking.com's application "creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the Hotel Community."⁹ (Determination, Pg. 25, ¶ 8.52.) The Requester asserted two reasons for why Booking.com's application creates a likelihood of material detriment. The first reason related to concerns over intellectual property infringement, and only the second reason related to concerns about Booking.com's intent to operate the string as a closed gTLD. (Determination, Pg. 18, ¶ 8.36.)

With respect the Requester's first concern, the Requester argued that "if the gTLD 'HOTELS' is delegated to anyone, it would create an increase in cybersquatting." (Determination, Pg. 19, ¶ 8.37 (emphasis added).) The Panel rejected this notion, concluding that this concern related to ICANN's new gTLD program in general, rather than Booking.com's application in particular, and that the community objection process was not the avenue to address such a concern.¹⁰ (Determination, Pg. 22, ¶ 8.46.) The Requester therefore asserted grounds in its Objection that had nothing to do with Booking.com's intent to operate a closed gTLD, and

⁹ The standards for evaluating community objections include a four-part test to help the expert panel determine whether there is a substantial opposition from a significant portion of the community to which the string may be targeted. The fourth prong of the test requires the objector to prove that the "application creates a likelihood of material detriment to the rights or legitimate interest of a significant portion of the community to which the string may be explicitly or implicitly targeted." (Guidebook, Section 3.5.4.)

¹⁰ The Panel also rejected the Requester's notion that Booking.com would increase cybersquatting, concluding there was no evidence to suggest that Booking.com "considers it can infringe the intellectual property rights of third parties or has any intention of doing so." (Determination, Pg. 22, ¶ 8.46.)

thus, would not have been impacted by a subsequent change to Booking.com's application.

Turning to the Requester's second concern flowing from Booking.com's intent to operate the string as a closed gTLD, the Panel likewise rejected the Requester's argument. The Requester asserted that Booking.com's application would harm consumers if it were allowed to operate as a closed gTLD because hotels that are not affiliated with Booking.com would be unable to register domain names in the .HOTELS gTLD. The Requester argued that this would allow Booking.com, a single stakeholder, to "control and prevent others from registering domain names within a string representing their own economic section, thus leading to a monopoly." (Determination, Pg. 20, ¶ 8.41.) The Requester also argued that even if Booking.com "one day decided to operate 'HOTELS' as an open gTLD, it would not act 'in the consumer interests' as 'neutral party', but rather link registration of domain names in 'HOTELS' to [Booking.com's] services." (Determination, Pg. 21, ¶ 8.43.)

Notably, the Requester raised the purported implications of the 25 June 2013 Resolution on the Requester's Objection with the Panel and was granted leave to file an additional submission with the Panel following the Resolution and the NGPC's approval of the revised New gTLD Agreement. The Requester noted that Specification 11 of the revised agreement prohibited strings representing generic terms from imposing eligibility criteria for registering names in the gTLD that limit registrations exclusively to "a single person or entity and/or that person's or entity's 'Affiliates.'" (Determination, Pgs. 23-24, ¶ 8.48.) The Requester suggested to the Panel that the revisions "cast considerable doubt" on whether Booking.com will be able to operate .HOTELS as a closed gTLD. (*Id.*)

Based on the Requester's assertions, the Panel determined:

It is accordingly far from certain that [Booking.com] would be able to exclude members of the Hotel Community from registering domain names in ‘.HOTELS’ and cause the alleged detriment the Objector foresees.

(*Id.*) The Requester now claims in its Request that, as a result of the NGPC’s failure to stay the proceedings, the Panel improperly based its decisions on hypothetical and future facts. (Request, Section 8, Pg. 13.) The Requester’s contentions are surprising and unsupported in that it was Requester’s representations upon which the Panel relied. The Procedure makes clear that, in addition to applying the standards that have been defined by ICANN, the Panel “may refer to and base its findings upon the statements and documents submitted and any rules or principles that it determines to be applicable.” (Procedure, Art. 20(b).)

Moreover, the Panel further determined that even if Booking.com’s application for .HOTELS was permitted to operate as a closed gTLD, the Requester still failed to prove any material detriment to the hotel community. (Determination, Pg. 24, ¶ 8.49.) In the end, the Panel concluded:

[T]he lack of evidence to support the Objector’s allegations of material detriment is striking, particularly in light of the gravity of its allegations and the volume of its submissions. The Objector submitted well over 100 exhibits in this case. Of these, it refers to only nine in its section on material detriment. And of these nine, most are not documentary evidence. ... The only four pieces of documentary evidence on which the Objector relies to support its allegations with respect to material detriment are (1) the Application itself, (2) a study Google commissioned on the role travel plays in the lives of Americans, (3) internet travel hotel booking statistics on statisticbrain.com, and (4) the results of an online survey on hotel distribution in Germany, Austria and Switzerland. [Citation omitted.] These materials are insufficient to substantiate the allegations the Objector makes.

(Determination, Pgs. 24-25, ¶ 8.51.) Thus, there is no support for the Requester’s claim that its due process rights were violated by the NGPC’s failure to stay the objection proceedings.

Regardless of whether Booking.com’s application for .HOTELS proceeded as a closed gTLD,

the Panel determined that the Requester was simply unable to satisfy its burden of proving a likelihood of material detriment to prevail on its Objection.

VI. Decision.

Based on the foregoing, the BGC concludes that the Requester has not stated proper grounds for reconsideration, and we therefore recommend that the Request be denied without further consideration.