

## **Reconsideration Request Form**

Version of 11 April 2013

ICANN's Board Governance Committee is responsible for receiving requests for reconsideration from any person or entity that has been materially affected by any ICANN staff action or inaction if such affected person or entity believes the action contradicts established ICANN policies, or by actions or inactions of the Board that such affected person or entity believes has been taken without consideration of material information. Note: This is a brief summary of the relevant Bylaws provisions. For more information about ICANN's reconsideration process, please visit <http://www.icann.org/en/general/bylaws.htm#IV> and <http://www.icann.org/en/committees/board-governance/>.

This form is provided to assist a requester 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.

Requesters 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.

*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. Requester Information**

**Name:** Commercial Connect, LLC.

**Address:** Contact Information Redacted

**Email:** Contact Information Redacted

**Phone Number (optional):** Contact Information Redacted

### **2. Request for Reconsideration of (check one only):**

**Staff action/inaction**

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

On March 14, 2014 ICANN sent Commercial Connect, LLC., an applicant for the .shop TLD received an email as follows:

**This is a courtesy notification to inform you that we are updating application statuses and contention sets on the New gTLD Program microsite. (<https://gtldresult.icann.org/application-result/applicationstatus/viewstatus>) Application ID 1-1830-1672 has been identified as being impacted by the updates that will be made.**

**Your application status will be changed to “On Hold” to reflect that the application is involved in an ICANN Accountability Mechanism. For more information about ICANN’s Accountability Mechanisms, please refer to Sections IV and V of the ICANN Bylaws (<http://www.icann.org/en/about/governance/bylaws>).**

**In the coming days, an announcement along with an Applicant Advisory will be published with additional detail regarding how changes to application statuses impact application processing. Please monitor the New gTLD Microsite Announcements (<http://newgtlds.icann.org/en/announcements-and-media/latest>) for the most up-to-date information about the Program.**

This is the second time ICANN has placed a hold or purposely delayed our application in 2012 round for no apparent reason and to our detriment. There was no reason listed and we have not been provided with an explanation as of the date of this request. This delay tactic was implemented just before the deadline for the Cat 2 advice was to set to expire thus again preventing our application from going to Community Prioritization Evaluation.

While placing our application on hold with other members of our contention set due to an inexplicable ICANN accountability mechanism, ICANN failed to place other applications that were directly involved in our disputes on hold and these applicants are unfairly being delegated and processed through the delegation process against ICANN established policies and bylaws.

Strings that’s should be in contention with .shop that have not been placed on hold are as follows (others may exist but should be determine by a string similarity committee):

一号店 セール ストア 家電 商城 在  
线 BOUTIQUE BUY 网店 网店 购物 通販  
ECOM FORSALE MALL MARKET MARKETS بازار PARTS  
PROD SALE SALON SERVICES SHOP  
SHOPPING SHOPYOURWAY STORE SUPPLIES SUPPLY  
TIENDA TRADE TRADING

By ICANN randomly placing our application set on hold and not doing the same to the entire applicant pool, it is has violated Core Value 4 by



not respecting the flow of information. To Date Commercial Connect has not received notification that the Cat 2 Advice had been resolved. In addition, Commercial Connect has not be provided the additional information as to why our application is now on hold, why the other competing applicants are not on hold and when this issue is expected to be resolved.

We did provide ICANN with a notice of cooperative engagement but ICANN has failed to communicate with the applicant as promised since its initial phone conference on February 26, 2014. We would hope that placing our application on hold is not a negative reaction to our attempt to properly follow ICANN mechanisms.

As you may be aware, Commercial Connect, LLC has been working for the past 14 years to bring ICANN one of the best solutions to an eCommerce Top Level Domain. By simply reviewing our applications you can clearly see why we are undoubtedly the best option for delegation. We have changed and bent our operations to reflect exactly what ICANN has required for new TLD applicants and have made community efforts to ensure that we be the preferred community applicant to receive the eCommerce category of the TLD name space. There are simply no objections to our application and no entity has ever indicated that they are against what we are trying to accomplish in this name space. For us to have received no objections in 14 years is a remarkable feat and one that deserves significant consideration and attention. We understand that the review board cannot make decisions on application outcome but we want to impress on this board that our intentions is for all to win in this process and we feel that if the process is executed properly, the best applicant can prevail. If it is tarnished or impacted by unscrupulous actions, it negatively impacts us all.

