

January 10, 2014

Dr. Steve Crocker, Chairman of the Board
Mr. Fadi Chehadé, President and CEO
Mr. Cherine Chalaby, Chair of the New gTLD Program Committee
Internet Corporation for Assigned Names and Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Dear Dr. Crocker, Messrs. Chehade and Chalaby, and Members of the New gTLD Program Committee:

On behalf of Amazon EU S.à.r.l (Amazon), we write in follow up to the attached December 24, 2013 letter from the Vice Minister of Foreign Affairs for Peru to the Board regarding our pending gTLD applications for .AMAZON and its IDN equivalents.

The Applicant Guidebook ("AGB") specifically requires an exact match to names listed in the ISO 3166-2 standard. AMAZON is not an exact match with AMAZONAS.

As stated in our Response to the GAC's Durban Communiqué:

1. .AMAZON, .アマゾン and .亚马逊 are not country or territory names, and thus are not prohibited as gTLD strings under Section 2.2.1.4.1 of the AGB;
2. Nor are they geographic names that require documentation of support or non-objection from any government or public authority pursuant to Section 2.2.1.4.2 of the AGB.

Five specific categories of strings are considered "geographic names" requiring such government or public authority support, including "any string that is an exact match of a sub-national place name, such as a county, province, or state, listed in the ISO 3166-2 standard." (AGB §2.2.1.4.2) (emphasis added).


.AMAZON, .アマゾン and .亚马逊 do not fall within any of the five categories, including the ISO 3166-2 list.

The AGB is clear in its distinction between country, territory and capital city names listed in the ISO 3166-1 standard - which are all protected "in any language" - and sub-national place names (e.g., a county, province, or state), which require protection of the "exact match" of those place names listed in the ISO 3166-2 standard. Requiring sub-national place names to be subject to government approval in any language goes beyond the clear rules set out in the AGB. Indeed, the section of the AGB cited by the Vice Minister clearly states this rule.

As noted in our reply to the GAC's Durban Communiqué, a recent decision of the Peruvian Trademark Office found no similarities between a third party mark for AMAZONAS and our well-known AMAZON mark "since the denomination AMAZONAS makes reference to one of the regions located north of Peru, while the denomination AMAZON will be perceived by the average consumer as a fanciful sign."¹

Thank you for your time and consideration.

With best regards,


Stacey King
Sr. Corporate Counsel - Amazon

¹ *Maribel Portella Fonseca v. Amazon Technologies, Inc.*, Resolución N. 2154-2013/CSD-INDECOPI.



PERÚ

Ministerio
de Relaciones Exteriores

Lima, December 24th, 2013

Mr. Steve Crocker
Chair of the Board
of ICANN

Dear Mr. Crocker:


Regarding the objection presented by Peru, Brasil and the Amazonian countries, for the application of the domain ".amazon", I am pleased to extend a copy of the certification provided by the International Organization for Standardization.

In the above mentioned document, the department of Amazonas, located in Peru, is registered in ISO 3166-2, which according to article 2.2.1.2.2 "Geographic Names Requiring Government Support" of the gTLD Applicant Guidebook, constitutes a safeguard for any interested party in the registration of a geographical domain name:

"3. An application for any string that is an exact match of a sub-national place name, such as a country, province, or state, listed in the ISO 3166-2 standard."

We believe, this information further advances the objection presented by Peru, Brasil and the Amazonian countries that, as established, should be understood as covering the expression subject of application, in every language.

Regards,


Fernando Rojas Samanez
Vice Minister of
Foreign Affairs of Peru