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Fadi Chehadé, CEO
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Steve Crocker Chair of the
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Subject : Procedure for the attribution of the new “.spa” gTLD (applications no 1-1309-12524 and no 1-1619-92115) - NGPC Resolution 2014.05.14 NG02

Dear Mr Chehade,
Dear Mr Crocker,

This letter refers to the procedure for the attribution of the new gTLD “.spa” and follows upon the decision of 14 May 2014 of NGPC concerning this issue. In answer to this decision, we are able to provide you the following information.

We take note of the NGPC resolution dated 14 May 2014 that states “The NGPC accepts this advice and acknowledges that the GAC has finalized its consideration of the .SPA string and the report that an agreement has been reached between the City of Spa and one of the applicants. The NGPC notes that there is no GAC advice pursuant to Module 3.1 of the Applicant Guidebook. As a result, the applications will proceed through the normal process.”

Belgium seeks clarification from the NGPC on what NGPC means by the combined statement which “accepts the [GAC] advice” and will proceed with the “normal process”, more specifically:

- i. Does that mean ICANN will proceed according to the AGB and what are the concrete next steps?
- ii. AGB: 2.2.1.4.2 states that the determination of “which governments are relevant” to a geographic name requiring government support (or non-objection) is based “on the inputs of the applicant, governments, and its own research and analysis.”
- iii. The GAC advice states clearly that the relevant government for .SPA is the city of Spa (see Singapore GAC advice).
- iv. Based on NGPC’s acceptance of the GAC Advice and the AGB as the “normal process” therefore, the only appropriate process forward would be to follow the AGB: 2.3.1 and trigger a Geographic Names Extended Evaluation.

Furthermore we seek clarification for the statement of the NGPC that there is no GAC advice pursuant to Module 3.1 of the AG. Four GAC advices relating to this issue were adopted by consensus. In its Beijing Communiqué of 11 April 2013, the Governmental Advisory Committee of ICANN (GAC) has integrated the .spa in the list of strings that should be subject to special consideration by ICANN. In response to this advice, a candidate has withdrawn his candidacy. On two occasions, in the Durban and Buenos Aires Communiqués, the GAC has integrated the .spa in the list of sensitive words and asked the NGPC « *not to proceed beyond initial evaluation until the agreements between the relevant parties are reached* ». It follows

logically from the recognition of the spa., as a geographic name requiring government support within the meaning of AGB 2.2.1.4.2.

The NGPC has accepted these advices four times and expressed its desire not to conclude immediately a Registry Agreement with these candidates. The NGPC has recognized the GAC's intention to allow the parties to reach an agreement (resolution of 10 September 2013). Finally, the GAC's advice is clearly considered as an objection by the Applicant Guidebook (AGB 3-2). An objection has been filed in time, which explains that the rights holders have considered it was not necessary to start another procedure of public objection.

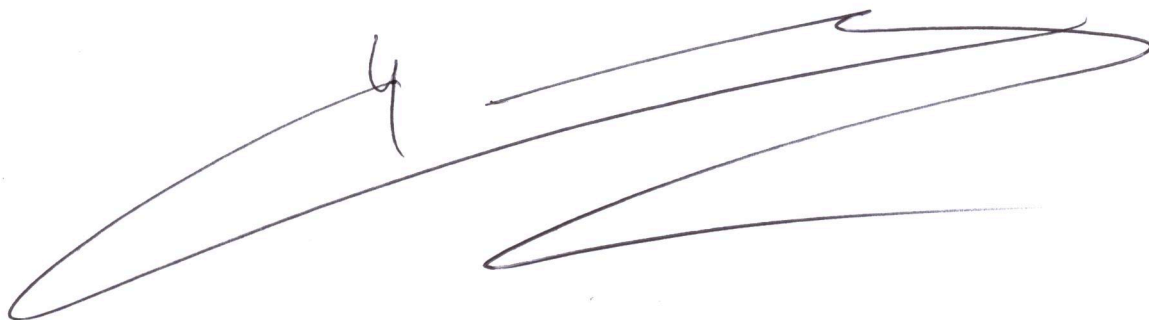
In conclusion, it is clear from the foregoing that the gTLD ".spa" has been, four times, identified by all members of the GAC as a geographic domain name whose delegation requires the support of the authorities of the town of Spa. The GAC asked the NGPC not to delegate the gTLD as long as no agreement has been reached between the parties. In accordance with the principles enshrined in the Applicant Guidebook, Belgium would like the Board of Directors of ICANN to delegate the new gTLD ".spa" to the candidate who has a formal agreement with the local authorities of the city of Spa.

We remain at your disposal for further details.

Yours faithfully.

Johan Vande Lanotte
Deputy Prime Minister
Minister of Economy Consumer affairs and
North Sea

Pour le Ministre,

A large, stylized handwritten signature in dark ink, consisting of several sweeping, overlapping loops and a small vertical stroke on the left side.