

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.

1. Requester Information

Name: Badr Boubker Seddik Director of digital Economy at the Ministry of trade, industry, investment and digital economy/ Kingdom of Morocco

Address: Contact Information Redacted

Contact Information **Email:** Contact Information Redacted

Phone Number (optional): Contact Information Redacted

(Note: ICANN will post the Requester's name on the Reconsideration Request page at <http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>. Requestors address, email and phone number will be removed from the posting.)

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

Board action/inaction

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.)

The Report of The Geographic Names Panel regarding extended evaluation result of the application ID 1-1720-93817 for string TATA, applied by TATA SONS Limited.

4. Date of action/inaction:

(Note: If Board action, this is usually the first date that the Board posted its resolution and rationale for the resolution or for inaction, the date the Board considered an item at a meeting.)

The report was established on 18 July 2014, we don't have an idea about the date when the report was publicly posted.

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 fifteen 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.)

On 9 august 2014 from the ICANN website

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

The Geographic names panel has determined that the document provided by the applicant met all relevant criteria in section 2.2.1.4.3 of the applicant Guidebook. However, the applicant did not receive any document for non objection or support to his request from any Moroccan authority, in particular from the authority in charge of the DNS policy & regulation or from any local authority from Tata Province as Moroccan subdivision.

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

The Government authority, the Tata Province Authority and the community representing local authority and local citizen are disappointed by the decision of The Geographic names panel.**8. Detail of Board or Staff Action – Required Information**

Staff Action: If your request is in regards to a staff action or inaction, please

provide a detailed explanation of the facts as you understand they were provided to staff prior to the action/inaction presented to the staff and the reasons why the staff's action or inaction was inconsistent with established ICANN policy(ies). Please identify the policy(ies) with which the action/inaction was inconsistent. The policies that are eligible to serve as the basis for a Request for Reconsideration are those that are approved by the ICANN Board (after input from the community) that impact the community in some way. When reviewing staff action, the outcomes of prior Requests for Reconsideration challenging the same or substantially similar action/inaction as inconsistent with established ICANN policy(ies) shall be of precedential value.

Board action: If your request is in regards to a Board action or inaction, please provide a detailed explanation of the material information not considered by the Board. If that information was not presented to the Board, provide the reasons why you did not submit the material information to the Board before it acted or failed to act. "Material information" means facts that are material to the decision.

If your request is in regards to a Board action or inaction that you believe is based upon inaccurate, false, or misleading materials presented to the Board and those materials formed the basis for the Board action or inaction being challenged, provide a detailed explanation as to whether an opportunity existed to correct the material considered by the Board. If there was an opportunity to do so, provide the reasons that you did not provide submit corrections to the Board before it acted or failed to act.

Reconsideration requests are not meant for those who believe that the Board 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 in order to state a reconsideration request. Similarly, new information – information that was not yet in existence at the time of the Board decision – is also not a proper ground for reconsideration. Please keep this guidance in mind when submitting requests.

Provide the Required Detailed Explanation here:

(You may attach additional sheets as necessary.)

A fuller explanation is contained in the attached letter dated 17th September 2014 which we are also submitting as a supporting document to this completed reconsideration form.

Our request for reconsideration is made pursuant to the relevant provisions in the ICANN Bylaw and in the applicant Guidebook for new gTLD program.

"Tata" is the name of the Moroccan sub-division/province registered in ISO 3166-2 standard, which according to the 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 geographic domain name and any

application for a string that is an exact match of a sub-national place name, like “Tata”, required support from relevant government.

Taking into consideration that the applicant has requested several Moroccan authority, he did not receive any formal non-objection letter from any of them.

We consider that the document provided by the applicant did not reflect the Moroccan view and do not, in any case, constitute a Moroccan Government support/ non-objection letter for the that application. By applying the necessary legal principles against the decision of the Geographic names panel, we conclude that the decision was unfair and did not respect ICANN principle about protecting geographic areas.

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?)

The decision should be cancelled and the request for application for Tata should be rejected.

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.

(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 requester 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 or staff action or inaction that is the basis of the Request for Reconsideration. 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 from the BGC must be capable of reversing the harm alleged by the requester. Injury or harm caused by third parties as a result of acting in line with the Board’s decision 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.)

On behalf of the Moroccan Government, We have standing to ask for reconsideration as a directly affected party. The justification for requesting the reconsideration is our strong belief that the document provided by the applicant dealing with a position of the Moroccan Government is not conforming to that prescribed by ICANN in the applicant Guidebook. We believe that a prescribed procedure to validate the content of that document was not followed by the Geographic names panel.

A decision by the Geographic names panel to approved the extended evaluation step of the application for dotTata is injurious to the Moroccan Government right, violates the ICANN safeguard approach to protect the geographic areas that are registered in ISO 1366-2 as national subdivision and frustrates our aspirations. A reversal of the Geographic names panel decision will mitigate these damages and enable us recover our position.

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 the same for all of the complaining parties? Explain.

The undersigned represents the Moroccan Government and the Tata Province authorities and represents citizens and consumers in the defense of the national public policy interests that concerns them in the case in hand.

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 at <http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm>.

See attached letter to ICANN dated 17th July 2014

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.


Le Directeur
de l'Économie Numérique
Signature Signé: Boubker Seddik BADR

25 SEPT 2014
Date