

## Reconsideration Request

Requestors:

Dot Hotel Limited (a Gibraltar Limited Company), and

Domain Venture Partners PCC Limited

Date: February 4, 2021

*ICANN's Board Accountability Mechanisms Committee (BAMC) is responsible for receiving requests for reconsideration (Reconsideration Request) from any person or entity that has been adversely affected by the following:*

*(a) One or more Board or Staff actions or inactions that contradict ICANN's Mission, Commitments, Core Values and/or established ICANN policy(ies);*

*(b) One or more actions or inactions of the Board or Staff that have been taken or refused to be taken without consideration of material information, except where the Requestor could have submitted, but did not submit, the information for the Board's or Staff's consideration at the time of action or refusal to act; or*

*(c) One or more actions or inactions of the Board or Staff that are taken as a result of the Board's or Staff's reliance on false or inaccurate relevant information.*

*The person or entity submitting such a Reconsideration Request is referred to as the Requestor.*

*Note: This is a brief summary of the relevant Bylaws provisions. For more information about ICANN's reconsideration process, please refer to [Article 4, Section 4.2 of the ICANN Bylaws](#) and the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en>.*

*This form is provided to assist a Requestor in submitting a Reconsideration Request, and identifies all required information needed for a complete Reconsideration Request. This template includes terms and conditions that shall be signed prior to submission of the Reconsideration Request.*

*Requestors may submit all facts necessary to demonstrate why the action/inaction should be reconsidered. However, argument shall be limited to 25 pages, double-spaced and in 12-point font. Requestors may submit all documentary evidence necessary to demonstrate why the action or inaction should be reconsidered, without limitation.*

*For all fields in this template calling for a narrative discussion, the text field will wrap and will not be limited.*

Please submit completed form to [reconsideration@icann.org](mailto:reconsideration@icann.org).

**1. Requestors' Information**

**Name:** Dot Hotel Limited (a Gibraltar Limited Company), and  
Domain Venture Partners PCC Limited

**Address:** c/o Edgar Lavarello  
PricewaterhouseCoopers Limited  
Contact Information  
Redacted

**Email:** Contact Information Redacted

**Copy to:** Mike Rodenbaugh, Esq. -- Contact Information Redacted

*(Note: ICANN will publish the Requestor's name on the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en> in accordance with the ICANN [Privacy Policy](#). Requestor's address, email and phone number will be removed from the publication.)*

**2. Request for Reconsideration of:**

   XX    Board action/inaction

   XX    Staff action/inaction

**3. Description of specific action you are seeking to have reconsidered.**

*(Provide as much detail as available, such as date of Board meeting, reference to Board resolution, etc. You may provide documents. All documentation provided will be made part of the public record.)*

Board and/or Staff approval of Donuts Inc. acquisition of Afilias, Inc., without any transparent or apparently meaningful review nor provision of any opportunity for comment by affected stakeholders. The acquisition was [announced](#)<sup>1</sup> on Nov. 23 (Thanksgiving week in the US) and apparently [closed](#)<sup>2</sup> just 36 days later, on Dec. 29 (Christmas/NYE week).

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<sup>1</sup> <https://afilias.info/news/2020/11/23/donuts-inc-acquire-afilias-inc>

<sup>2</sup> <https://afilias.info/news/2020/12/29/donuts-acquires-afilias>

The only mention in any ICANN Board "[Resolution](#)" is on Dec. 17, 2020 (published Dec. 21, 2020):<sup>3</sup> "No Resolutions taken."

In the [Preliminary Report](#) published by the Board on Jan. 5, 2021,<sup>4</sup> there is only this note: "No Resolutions were taken. The Chair stated that the Afiliac change of control approval request has been discussed by the Board, and that the ICANN President and CEO, or his designee(s), has the support of the Board to move forward on the request."

