

[REDACTED]

Subject: [Ext] Case 00021555 Assigned to Complaint Queue
Date: Wednesday, May 26, 2021 at 11:33:43 AM Pacific Daylight Time
From: ClickTools CRM Integration
To: Krista Papac, [REDACTED]

*** NEW CASE ASSIGNMENT NOTIFICATION ***

The following case has been assigned to the Complaint queue.

Company: The Viking Group
Contact Name: Greg Thomas
Case #: 00021555
Subject: ICANN the company and/or a department within ICANN

ICANN is violating its Bylaws, specifically Section 2.2 Restrictions, which expressly prohibits ICANN from acting as a registrar. This prohibition is longstanding since ICANN's inception and is also included in the Memorandum of Understanding between ICANN and the U.S. Department of Commerce and which remains extant by virtue of being merged into the InterNIC licensing agreement between the same parties. However, despite this unambiguous and fundamental prohibition ICANN is acting improperly as a registrar for the purpose of warehousing and cyber squatting on certain domain names in the .com and .net registries. Importantly, neither ICANN's Bylaws nor the merged terms of the InterNIC licensing agreement allow for any exceptions to this prohibition. Given that ICANN has approved a proposed auction for at least one of these cybersquatted names, o.com, and with the proceeds to be allocated to a redacted list of non-profit organizations, it is impossible to conclude other than that ICANN is improperly seeking to participate in the domain name secondary market for speculative purposes which is anticompetitive and prohibited.

This speculative warehousing of domain name registrations by ICANN's prohibited registrar is unnecessary since the relevant registry agreements prohibit initial registration of these labels without ICANN's express written authorization. It is clear that ICANN is attempting to engage in profiteering with respect to these domain names. Of particular importance is the fact that ICANN has no right to these domain name registrations for any reason, since they were registered in 1993 by a U.S. government contractor performing the IANA functions.

Any violation by ICANN of its Bylaws is a serious transgression. Accordingly, this violation has been referred to the California Attorney General's office and the U.S. Internal Revenue Service. A copy of the California complaint has been provided to ICANN's board by correspondence dated April 30, 2021 although this correspondence has not yet been posted on ICANN's public correspondence page and for ease of reference is attached here.

The degradation of ICANN's corporate governance is unacceptable and has grave implications which require extraordinary steps for remediation. This misconduct must end immediately and unconditionally.

[REDACTED]