

MINISTERIO DE RELACIONES EXTERIORES  
DESPACHO VICEMINISTERIAL

Lima,

Dr. Steve Crocker  
Chairman of the Board  
Internet Corporation for Assigned Names and Numbers (ICANN)  
Los Angeles.-

Dear Mr. Crocker:

Regarding the documentation presented on March 3<sup>rd</sup>, 2016, by the Amazon Corporation, requesting an Independent Review, the Government of Peru would like to state the following:

1.- On paragraph 35 of the document titled "Request by Amazon EU S.A.R.L. for Independent Review", it is affirmed, among other, that the representative of Peru at the Durban GAC meeting, used "materially incorrect statements that contributed to the Governmental Advisory Committee's (GAC) consensus advice against the Applications".

The Government of Peru firmly rejects the presumption of any wrong doing. The facts expressed then by our representatives, assisted our legitimate rights as they still do today. Peru's Government officials do not engage in negotiating procedures as the one described in paragraph 35. Our professionals are highly qualified and it is only on that premise that they act on behalf of the Government of Peru.

2.- In the above mentioned document, the use of a manipulative scheme *vis a vis* the consensus reached by the GAC, is consistently implied. In paragraph 43, it is also stated that the "Early Warning" presented –following explicit rules set by ICANN- was "politically motivated". In this sense, we would like to reiterate the objective position that lead the GAC to include in the Durban Communiqué the outcome of the objection procedure, and the consensus obtained in this respect, as follows:

- a) The application for registration of the domain ".amazon" was a direct reference to the Amazonian region, defined as the area covered by the Amazon River basin, according to the biography of the founder of the company.
- b) The Amazon region comprises a major part of the Peruvian territory (782, 880, 55 km<sup>2</sup>) and one in which most part of the Peruvian ethnic population resides.
- c) The preservation of the Amazonian biome and its local populations should prevail over the interests of a private company which name is inspired by the region itself.



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d) Amazon is also the name of a department of Peru located in the northern part of the country and this fact is also recognized under ISO 3166-2.

e) The application requested by Amazon, partially coincided with the denomination, in English, of the Amazon Cooperation Treaty Organization (OTCA), created in 1978.

3.- Furthermore, the authors of the new request presented by the Amazon Corporation, fail to mention that Peru and Brazil acted representing eight countries of the Amazon region (six of them where not then members of the GAC). In contradiction with this line of argument, the testimony of Mr. Scott Hayden, refers to the number of times the Amazon Corporation reached out to the Amazon Cooperation Treaty Organization implying that the Corporation he represents, did understand our capacity as representatives of the OTCA.

4.- In this sense, Mr. Scott Hayden's testimony draws attention on the number of times the Corporation he represents, has tried to reach an agreement with all concerned parties. At this point, he fails to understand we are under no legal obligation to either reject or accept Amazon's proposals.

5.- The testimony of Mr. Hayden also describes an "aggressive" campaign lead by Peru and Brazil in the GAC and again, it is implied that through this course of action, other GAC members where persuaded to support consensus advice to the ICANN Board against the ".amazon" applications. This perspective is not only wrong. It ignores the fact that each GAC member is a qualified official acting on behalf of a sovereign country.

6.- Finally, we also find it necessary to refer to the description and defense argument presented by Amazon Corporation regarding their "business model" *vis a vis* the very basic matter underlying this new request for an independent review. Our "model" does not entail a business. As a member of the GAC, Peru assumes the responsibility of representing a nation, a millenary culture, a territory and all the resources within it. Our Government and its representatives are accountable for all their actions in every international fora.

Best regards,

  
Armando Raúl Patiño Alvístur  
Vice Minister of Foreign Affairs of Peru