**4. Date of action/inaction:**

*(Note: If Board action, this is the date on which information about the challenged Board action is first published in a resolution, unless the posting of the resolution is not accompanied by a rationale. In that instance, the date is the date of the initial posting of the rationale.)*

To the extent any "rationale" has been posted, it appears to have been in the Preliminary Report published on January 5, 2021.<sup>5</sup>

**5. On what date did you become aware of the action or that action would not be taken?**

*(Provide the date you learned of the action/that action would not be taken. If more than thirty days has passed from when the action was taken or not taken to when you learned of the action or inaction, please provide discussion of the gap of time.)*

January 5, 2021

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<sup>3</sup> <https://www.icann.org/resources/board-material/resolutions-2020-12-17-en#2.c>

<sup>4</sup> <https://www.icann.org/resources/board-material/prelim-report-2020-12-17-en#2.c>

<sup>5</sup> *Id.*

**6. Describe how you believe you are materially and adversely affected by the action or inaction:**

Dot Hotel Limited (a Gibraltar Limited Company) is an ICANN-contracted gTLD registry applicant, controlled by Domain Venture Partners PCC Limited which also controls sixteen (16) new gTLD registry operators and related ICANN registry agreements. Collectively, complainants are referenced herein as DVP. DVP is materially and adversely affected not only by this combination of two of its largest competitors, in general, but also specifically because it results in Donuts owning two competing applications in the .Hotel new gTLD contention set. DVP also owns an application in that contention set.

In its Community Application and otherwise, HTLD made explicit and binding promises to operate the gTLD exclusively for the benefit of a purported community of hotel operators. HTLD was formerly acquired by Afiliias, and now has been acquired by Donuts. So, Donuts now owns or controls both that Community Application, and another pending standard application in the contention set for .hotel. There is no provision in the Applicant Guidebook for applicants to own more than one application for the same gTLD string. It certainly indicates collusion among applicants within a contention set, since two of them are owned by the same master. And so it is clearly unfair to DVP and all other applicants in the contention set, who are adversely affected by that collusion.

It is also harmful to DVP and these other applicants because ICANN apparently has not required that Afiliias, Donuts and/or Ethos Capital implement all of the Community policies and restrictions outlined in HTLD's Community Application and subsequent public commitments. DVP is concerned that Donuts may have no intention of honoring those Community commitments, and instead intends to operate an open registry. ICANN apparently has approved or at least allowed a [recent precedent](#) to that effect, with respect to the .spa gTLD.<sup>6</sup> That would be unfair because DVP and the other applicants (including Donuts itself) have invested vast effort and money in hopes to operate such an open registry via their pending new gTLD applications for .hotel.

DVP, Donuts and Afiliias are each regulated by essentially identical ICANN contracts, and ICANN is supposed to be regulated by its Bylaws which are incorporated by reference in all Registry Agreements. Indeed, so PIR also was bound by the same Registry Agreement re the .org gTLD, and yet its proposed acquisition by Ethos Capital earlier in 2020 endured a dramatically different process for consideration by ICANN, and met the opposite fate as it was rejected, with a great deal of rationale provided by the Board for

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<sup>6</sup> <http://domainincite.com/26242-defensive-windfall-on-the-cards-for-spa-its-not-just-for-spas-any-more>

its [Resolution](#) in that matter,<sup>7</sup> indeed it did so [twice](#).<sup>8</sup> It made that decision only after five months of intense community debate and communication, including communication from the California Attorney General and the Pennsylvania Attorney General.

ICANN even issued a detailed [press release](#) about that decision.<sup>9</sup> In that press release, ICANN acknowledged:

It is our responsibility to weigh all factors from an ICANN Bylaws and policies perspective, including considering the global public interest. We have done this diligently, ensuring as much transparency as possible and welcoming input from stakeholders throughout.

The press release further indicates that the transaction was announced in November, 2019. And so, ICANN reviewed that transaction for some five months before issuing its detailed rejection in April, 2020.

Contrast that to the present acquisition of Afilias, which was approved by ICANN just 36 days after it was announced at the start of the Thanksgiving (US) and Christmas holiday season. Afilias owns registry agreements and/or back-end contracts to operate some [fifty](#) TLDs – including some of the longest-standing and largest gTLD domain registries; indeed, [including the .org back-end registry agreement](#).<sup>10</sup> That behemoth now apparently has been purchased by Donuts, which already was one of the two largest domain registry conglomerates, and already controlled 245 ([two hundred and forty-five](#)) gTLD registries.<sup>11</sup>