We only applied for one string. We have at times tried to take into consideration ICANN and have worked to make ICANN appear in the best light no matter what circumstance and harm they have caused. We request that ICANN actually take a look at who they are harm, not only Commercial Connect stakeholders but users of the internet in the future and act to correct the deficiencies in a timely and professional manner without apparent and intention punishment delays to applicants who may bring questionable actions to the attention of the board and this review committee. We should not be considered a nuisance applicant but one that wants ICANN to practice what it preaches and follow its own rules.

1. ICANN has not changed any of it policies and procedures in regards to new Top Level Domain names (TLD's) nor has it changed its Mission and/or Core Values.
2. ICANN has not changed the definition of what the Internet is and should be – see RFC 1591

"Each of the generic TLDs was created for a general category of Organizations..."

3. ICANN's Applicant Guidebook is a "Guide" to understanding and interpreting ICANN's policies and procedure and by no means acts as an instrument to change these policies and procedures – Find where stated about Applicant Guidebook 1.2.11" As approved by the ICANN Board of Directors, this Guidebook forms the basis of the New gTLD Program."

The internet at its basic form is defined as "Each of the generic TLDs was created for a general category of organizations. The country code domains (for example, FR, NL, KR,US) are each organized by an administrator for that country. These administrators may further delegate the management of portions of the naming tree. These administrators are performing a public service on behalf of the Internet community. Descriptions of the generic domains and the US country domain follow..." –RFC 1591 – which clearly shows that TLD's are used to categorize or segment the internet. This is a core component of how the internet is structured and understanding this basic function should readily make it apparent that in order to maintain the structure and functionality of the internet it is paramount that similar or confusing TLDs should not co-exist. The concept of name space is vital to the structure, stability and function of the internet. Protecting the structure, stability and integrity of the internet has been ICANN's number one concern during the new TLD Process. See multiple statements by Fadhi Chehadé. Please do not let this action seal ICANN's fate as a failed entity.

4. By ICANN ignoring the purpose of TLD's in their attempt to make TLDs more available in an attempt to alleviate the congestion of the .com name space, they will only ensure that the .com name space become the only usable name space available since no end-user will be able to determine which of the hundreds of TLDs can be used. No intelligent company will register anything but a .com name so that the public will not have to remember hundreds of new extensions and at the same time ensuring certain TLDs go under since the "value" and "utility" simply do not exist.
5. No matter how vague and mis-edited the Applicant Guidebook became, nor the miscommunications between ICANN and the ICC (String Similarity Panel) became, the basic three tests for string similarity exists in ICANN policies and procedures and appear segmented in the Applicant Guidebook as well as the ICC communications. For clarification we must rely on ICANN's policies and procedures and ensure that TLD serve as the categories (Name Space) that were originally intended. By ignoring this simple rule, ICANN is setting itself up to be the organization that led to the destruction of the organized Internet that exists today. End users will not be



able to determine which TLD will be used for safe and secure eCommerce when there are at least 22 different varieties of TLD all representing eCommerce. Would you know which eCommerce solution is endorsed by the eCommerce community and offers safe and secure communications with the owners verified in person and their information published to the world when you have to choose from the list below?

一号店 セール ストア 家電 商城 在线  
BOUTIQUE BUY 网店 网店 购物 通販  
ECOM FORSALE MALL MARKET MARKETS بازار PARTS  
PROD SALE SALON SERVICES SHOP  
SHOPPING SHOPYOURWAY STORE SUPPLIES SUPPLY TI  
ENDA TRADE TRADING

