

PRESS RELEASE

Famous Four Media: Statement concerning .Sport

Thursday, 31 October 2013, Gibraltar:

Famous Four Media was surprised and disappointed to receive the decision of the Panellist Professor Dr. Guido Tawil, appointed by the International Centre for Expertise, in the case of SportAccord v dot Sport Limited EXP 471/ICANN/88. Famous Four Media and its applicant dot Sport Limited maintain that the word “sport” is understood by everyone to be a totally generic word and should not be claimed by one undelineated “community”.

The decision strikes right at the heart of the concept of freedom of expression, and significantly erodes transparency and predictability in the gTLD programme. In particular, it confirms the concerns expressed by the NCUC at the time of the formulation of the ICANN Final Report in 2007 and the subsequent rules in the Applicant Guidebook, that the community objection process could be hijacked by competing applicants.

The Panellist demonstrates a large number of inconsistencies from both procedural and argument points of view, poor conclusions and displays a perceptible bias towards the Objector even prior to any conclusions being drawn. For example:

- *“ it is the Appointed Expert’s view that the level of global recognition of any institution should be analysed within the context of the community that such institution is claiming to be a part of, not the public in general.”* This argument is entirely circular, in that it presupposes a community exists, and not in keeping at all with the Guidebook, which clearly denotes one factor for standing as “level of global recognition”
- *“[the Objector] acts for a preponderant part of such community”* (at paragraph 74). Sports play a part the lives of nearly every human being on the planet – nearly 7 billion people. It is not exclusive to Olympians or global or national federations. To assert that SportAccord acts for a preponderant part of the sport community has no basis in fact.
- *“The fact that the media (which may constitute a different community) or viewers are unable to be part of this association is irrelevant to consider Objector as a delineated community. Otherwise, no community could be recognized under the ICANN gTLD proceedings since it would be easy for any Applicant to find secondary or not closed-related members outside of it.”*(at paragraph 106). This statement is clearly a non sequitur. It is not difficult to conceive of communities which are exclusive, and in all cases these do not consist of generic words like “sport.” One example already given by other commentators might be “.yorkuniversity.”
- *The concept of “community” is not defined by the ICANN Guidebook.”* (at paragraph 100). He then goes on to use the “British English Dictionary” definition of “community”. This telling statement demonstrates the Panellists woeful understanding of the new gTLD process. The term “community” is defined at paragraph 4.2.3 of the Guidebook, as having “evolved

considerably from its Latin origin – *communitas*” meaning “fellowship” – while still implying more of cohesion than a mere commonality of interest”.

Famous Four Media is disappointed that the Panellist fails entirely to take into account that the objector is a competing applicant merely trying to game the system, and avoid the more rigid scrutiny of the Community Priority Evaluation process. Famous Four Media simply cannot see how those involved in or interested in sport are better served by the delegation of the gTLD to a sports federation with no experience in the operation of a gTLD and the stability and security of the Internet name space coupled with amorphous registration policies. Indeed, the Panellist himself said *“even though SportAccord has not proved that dot Sport Limited will not act (or will not intend to act) in accordance with the interests of the Sport Community, the Appointed Expert considers that this is only one factor, among others, that may be taken into account in making this determination. Conversely, the Appointed Expert sees a strong dependence of the Sport Community on such domain name.”* This is the wrong test. What he is in effect saying is that the .SPORT gTLD should be delegated: just not to dot Sport Limited. This was not his decision to make.

Citing the Olympic movement’s prime message <http://www.olympic.org/sport-for-all> “Sport for all, sport belongs to everyone;” it is Famous Four Media’s unshakable belief that this statement is true and just and that is why Famous Four Media applied for an open TLD – a top level domain that is open to everyone and offered to everyone on a level and equitable basis. Trying to claim ownership and representation of sport is akin to claiming representation for the human race.

Famous Four Media shall pursue rigorously all available legal avenues available to it to have the decision independently reviewed by ICANN and/or others as the case may be, and reversed.

Contact

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About Famous Four Media

Famous Four Media Limited was set up in 2011 by a small group of recognized domain name experts and successful financiers to actively provide products and services to TLD Registry operators under ICANN’s new generic Top Level Domains (“gTLD”) program.

Drawing on the best from both Registries and Registrars, Famous Four Media’s management team has extensive experience in the domain name industry having successfully launched, operated, marketed and run generic TLDs under previous rounds and having managed some of the largest corporate and retail domain name registrars in the world.

The 57 gTLD applications, that are currently under Famous Four Media Limited management, include some of the most interesting and valuable domain suffixes, such as .ACCOUNTANT, .BID, .DATE, .DOWNLOAD, .FAITH, .LOAN, .MEN, .REVIEW, .SCIENCE, .TRADE, .WEBCAM and .WIN