And now indeed, to complete the circle, on January 22, 2021, Donuts [announced](#) its intention to be purchased by Ethos Capital.<sup>12</sup> The first Ethos Capital attempt to purchase the .org registry was rejected after five months of widespread community comment and debate, summarized in the lengthy posted rationale for the Board Resolution that rejected that transaction. Yet now, step one in Ethos Capital's second attempt to purchase the .org registry (and much more in Donuts/Afilias), apparently has been approved by ICANN with absolutely zero effort or outreach by ICANN to discern potential impacts on other stakeholders such as DVP. Step two of that effort remains pending for almost two weeks now, with no word from ICANN about it, indicating that

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<sup>7</sup> <https://www.icann.org/resources/board-material/resolutions-2020-04-30-en>

<sup>8</sup> <https://www.icann.org/resources/board-material/resolutions-2020-05-20-en#foot14>

<sup>9</sup> <https://www.icann.org/news/blog/icann-board-withholds-consent-for-a-change-of-control-of-the-public-interest-registry-pir>

<sup>10</sup> See <https://afilias.info/>

<sup>11</sup> See <https://donuts.domains/what-we-do/top-level-domain-portfolio/>

<sup>12</sup> <https://donuts.news/ethos-capital-to-acquire-controlling-interest-of-donuts-inc>

ICANN again may rubber stamp its approval of the transaction without seeking any input from affected stakeholders whatsoever.

DVP is materially and adversely affected because it is bound by essentially the same registry agreements and ICANN policies as is PIR, Afilias and Donuts; and yet, it has no reasonable ability to know what process or criteria ICANN will use in deciding whether to approve or reject any sort of acquisition agreement that DVP and/or DVP's competitors or co-venturers may wish to enter in the future. ICANN's decision to scrutinize and take input on one transaction, yet refuse to scrutinize or seek input on the next extremely similar transaction, is confusing and unpredictable to DVP and other stakeholders. Thus, it adversely impacts their ability to strategically plan their business.

ICANN's erratic and incoherent handling of these transactions also amounts to disparate treatment of similarly situated (if not exactly the same) parties and transactions, which violates ICANN's Core Values and Bylaws. Furthermore, ICANN appears to have taken the recent decision to approve the Afilias acquisition without any real input from anyone outside of ICANN, Donuts and/or Ethos Capital, and without any rationale whatsoever posted for public review. That obfuscation and indifference further very clearly violates ICANN Core Values and Bylaws. Such violations are a material detriment to DVP, which relies on ICANN to fulfill its Bylaws commitments as referenced in the Applicant Guidebook, the gTLD Registry Agreements, and otherwise.

**7. Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.**

Other gTLD registry operators generally, and other members of the .hotel contention set specifically, stand in the same shoes as DVP as to the confusion and unpredictability caused by ICANN's erratic behavior. All internet stakeholders stand in DVP's shoes as to the general obfuscation and indifference shown by ICANN with respect to Donuts' acquisition of Afilias.

**8. Detail of Board or Staff Action/Inaction – Required Information**

*Please provide a detailed explanation of the facts as you understand they were provided to the Board or the ICANN organization (acting through its Staff) prior to the action/inaction and the reasons why the Board's or Staff's action or inaction was: (i) contrary to ICANN's Mission, Commitments, Core Values and/or established ICANN policy(ies); (ii) taken or refused to be taken without consideration of material information; or (iii) taken as a result of the Board's or Staff's reliance on false or inaccurate relevant information.*

*If your request relates to a Board or Staff action or inaction that you believe is contrary to established ICANN organization's policy(ies), the policies that are eligible to serve as the basis for a Reconsideration Request are those that are*

*approved by the ICANN Board (after input from the community) that impact the community in some way. When reviewing Board or Staff action, the outcomes of prior Reconsideration Requests challenging the same or substantially similar action/inaction as inconsistent with established ICANN policy(ies) shall be of precedential value.*

*If your request relates to a Board or Staff action or inaction taken without consideration of material information, please provide a detailed explanation of the material information not considered by the Board or Staff. If that information was not presented to the Board or Staff, provide the reasons why you did not submit the material information before the Board or Staff acted or failed to act. “Material information” means facts that are material to the decision.*

*If your request relates to a Board or Staff action or inaction that you believe is taken as a result of Board’s or Staff’s reliance on false or inaccurate relevant information, provide a detailed explanation as to whether an opportunity existed to correct the material considered by the Board or Staff. If there was an opportunity to do so, provide the reasons that you did not provide submit corrections to the Board or Staff before the action/failure to act.*