6. ICANN has ignored pleas from the community including the GNSO asking them to follow the rules that ICANN had asked the GNSO to develop. These rules focus on this concept of Name Space. Since the inception of the new TLD round, ICANN has suffered major "Brain Drain." Most of its staff along with most technical and procedural experts all left to start their own registry or join in a new TLD registry. This led to major conflict of interests and ensured that impartial domain name experts would become practically non-existent. Most all consultants now have something to gain in hopes that ICANN will ignore the past and allow for multiple similar TLDs. We have consulted with literally hundreds of individuals and all are at a loss as to why the name similarity panel failed to do what was intended. We can include names upon request but ICANN has in its possession 82+ open letters addressing this exact subject where these authors have been impacted by this issue.
7. The Names Similarity Panel did not complete its assignment. ICANN Failed to perform the complete name similarity function as required and stipulated in the Applicant Guidebook and as required by the previous policies and procedures outlined in the email I sent to ICANN's board on November 20, 2013. Christine Willett readily admitted on a recorded phone call that **she instructed the name similarity committee to only do visual similarity** as she was new and was not aware of the function of the Name Similarity Panel. In the letter from Mark McFadden to Russ Weinstein at ICANN it is stated that they only provided Visual tests (see Statement 5). While Visual similarity is required and is the **ONLY** requirement for Country Code (Fast Track) TLDs with only two letters, it is not sufficient to determine similarity of full generic TLD Strings which included sight, sound, meaning and confusability which was why this panel was to be made up of professionals from the University College London for **linguistic and language expertise**. For visual similarity tests neither linguists nor language experts would have been required. Please see <http://www.icann.org/en/news/correspondence/mcfadden-to-weinstein->

While the string similarity panel was not present from 2008 to 2012 while string similarity was being discussed, in all formal meetings it was discussed and decided that all three tests would be performed. In the ICC's Report under Step 5a there are two entries, one for visual similarity test and an additional for **any similarity** which states "If the string is not found to be similar to any other string: the record is put into "PASSED DETAILED EVALUATION" state; the tracking record is assigned to the Operations Manager".

8. The dispute Mechanism was flawed as it was stipulated that impartial Domain Name Experts be used as the Mediators for name similarity but firstly, with ICANN monetizing and advertising the TLD Business to the extent that was done, most all domain name experts, including the ones that worked and operated ICANN, moved to formed their own TLD registry companies which has quashed their ability to be impartial and therefore has limited their availability to perform mediation tasks. The International Centre for Dispute Resolution did not utilize domain name experts that understood the complexities and intricacies of the internet and they expressly did not understand ICANN's policies and procedures on why and how to determine name similarity and this becomes apparent in their findings. Because of ICANN not doing its job determining Name Similarity, CC has to spend close to \$200,000 in dispute fees that did not yield any measurable findings but received decisions in conflict with each other and in opposition to ICANN's published policies and procedures due to ICANN not providing these decision makers with the relevant information necessary to make informed and educated decisions for the domain name industry and the internet as a whole. The dispute panels were missing the industry experts that was promised to the applicants.
9. ICANN's board determination that it was OK for these experts to made different determinations based on differing evidence provided is also flawed. These experts should have the same rules and guidelines which is that of ICANN's policies and procedures which again they were lacking. If, in fact they were true industry experts they would readily know what segmentation and confusingly similar meant and all experts would have made same or similar findings which is what should be expected from dispute resolution mechanisms. By stating that is it allowable and understandable for multiple "experts" to make diametrically opposing conclusions on an issue is not only careless but potentially dangerous. Such was the case with Verisign, INC vs AB Webconnect Holdinging B.V and Verisign vs United TLD Holding co Ltd; both concerning .COM and .CAM as well as Commercial Connects disputes where the IDN in China for .shop has lost but the IDN in Japanese for .store was won.



10. By ICANN not following the steps outlined in the Applicant Guidebook including performing name similarity reviews, it has caused harm to all of the applicants in the process. By ICANN skipping this step and allowing certain TLDs to become delegated, they have carelessly and knowingly circumvented the process and have awarded certain TLDs that will prohibit other TLD applicants with similar meaning to become delegated since TLD's with similar meanings are not allowed.
11. By Allowing .TIENDA (1-1646-17411) which means shop in Spanish along with the IDN version for Bazaar by CORE to become delegated, it now prevents Commercial Connect's application for .shop from being considered for delegation. Since Community Applicants were promised priority in the process, ICANN has failed to fully consider Commercial Connect's community application but has allowed a similar TLD to become delegated. This is in direct conflict with ICANN's policies and procedures and is against what was the intention of the Applicant Guidebook. This issue was addressed in letters to ICANN from the GNSO (Generic Names Supporting Organization) and others that drafted and published the Applicant Guidebook, where they informed ICANN that they simply were not following the guidelines set up by this committee. This has been ignored by ICANN to date.
12. Is it more important for ICANN to continue to rush the process and recklessly delegate TLD's without consideration for all of the other similar TLD's. As the way it stands, there were approximately 50 to 75 generic TLD's that could have been awarded based on similar or confusing meanings. At this point it would seem that all TLD's that can be delegated have been delegated and the applicants that are still waiting cannot be awarded due to ICANN policies and procedures mentioned in my email of (NOV 20, 2013).
13. To date there has been no response to our email outlining ICANN's policies and procedures on name similarity – Is ICANN hoping that these issues will simply fade as they continue to act in direct opposition to their own rules? To date, which has now been 14 years. we have been an organized but quiet community hoping that ICANN will recognize our intention to support the Internet and ICANN as they go through this process. At this point we feel that we can no longer quietly urge ICANN to act responsibly. We are now working on social media and with the press to bring this issue to the forefront so all involved can have a chance to understand and become as concerned as we are. We need immediate action which may include putting a halt to all delegation processes until it has been determined that they were delegated in a fair and responsible manner and that the meanings of these TLD's are distinct and segmented as the architects and founders of the internet fittingly intended.

