

14 June 2019

Mr. Sivasubramanian Muthusamy  
Proprietor, Nameshop

RE: New gTLD Application for .IDN

Dear Mr. Sivasubramanian Muthusamy,

Thank you for your communication of 25 April 2019 regarding Nameshop's New gTLD application. Per your request, your letter has been published on the ICANN Correspondence Page here: <https://www.icann.org/en/system/files/correspondence/muthusamy-to-willett-25apr19-en.pdf>.

Throughout the past several years, ICANN has engaged with you many times on the topic of Nameshop's New gTLD application for .IDN. Indeed, we note that there have been several face-to-face meetings with multiple ICANN organization staff members and that several written communications have also been exchanged over the years.<sup>1</sup> However, your letter of 25 April 2019 indicates that ICANN's communications thus far have been unsatisfactory. For purposes of clarity and transparency, and to fully explain the reason why Nameshop's application is unable to move forward, ICANN would like to take this opportunity to provide a final comprehensive explanation of Nameshop's application history in the 2012 round of the New gTLD Program.

### **Nameshop's Application for .IDN**

In the 2012 round of the New gTLD Program,<sup>2</sup> Nameshop applied for the string .IDN. IDN is the 3-letter code for Indonesia on the ISO 3166-1 standard list. According to the provisions of Section 2.2.1.4.1 of the Applicant Guidebook<sup>3</sup>, applied-for strings which appear on the ISO 3166-1 list are considered country or territory names and are not available for delegation. Consequently, we informed you in June 2012 that Nameshop's application for .IDN could not be approved for this reason.

Subsequently, in September 2012, after Nameshop became aware that .IDN could not be approved, Nameshop requested to change the string name from .IDN to .INTERNET. As we have stated in the past, changes to a string name were only granted for administrative changes for the purpose of clarification of the applied-for string, including typographical errors. Therefore, Nameshop's change request was denied in February 2013 as it did not meet the change request criteria.<sup>4</sup> The denial of the change from .IDN to .INTERNET is not because .INTERNET is reserved, but rather because such name changes are simply not permitted.

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<sup>1</sup> See Appendices 1 and 2 for more information.

<sup>2</sup> See: <https://newgtlds.icann.org/en/about/program>

<sup>3</sup> See: <https://newgtlds.icann.org/en/applicants/agb>

<sup>4</sup> See here for more information on Change Requests: <https://newgtlds.icann.org/en/applicants/global-support/change-requests#determination>

Additionally, ICANN would like to note that, on 4 March 2013, you submitted Public Interest Commitments for your application, which are published on ICANN's website.<sup>5</sup> However, in your Public Interest Commitments, you reference that Nameshop's application is for .INTERNET, not the applied-for string .IDN. As noted, ICANN had already informed you in February 2013 that Nameshop's application change request had been denied. This means that Nameshop's application was and has always been for .IDN, not .INTERNET.

### **Applicant Support Results**

ICANN would also like to again provide additional clarification regarding the status of Nameshop's application as it relates to Applicant Support. Nameshop applied as an Applicant Support applicant, a program by which potential New gTLD applicants can seek both financial and non-financial support.<sup>6</sup> For applicants wishing to receive a reduction in evaluation fees, applicants must demonstrate financial need, provide a public interest benefit, and possess the necessary management and financial capabilities. The Support Applicant Review Panel, made up of community members, was the panel tasked with evaluating applications against these criteria.

Nameshop's application did not prevail in the Applicant Support Program.<sup>7</sup> Per the Financial Assistance Handbook,<sup>8</sup> applications that did not meet the threshold criteria for financial assistance will be excluded from further participation in this round of the New gTLD Program, and the evaluation fee will be refunded back to the applicant upon withdrawal.<sup>9</sup> Additionally, the Handbook states that decisions are considered final and there there is no appeals mechanism outside the generally available ICANN accountability mechanisms.

It should also be noted that the Financial Assistance Handbook states that a New gTLD applicant will be excluded from financial support consideration if it is applying for a gTLD string that is a geographic name as described in the New gTLD Applicant Guidebook. As previously stated, Nameshop's application for .IDN falls under this category as defined in Section 2.2.1.4.1 of the Applicant Guidebook.

As communicated to you in March 2013, Nameshop's application did not meet any of the three criteria for Applicant Support. This, in addition to the fact that the applied-for string, .IDN, cannot be delegated according to the Applicant Guidebook, are the reasons Nameshop's application cannot proceed in this round of the New gTLD Program.

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<sup>5</sup> See: <https://gtldresult.icann.org/applicationstatus/applicationchangehistory/1930>.

<sup>6</sup> See: <https://newgtlds.icann.org/en/applicants/candidate-support>.

<sup>7</sup> See: <https://newgtlds.icann.org/en/applicants/candidate-support/sarp-results-20mar13-en.pdf>.

<sup>8</sup> See: <https://newgtlds.icann.org/en/applicants/candidate-support>

<sup>9</sup> Please note that ICANN later determined that Applicant Support applicants who withdraw their applications would be eligible for refund of the evaluation fee of USD 42,000 plus the initial deposit fee of USD 5,000, making the full refund amount USD 47,000.

## **Accountability Mechanisms**

As you are aware, if you believe ICANN has acted contrary to its Bylaws, the Bylaws provide accountability mechanisms to address these concerns.<sup>10</sup> Although Nameshop does not currently have any open accountability mechanisms, Nameshop has made use of these mechanisms in the past.