*Reconsideration Requests are not meant for those who believe that the Board or Staff made the wrong decision when considering the information available. There has to be identification of material information that was in existence of the time of the decision and that was not considered by the Board or Staff in order to state a Reconsideration Request. Similarly, new information – information that was not yet in existence at the time of the decision – also is not a proper ground for reconsideration.*

*Reconsideration Requests are not available as a means to seek review of country code top-level domain (“ccTLD”) delegations and re-delegations, issues relating to Internet numbering resources, or issues relating to protocol parameters.*

*Please keep this guidance in mind when submitting requests.*

***Provide the Required Detailed Explanation here:*** (You may attach additional sheets as necessary.)

Requestors have no idea what, if any, factual or material information was considered by ICANN in approving the transaction, nor whether any such information was accurate or false. Because ICANN has not identified a single fact nor piece of evidence or advice that it considered in coming to that decision. ICANN also did not even publicly mention the proposed transaction other than obliquely in the Special Meeting notice, much less seek any input whatsoever about the topic. There was no opportunity given for stakeholder comment, whatsoever.

The comically labelled “rationale” for the non-Resolution arising from the December 17, 2020, Special Meeting in fact contains no rationale whatsoever -- nor even the recitation of a single background fact or point of discussion. ICANN’s entire public discourse in matter has been thus: "No Resolutions were taken. The Chair stated that the Afiliis change of control approval request has been discussed by the Board, and that the ICANN President and CEO, or his designee(s), has the support of the Board to move forward on the request."

Why did the ICANN Board have a Special Meeting on this topic? Why did they not publish or otherwise identify a single background fact or point of discussion from the Special Meeting? Why did they not identify a single source of evidence or advice relied upon in coming to the decision? Why have they refused to provide even the slightest hint as to anything they considered or any reason why they came to their decision? How did they vote, was there any dissent? Nobody knows, because ICANN has kept all that secret.

The ICANN Bylaws require the Board and Staff to always act in accord with the following Commitment (Sec. 1.2(a)(v)), *inter alia*:

- Make decisions by applying documented policies consistently, neutrally, objectively, and fairly, without singling out any particular party for discriminatory treatment (i.e., making an unjustified prejudicial distinction between or among different parties).

Moreover, the ICANN Bylaws (Sec. 1.2(b)) set forth a number of Core Values intended to “guide the decision” of ICANN, including without limitation:

- (ii) Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making
- (iii) Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment in the DNS market
- (iv) Introducing and promoting competition in the registration of domain names where practicable and beneficial to the public interest
- (vii) Striving to achieve a reasonable balance between the interests of different stakeholders

In addition, those general Commitments and Core Values in Article I are then supplemented with other more specific Bylaws commitments that ICANN ignores in this case; namely:



- Section 2.3 NON-DISCRIMINATORY TREATMENT.

ICANN shall not apply its standards, policies, procedures, or practices inequitably or single out any particular party for disparate treatment unless justified by substantial and reasonable cause, such as the promotion of effective competition.

- Section 3.1. OPEN AND TRANSPARENT

ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness, including implementing procedures to (a) provide advance notice to facilitate stakeholder engagement in policy development decision-making and cross-community deliberations, (b) maintain responsive consultation procedures that provide detailed explanations of the basis for decisions (including how comments have influenced the development of policy considerations), and (c) encourage fact-based policy development work. ICANN shall also implement procedures for the documentation and public disclosure of the rationale for decisions made by the Board and ICANN's constituent bodies (including the detailed explanations discussed above).

ICANN states that “the outcomes of prior Reconsideration Requests challenging the same or substantially similar action/inaction as inconsistent with established ICANN policy(ies) shall be of precedential value.” Well, a year ago, ICANN denied a Request for Reconsideration (20-1) which also argued that ICANN had not acted with requisite transparency in considering Ethos Capital’s first attempt to overtake the .org registry. In its Resolution denying the RFR, ICANN reasoned:

ICANN organization not only took extensive steps to seek additional information from PIR, ISOC, and the public in support of its consideration of the Change of Control Request, but thoughtfully considered the materials and issues over time and published multiple updates reflecting those considerations.

The Board also agrees with the BAMC and the Ombudsman that ICANN organization's extensive public postings concerning its considerations of the Change of Control Request demonstrate that ICANN organization and the Board did not contradict ICANN's Commitment to transparency.