14. By unfairly placing our application on hold violates our rights and the commitments of neutrality, objectivity, integrity and fairness made by ICANN.

While we are all aware of ICANN's Mission and Core Values we have included these below for reference.

## **ICANN's Mission and CORE Values**

### **ARTICLE I: MISSION AND CORE VALUES**

#### **Section 1. MISSION**

The mission of The Internet Corporation for Assigned Names and Numbers ("ICANN") is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:

1. Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are
  - a. Domain names (forming a system referred to as "DNS");
  - b. Internet protocol ("IP") addresses and autonomous system ("AS") numbers; and
  - c. Protocol port and parameter numbers.
2. Coordinates the operation and evolution of the DNS root name server system.
3. Coordinates policy development reasonably and appropriately related to these technical functions.

#### **Section 2. CORE VALUES**

In performing its mission, the following core values should guide the decisions and actions of ICANN:

1. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.
2. Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination.
3. To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.
4. 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.



5. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.
6. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.
7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.
10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.
11. While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.

These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrowly prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values.

We have waited in excess of 14 years for what was promised to be a preferred and fair delegation. While this review committee may be tired of receiving requests for reconsideration from our company over the past year, please understand that we have spent a long time and listened to many years of promises that have been documented but are not being carried out.

To date all we have received is more delays. We do not want any more delays, we want the process completed fairly and properly. We also want the delegation

of the new gTLD to be given to the most appropriate applicant with favor leaning toward community applications as has been incorporated in ICANN's beliefs and values.

We, along with GAC and the community as a whole want the community evaluations to be treated fairly and evaluations performed in a manner that is receptive to community applicants and not prohibited to them.

We have been on hold for 14 years while ICANN got its processes in order and documented them. Now is the time for ICANN to abide by their own rules, act upon the recommendation of the communities and committees that ICANN charged to write the guidelines and approve the new gTLDs in a timely and effective manner.

However, if ICANN cannot remove our application from hold because of accountability mechanisms, the only fair and equitable things to do is to place all new TLD applications on hold until a time when ICANN has reviewed their mechanisms for accountability and are certain they are inline with their Mission and Core Values. This is the only fair and equitable solution.

If all applications and the entire process is placed on hold, ICANN should act quickly and responsibly to make sure that these issues are resolved for all before allowing the process to continue. No new gTLDs should be allowed to continue until such a time that ICANN has properly and fairly fixed the name similarity issue and the dispute process mechanism without additional costs and burdens to the applicants and community applicants have been fairly evaluated before any other delegation should be allowed to proceed.

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

March 14, 2014

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

March 18, 2014 but as of April 2, 2014 have not been provided with any explanation as to why.

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

Further delays of our application with the additional onset of approving similar competitors that were never supposed to exist will materially impact the operation of the .shop registry.



Delaying the application process thus far is costing the applicants and the community millions of dollars

It can be estimated that every month of delay on an application costs the applicant an average of \$40,000 USD. Delaying us could cost our contention in excess of \$1.5M USD of every month it is delayed. Loss of income for operation of this registry for the months of delay would be significantly higher.

Additional loss of income due to unforeseen eCommerce TLD competition that received an unfair advantage by being delegated and allowed to go into production before our application of 14 years is considered is unfathomable.

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

See answer to Questions 3 through 6.