On 30 March 2013, Nameshop filed a Request for Reconsideration<sup>11</sup> appealing the change request and Applicant Support decisions described above. The ICANN Board Governance Committee (BGC) considered this request on 1 May 2013 and concluded Nameshop had not stated proper grounds for reconsideration, and therefore recommended that Nameshop's Request be denied without further consideration.<sup>12</sup> On 18 May 2013, the New gTLD Program Committee adopted the BGC's recommendation that Reconsideration Request 13-2 be denied on the basis that Nameshop had not stated proper grounds for reconsideration.<sup>13</sup>

Later, on 14 July 2015, Nameshop invoked the Cooperative Engagement Process (CEP) with ICANN.<sup>14</sup> On 18 December 2015, ICANN provided a written response to your questions regarding the change request process and historical change requests.<sup>15</sup> Nameshop's CEP concluded effective 20 May 2016, and Nameshop was provided an extension of time to 4 June 2016 to file an Independent Review Process (IRP). Nameshop chose not to initiate an IRP.

Although these matters have since closed, Nameshop still has the opportunity to proceed with other accountability mechanisms, as described in the ICANN Bylaws.

## **Going Forward**

Finally, although ICANN is sympathetic to the fact that Nameshop wishes to operate a .INTERNET gTLD and has stated that it intends to do so in the best interest of ICANN and the community, there are simply no further avenues to delegation for Nameshop to pursue at this time. Given that we are unable to take further action on Nameshop's application for .IDN or its change request to change the string to .INTERNET, as explained in full above and several times before, we encourage you to withdraw the application for a full refund of Nameshop's application fee of \$47,000 and consider applying in a subsequent round for .INTERNET.<sup>16</sup>

We hope that this information has been helpful. However, in light of the above and because ICANN has no additional information to share, ICANN believes a further meeting would not be fruitful and politely declines the request for a meeting at ICANN65 in Marrakech.

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<sup>10</sup> See: <https://www.icann.org/resources/pages/mechanisms-2014-03-20-en>

<sup>11</sup> See: <https://www.icann.org/resources/pages/13-2-2014-02-07-en>

<sup>12</sup> See: <https://www.icann.org/en/system/files/files/recommendation-nameshop-01may13-en.pdf>

<sup>13</sup> See: <https://www.icann.org/resources/board-material/resolutions-new-gtld-2013-05-18-en#1.c>

<sup>14</sup> See: <https://www.icann.org/en/system/files/files/cep-11apr13-en.pdf>

<sup>15</sup> Please note that materials related to CEP are kept confidential.

<sup>16</sup> See Note 8 above for more information on the refund amount.

Thank you again for your letter and for your continued participation in ICANN's multistakeholder process.

Sincerely,



Christine A. Willett  
Vice President, gTLD Operations  
ICANN

### Appendix 1. Face-to-Face Meetings with Nameshop since 2013

Date of Meeting	Location of Meeting	Attendees
23 November 2013	ICANN48   Buenos Aires	S. Muthusamy, A. Atallah (ICANN GDD)
25 June 2014	ICANN50   London	S. Muthusamy, A. Atallah (ICANN GDD)
17 October 2014	ICANN51   Los Angeles	S. Muthusamy, C. Willett (ICANN GDD), A. Stathos (ICANN Legal)
8 February 2015	ICANN52   Singapore	S. Muthusamy, C. Willett (ICANN GDD), A. Stathos (ICANN Legal)
15 March 2017	ICANN58   Copenhagen	S. Muthusamy, C. Willett (ICANN GDD), R. Weinstein (ICANN GDD), E. Randall (ICANN Legal)
1 November 2017	ICANN60   Abu Dhabi	S. Muthusamy, C. Willett (ICANN GDD), A. Stathos (ICANN Legal), C. Bare (ICANN GDD), J. Erwin (ICANN GDD)
13 March 2018	ICANN61   San Juan	S. Muthusamy, A. Atallah (ICANN GDD), C. Willett (ICANN GDD), C. Bare (ICANN GDD)
25 October 2018	ICANN63   Barcelona	S. Muthusamy, C. Willett (ICANN GDD), C. Bare (ICANN GDD), G. Nakata (ICANN GDD)

## Appendix 2. Public Correspondence with Nameshop<sup>17</sup>

- [15 March 2017](#) letter from Sivasubramanian Muthusamy to Stephen Crocker, Göran Marby, and Akram Atallah
- [24 Apr 2017](#) letter from Christine Willett to Sivasubramanian Muthusamy
- [16 Jun 2017](#) letter from Sivasubramanian Muthusamy to Christine Willett
- [21 Jun 2017](#) letter from Christine Willett to Sivasubramanian Muthusamy
- [31 Jul 2017](#) letter from Sivasubramanian Muthusamy to Christine Willett
- [14 Sep 2017](#) letter from Christine Willett to Sivasubramanian Muthusamy
- [12 Oct 2018](#) letter from Sivasubramanian Muthusamy to Christine Willett
- [16 Oct 2018](#) letter from Christine Willett to Sivasubramanian Muthusamy
- [10 Mar 2019](#) letter from Sivasubramanian Muthusamy to Cherine Chalaby and Göran Marby
- [5 April 2019](#) letter from Christine Willett to Sivasubramanian Muthusamy
- [25 April 2019](#) letter from Sivasubramanian Muthusamy to Christine Willett

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<sup>17</sup> This list only includes published correspondence with Nameshop; many communications were conducted privately in ICANN's GDD Applicant portal and are not published.