Yet, as to these matters involving Donuts and Afiliias, also involving the change of control of many millions of gTLD domain names, the ICANN Board neither has done nor said anything other than to hold a secret meeting the week before Christmas – allowing the transaction to close just four days later. The contrast presented by that precedent certainly supports Requestors’ effort to demand transparency and stakeholder input again now.

ICANN has made no attempt at all to provide any transparency as to this decision, and so there is not much more to write about its clear violation of Section 3.1. This is not a matter of any debate whether ICANN has met its Transparency obligations, because it has simply provided nothing. No “notice to facilitate stakeholder engagement.” No “responsive consultation procedures.” No documents or sources to review. No rationale to consider. Just a one-sentence non-Resolution, rubber stamp. Section 3.1 is not ambiguous, it has just been completely 100% ignored in this instance.

ICANN also apparently has made no attempt to meet its Non-Discrimination commitment. Instead, ICANN appears to have turned a completely blind eye to this transaction, after intensely scrutinizing a highly similar transaction a year ago. Both transactions involve millions of gTLD domains under management, including the .org gTLD back-end. Thus, both transactions have potential, serious implications to the gTLD registry services marketplace – which ICANN appears to have considered in the first case, and ignored in this other case.

There has been no apparent, fact-based decision making. No “broad, informed participation”. No “striving to achieve a reasonable balance between the interests of different stakeholders.” No analysis whether ICANN’s decision would “promote and sustain a competitive environment in the DNS market” and/or would “introduce and promote competition in the registration of domain names where practicable and beneficial to the public interest.” Indeed, not even a scintilla of any discussion about the public interest, whatsoever.

Had Requestors or others been asked for any input, they could have provided information to ICANN about the impact of this consolidation of two very large portfolio registry operators. For example, before the Afilias acquisition, Donuts operated 245 gTLDs. After the acquisition, Donuts will operate dozens more, including huge gTLDs such as .org and .info with nearly 15 million domains between them, as well as ccTLDs for the first time. Before the acquisition, Donuts had 4 million domains under management. After the acquisition, Donuts will have some 20 million domains under management. What technical and/or marketplace considerations did ICANN consider prior to approving such a major transaction? Nobody knows, except ICANN.

Because no information has been provided by ICANN about its decision to approve the transaction, the community and the Requestors can only presume that ICANN’s decision is (i) contrary to ICANN’s Mission, Commitments, Core Values and/or established ICANN policy(ies); (ii) taken or refused to be taken without consideration of material information; and (iii) taken as a result of the Board’s or Staff’s reliance on false or inaccurate relevant information – whatever information that may have been, if any.

Without knowing any of the information it relied upon, it is impossible to determine the

reasonableness of ICANN's decision, or whether it was influenced by material and false information that might warrant unwinding the transaction. It is ICANN's responsibility to support its decisions with public information. It has wholly failed.

**9. What are you asking ICANN to do now?**

*(Describe the specific steps you are asking ICANN to take. For example, should the action be reversed, cancelled or modified? If modified, how should it be modified?)*

1. Provide complete, published rationale for the Resolution of Dec. 17, 2020 to essentially approve the Afilias acquisition of Donuts, including identification of all materials relied upon by the Board and/or Staff in evaluating the transaction, publication of all communications between Board, Staff and/or outside advisors relating to the transaction, and publication of all communications regarding the transaction between ICANN on the one hand, and Afilias, Donuts and/or Ethos Capital on the other hand.
2. Develop, implement, publish and report results of a clear policy as to what registry combination transactions will be approved or rejected, including clearly defined criteria to be assessed -- and clearly defined process to assess that criteria -- as to each and every future proposed transaction.
3. Provide complete, published rationale as to the basis for allowing Donuts to own or control two applications in the same gTLD contention set for the .hotel string.
4. Terminate the HTLD Community Application, to allow the other parties in the .hotel gTLD contention set (including Donuts with its standard application) to resolve that contention set in a manner mutually agreeable to all members of the contention set. Alternatively, if the Community Application is allowed to continue, then guarantee that ICANN will enforce the promises that HTLD made to its purported community in its Community Application and subsequent public commitments to ICANN and to other stakeholders, and will not allow HTLD's successors-in-interest to avoid those promises and instead run an open registry.