The internet community as a whole is impacted by releasing similar TLDs. Similar TLDs will only add to confusion and a loss of faith in the structure, stability and integrity of the internet

By ICANN doing the correct thing on the name similarity issue and putting the correct process in motion, it will group similar contention sets together and allow one application to succeed in each set. This will support internet structure and stability issues by conforming to RFC 1591.

By address and correcting the name similarity and dispute issue the internet community as a whole wins as they will have clear understanding of which TLDs are use for what purpose instead of numerous TLDs having similar meaning and the end user being confused and not wanting to use any new TLD but the existing .com

By ensuring that the Community Priority Evaluations are completed fairly and without prejudice will ensure that the proper application representing the most interest will best serve the internet and the community at large. It will also satisfy the latest in GAC Advice urging ICANN to review and fix the current outcomes of community evaluations whereby most failed due to two criteria possibly contradicting each other.

By quickly and fairly evaluating community applicants, it could eliminate many contention sets that are still waiting on determinations which cause their monthly burn. With the large number of applications involved, this also could result in hundreds of millions of dollars not spent on applicants losing to successful community applications.

Other members of our contention set are also being punished by this unfair hold and they are required to continue their burn without any income nor an answer as to whether or not they are even eligible to be in the contention set since

community priority has not ever been determined.

## 8. Detail of Board or Staff Action – Required Information

**Staff Action:**

**Provide the Required Detailed Explanation here:**

An email that stated:

**This is a courtesy notification to inform you that we are updating application statuses and contention sets on the New gTLD Program microsite. (<https://gtdresult.icann.org/application-result/applicationstatus/viewstatus>) Application ID 1-1830-1672 has been identified as being impacted by the updates that will be made.**

**Your application status will be changed to “On Hold” to reflect that the application is involved in an ICANN Accountability Mechanism. For more information about ICANN’s Accountability Mechanisms, please refer to Sections IV and V of the ICANN Bylaws (<http://www.icann.org/en/about/governance/bylaws>).**

**In the coming days, an announcement along with an Applicant Advisory will be published with additional detail regarding how changes to application statuses impact application processing. Please monitor the New gTLD Microsite Announcements (<http://newgtlds.icann.org/en/announcements-and-media/latest>) for the most up-to-date information about the Program.**

We are a self-designated Community Applicant per section 1.2.3 of the AGB

We are in a string contention set

We have no pending change request

We are not in the 30-day application comment window for a change request

Additionally,

We have completed the evaluation along with all members of our contention set

We have no pending objections along with all members of our contention set

We have no unresolved GAC Advice

We are not classified as “High Risk” category of the Name Collision Risk Proposal along with all members of our contention set

While there still exist two cases that we objected to that are still to be decided,



these cases are NOT in our contention set and will not be in our contention set until a determination is made and we prevail or if ICANN re-addresses the string similarity and dispute issues.

In either case, **at this time** we passed all of the above criteria and should be invited to Community Priority Evaluation and our application should be removed from hold.

Releasing our application from hold and allowing us to continue to Community Priority Evaluation does not provide us with preferred treatment and all contenders could only benefit from an earlier evaluation result.

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

We are requesting that ICANN release our application from this unknown and biased hold and allow our application to proceed to a fair Community Priority Evaluation and not needlessly delay our application further.

If our application cannot be released from hold because of a determination or action required by ICANN, then the complete new TLD process should be placed on hold until such a time where ICANN can make correct and proper determinations and allow these decisions to be applied to all applicants equally and fairly.

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

We, as an applicant for the new generic Top Level domain name .shop, have standing to file this request for reconsideration.

By the ICANN evaluation panel not inviting us to Community Priority Evaluation it will result in more delays for delegation.

The burn rate for Commercial Connect to wait for ICANN to allow us to reapply for the .shop top level domain name has exceeded \$5 million USD. Additional delays amplify these costs. In addition, the burn rate experience by the potential 38 other eCommerce related name space applicants can cost these applicants over \$1.5 million USD for each month it is delayed.

The sooner we are invited to Community Priority Evaluation the less loss will be experience by all involved.

Commercial Connect is one of the older TLD applicants on record that made it through at least one application phase entirely and it still awaiting determination of delegation for now almost 14 years. This is in complete disregard for the applicant is in violation of CORE Value 8 and

which states:

CORE VALUE 8 - Making decisions by applying documented policies neutrally and objectively, with integrity and fairness. By delegating strings that clearly have similar meaning to community applicant strings before the CPE has even been performed, is a direct violation of documented policies. By ignoring requests from individuals and companies that bring attention to this infraction, ICANN is going against neutrality and objectivity.

