

Subject: [reconsideration request] RE: Reconsideration Request - 1-1505-15195 (.HOSPITAL)
Date: Monday, December 30, 2013 5:24:31 AM Pacific Standard Time
From: Alain Pellet Contact Information Redacted
To: Don Moody Contact Information Redacted Contact Information Redacted
reconsideration@icann.org <reconsideration@icann.org>
CC: Contact Information Redacted
Contact Information Redacted
Contact Information Redacted
Contact Information Redacted

Dear Mr Moody,

I am writing in response to your email dated 28 December 2013, in which you submitted a Reconsideration request to the Board Governance Committee (BGC) of ICANN.

I would first like to put the emphasis on the fact that the New gTLD Dispute Resolution Procedure, as detailed in the Module 3 of the Applicant Guidebook (AGB), makes no specific provisions for an appeal process. As stated in Section 3.4.6 of the AGB, “the findings of the panel will be considered an expert determination and advice that ICANN will accept within the dispute resolution process”.

According to ICANN website, this procedure is intended for “any person or entity that has been materially affected by any ICANN staff action or inaction”. Nor the ICC, nor the Expert Panels and not even the Independent Objector are staff members of ICANN.

In several recent cases the BGC has issued recommendations in which it affirms that “the Reconsideration process is not intended to reexamine the established dispute resolution process”, (see e.g.: <http://www.icann.org/en/groups/board/governance/reconsideration/recommendation-tencent-29oct13-en.pdf>, p.9).

Sincerely,

Alain PELLET
ICANN – Independent Objector

Le 28 décembre 2013 à 09:26, Don Moody Contact Information Redacted a écrit :

Dear all,

I note that all attachments may not have gone through to all parties and that certain addresses bounced back as undeliverable (possibly due to filesize restrictions) so I am including the entire message again here.

Thank you.

Thank you.

Don C. Moody, J.D., M.S.
New gTLD Disputes
Registered USPTO

Contact Information Redacted

From: Don Moody

Sent: Friday, December 27, 2013 11:59 PM

To: Contact Information Redacted

Cc: Jonathon Nevett; Contact Information Redacted

Subject: RE: Reconsideration Request - 1-1505-15195 (.HOSPITAL)

To whom it may concern:

Please find the attached Reconsideration Request, with supporting Attachments, on behalf of Applicant/Requestor Ruby Pike, LLC regarding New gTLD Application No. 1-1505-15195 (.HOSPITAL) and ICC Case No. EXP/412/ICANN/29 (IO v. Ruby Pike, LLC).

Thank you.

Don C. Moody, J.D., M.S.

New gTLD Disputes

Registered USPTO

Contact Information Redacted