**10. Please state specifically the grounds under which you have the standing and the right to assert this Reconsideration Request, and the grounds or justifications that support your request.**

*(Include in this discussion how the action or inaction complained of has resulted in material harm and adverse impact. To demonstrate material harm and adverse impact, the Requestor must be able to demonstrate well-known requirements: there must be a loss or injury suffered (financial or non-financial) that is a directly and causally connected to the Board's or Staff's action or inaction that is the basis of the Reconsideration Request. The Requestor must be able to set out the loss or injury and the direct nature of*

*that harm in specific and particular details. The relief requested must be capable of reversing the harm alleged by the Requestor. Injury or harm caused by third parties as a result of acting in line with the Board's or Staff's decision/act is not a sufficient ground for reconsideration. Similarly, injury or harm that is only of a sufficient magnitude because it was exacerbated by the actions of a third party is also not a sufficient ground for reconsideration.)*

See above Sections 6 through 9.

**11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)**

Yes

No

**11a. If yes, is the causal connection between the circumstances of the Reconsideration Request and the harm substantially the same for all of the Requestors? Explain.**

Yes, both Requestors are harmed in substantially the same manner, as one controls the other.

**12. Are you bringing this Reconsideration Request on an urgent basis pursuant to Article 4, Section 4.2(s) of the Bylaws?**

Yes

No

**13. Do you have any documents you want to provide to ICANN?**

*If you do, please attach those documents to the email forwarding this request. Note that all documents provided, including this Request, will be publicly posted on the Reconsideration Website at*

<https://www.icann.org/resources/pages/accountability/reconsideration-en>.

Requestors provide a pdf copy of each document referenced above, if not already published on the ICANN website.

## **Terms and Conditions for Submission of Reconsideration Requests**

Reconsideration Requests from different Requestors may be considered in the same proceeding so long as: (i) the requests involve the same general action or inaction; and (ii) the Requestors are similarly affected by such action or inaction. In addition, consolidated filings may be appropriate if the alleged causal connection and the resulting harm is substantially the same for all of the Requestors. Every Requestor must be able to demonstrate that it has been materially harmed and adversely impacted by the action or inaction giving rise to the request.

The BAMC shall review each Reconsideration Request upon its receipt to determine if it is sufficiently stated. The BAMC may summarily dismiss a Reconsideration Request if: (i) the Requestor fails to meet the requirements for bringing a Reconsideration Request; or (ii) it is frivolous. The BAMC's summary dismissal of a Reconsideration Request shall be documented and promptly posted on the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en>.

Hearings are not required in the Reconsideration Process; however, Requestors may ask for the opportunity to be heard. The BAMC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing. The BAMC's decision on any such request is final.

For all Reconsideration Requests that are not summarily dismissed, except where the Ombudsman is required to recuse himself or herself and Community Reconsideration Requests, the Reconsideration Request shall be sent to the Ombudsman, who shall promptly proceed to review and consider the Reconsideration Request. The BAMC shall make a final recommendation to the Board with respect to a Reconsideration Request following its receipt of the Ombudsman's evaluation (or following receipt of the Reconsideration Request involving those matters for which the Ombudsman recuses himself or herself or the receipt of the Community Reconsideration Request, if applicable).

The final recommendation of the BAMC shall be documented and promptly (i.e., as soon as practicable) posted on the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en> and shall address each of the arguments raised in the Reconsideration Request. The Requestor may file a 10-page (double-spaced, 12-point font) document, not including exhibits, in rebuttal to the BAMC's recommendation within 15 days of receipt of the recommendation, which shall also be promptly (i.e., as soon as practicable) posted to the ICANN Reconsideration Website and provided to the Board for its evaluation; provided, that such rebuttal shall: (i) be limited to rebutting or contradicting the issues raised in the BAMC's final recommendation; and (ii) not offer new evidence to support an argument made in the Requestor's original Reconsideration Request that the Requestor could have provided when the Requestor initially submitted the

Reconsideration Request.

The ICANN Board shall not be bound to follow the recommendations of the BAMC. The ICANN Board's decision on the BAMC's recommendation is final and not subject to a Reconsideration Request.

By submitting my personal data, I agree that my personal data will be processed in accordance with the ICANN [Privacy Policy](#), and agree to abide by the website [Terms of Service](#).

/s/ Edgar Lavarello  
Signature

Feb. 4, 2021  
Date

**Edgar Lavarello**  
Print Name