CORE VALUE 9 - Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.

With an excess of \$6 million USD spent by Commercial Connect LLC on the .shop application and delegation process, we are certainly a major stakeholder and are one of the most affected entities of the new gTLD process. By ignoring our letters, complaints and requests, ICANN has violated Section 9. At the same time other applicants in our contention set are also facing large costs. Due to delays in processing our application and refusal to allow us to proceed to community evaluation in a timely manner.

The ICANN Board is not remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness, in fact it is stagnant and releasing similar TLDs that will harm the internet community and in essence diminish ICANN's effectiveness and ability to provide a secure and structured internet DNS Structure. Similar TLDs will only add confusion and make .com the only logical choice when choosing new domain names which may negate the entire original rationale for providing new TLDs.

1. The Board and the ICANN's lack of accountability to its own multi-stakeholder processes especially pertaining to TLD Similarity and erroneous application hold issues and ICANN's board refusing to follow GNSO's advice. – ICANN Violated General Mission – Mission Part 1, 2, 3 – Core Values 1, 2, 3, 4, 6, 7, 8, 9, 10, 11.
2. The Board allowing the delegation of .TIENDA, بازار (CORE's Bazaar or Market) and other similar TLD's that are in direct conflict and/or contention with CC's community .shop TLD which has yet to be allowed to undergo Community Priority Evaluation – Going against Community preference for name space. – ICANN Violated General Mission – Mission Part 3 – Core Values 1, 2, 3, 4, 6, 7, 8, 9, 10, 11.
3. The Board not properly resolving our motion for reconsideration Request 13-10 dated September 5, 2013 which is still not decided – – ICANN



Violated General Mission – Mission Part 1, 2, 3 – Core Values 1, 2, 3, 4, 6, 7, 8, 9, 10.

4. The Board not understanding the role of the Name Similarity Committee and misinterpreting the Application Guidebook even against notice from the GNSO urging correction to the error, along with 82+ additional open letters urging ICANN to rectify this situation, providing inaccurate and incomplete instructions to this committee and publically stating that the findings were independent and impartial when in fact ICANN never educated and instructed this committee on policies and the full requirements for string confusion and forced this committee to only perform visual similarity and ignore all other forms of confusion making these determination in no way independent nor impartial. – ICANN Violated General Mission – Mission Part 1, 2, 3 – Core Values 1, 2, 3, 4, 6, 7, 8, 9, 10.
5. The Board placing harsh time limits for filling a motion for reconsideration – 15 days does not give anyone the ability to consider all alternatives and if ICANN has done something harmful or incorrect, their obligation to the stakeholders should endure and they should be held accountable for a period much long than two weeks. The ICANN board is attempting to hollow out true accountability and this should be reversed. – ICANN Violated General Mission – Mission Part 1, 2, 3 – Core Values Core Values 1, 2, 3, 4, 6, 7, 8, 9, 10.
6. The Board allowing the changing of the decision time for the name similarity panel and not extending the time the applicants had to place dispute objections. Originally the applicants had 120 days to object and ICANN shortened it to less than 7 business days. – ICANN Violated General Mission – Mission Part 1, 2, 3 – Core Values Core Values 1, 2, 3, 4, 6, 7, 8, 9, 10.
7. By the Board changing the policies of the Independent Review Process it attempts to undermine the review process whereby it provides the type of review that can be performed and it solely chooses an arbitrator and has reduced the number of panelists which may significantly harm the Independent review process and we feel that the stakeholders will be harmed by this significant change. – ICANN Violated General Mission – Mission Part 1, 2, 3 – Core Values Core Values 1, 2, 3, 4, 6, 7, 8, 9, 10.
8. The Board's allowing ICANN to not publish letters of concern in a timely and transparent manner and refusing to answer letters that have pertinent and long term impact on the internet and its community. – ICANN Violated General Mission – Mission Part 1, 2, 3 – Core Values Core Values 1, 2, 3, 4, 6, 7, 8, 9, 10.

9. The Board failing to live up to promises and conditions they set when they delayed Commercial Connect's .shop application in 2000 and caused severe financial injury by our reliance on ICANN's commitments and statements. – ICANN Violated General Mission – Mission Part 1, 2, 3 – Core Values Core Values 1, 2, 3, 4, 6, 7, 8, 9, 10.

All of the above issues come to surface simply by not following the AGB guidelines along with ICANN ignoring in excess of 82+ public letters sent to ICANN urging reconsideration (1/3 of all correspondence received), and with each new procedure that is violated, all issues cumulatively become involved in each additional decision that is made.

**Some of the items whereby ICANN has violated its mission and core values include:**

1. In its basic Mission ICANN is to ensure stable and secure operation of the internet, by ignoring RFC 1591 whereby it states "Each of the generic TLDs was created for a general category of Organizations..." and allowing multiple TLDs with similar meanings, ICANN is neglecting its obligation.
2. Violated Part 3 of Mission – they have not been coordinating Policy development – If ICANN has changed its policy to allow similar TLD's against RFC1591 and other significant and relevant advisors, ICANN has not updated its policy to reflect this. In addition, by ignoring urgent requests pertaining to the new TLD Process and neglecting to perform proper string similarity test, ICANN has caused Commercial Connect LLC financial harm in excess of \$200,000 not to mention the hundreds of other applicants that had to participate in the Dispute Resolution process. The coordination and response of the new gTLD policy has been all but neglectful, inconsistent and suspect to foul play.
3. CORE Values – Violated 1 – Not preserving nor enhancing the stability of the internet – as mentioned above
4. CORE Values – Violated 2 – Not Respecting flow of information – No information has been provided to Commercial Connect on its concerns with policy issues and no information was provided to the general public as to who has been invited to contracting and who has been put on hold because of similarity concerns. The 82+ letters requesting reconsideration on similar domain names have simply been ignored – this is especially alarming when many of these letters come from the experts and panels ICANN originally contracted to design the process. By placing our application on hold without any explanation is a direct violation of its essential core value.



5. CORE Values – Violated 4 – Not supporting broad participation by ignoring all of the concerns pertaining to TLD similarity – With letters from over 82+ individuals and companies urging that ICANN properly perform String Similarity test as well as Commercial Connect formally requesting that they be present at any meeting to determine our motion for reconsideration, ICANN is not supporting and is in fact discouraging participation. In addition, by ICANN purposely delaying correspondence sent to ICANN and not publishing these concerns and complaints timely, it goes against openness and transparency as well as not supporting broad participation.
6. CORE Values – Violated 7 – Does not employ openness and transparency – No transparency on who is invited to contracting – see 82+ letters of correspondence to ICANN including Chuck Gomes and Marilyn Cade. By selectively censoring which letters would be published and when, ICANN is manipulating outcomes and information to serve their interests without regard to all stakeholders including TLD applicants and internet users at large.
7. CORE Values – Violated 8 - 8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness. By delegating strings that clearly have similar meaning to community applicant strings before the CPE has even been performed, is a direct violation of documented policies. By ignoring requests from individuals and companies that bring attention to this infraction, ICANN is going against neutrality and objectivity. By placing our application on hold is highly biased, unfair and causes harm. This is by no means neutral nor fair.
8. Violated 9 - 9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected. With an excess of \$6 million USD spent by Commercial Connect LLC on the .shop application and delegation process, we are certainly a major stakeholder and are one of the most affected entities of the new gTLD process. By ignoring our letters, complaints and requests, ICANN has violated Section 9. By placing our application on hold is in direct opposition to this core value.
9. The ICANN Board is not remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness, in fact it is stagnant and releasing TLDs that will harm the internet community and in essence diminish ICANN's effectiveness and ability to provide a secure and structured internet DNS Structure. It also diminishes the value of bringing new TLDs to the internet and only enhances the .com value.

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

Yes

No

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

The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.

The Board Governance Committee may dismiss Reconsideration Requests that are querulous or vexatious.

Hearings are not required in the Reconsideration Process, however Requestors may request a hearing. The BGC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing.

The BGC may take a decision on reconsideration of requests relating to staff action/inaction without reference to the full ICANN Board. Whether recommendations will issue to the ICANN Board is within the discretion of the BGC.

The ICANN Board of Director's decision on the BGC's reconsideration recommendation is final and not subject to a reconsideration request.

Signature 

Date 4/1/14