



PERÚ

Ministerio
de Relaciones Exteriores

"DECENIO DE LAS PERSONAS CON DISCAPACIDAD EN EL PERÚ"
"AÑO DE LA PROMOCIÓN DE LA INDUSTRIA RESPONSABLE Y DEL COMPROMISO CLIMATICO"

Lima, 03 MAR. 2014

OF. RE (DAE-DCT) N° 0-4-2/56
Pending resolution of the Board of ICANN
regarding ".amazon"

Dr. Steve Crocker, Chairman of the Board
Mr. Fadi Chehadé, President and CEO
Mr. Cherline Chalaby, Chair of the New gTLD Program Committee
Internet Corporation for Assigned Names and Numbers (ICANN)

Regarding the letter of the Amazon Corporation dated January 10th, we would like to take into account the following:

1.- As to the Resolution of the Office of Trademarks and Patents of Peru (INDECOPI), mentioned in the letter of Amazon, it should be noted that the two lines quoted by Amazon, are just a short part of a Resolution of 18 pages emitted by INDECOPI. The quote was taken out of context, thus giving a wrong interpretation of the real purpose of the Resolution or, in turn, of the position of the Government of Peru.

2.- It is also worth noting the fact that in the same process, Amazon mentioned the need to avoid confusion between similar names: *"...it is essential that the authority seems that the particle or name Amazon that makes up the requested sign, translates into English as AMAZON. This means that the signs in question [AMAZONASPERU and AMAZON] are equivalent and consequently, the consumer trying to remember them, is going to associate them with the same concept, i.e. the Amazon rainforest, thus producing both direct and indirect confusion between the signs"* (page 7 of the notice of opposition of Amazon to INDECOPI).

3.- In this sense, the argument of "equivalence" upon translation set forth by Amazon, coincides with the spirit of Module 2 of the gTLD Applicant Guidebook, which seeks ultimately, to protect the use of geographic names and safeguard the rights of the possibly affected countries, communities and the culture they represent.

4.- In this regard, we would like to reiterate the position that led the Governmental Advisory Committee (GAC) to include in the Durban Communiqué the outcome of the objection procedure, and the consensus obtained in this respect:

- a) The application for registration of the domain ".amazon" is a direct reference to the Amazonian region (defined as the area covered by the Amazon River basin), according to the biography of the founder of the company.
- b) The Amazon region comprises a major part of the Peruvian territory (782, 880, 55 km²) and one in which most part of the Peruvian ethnic population resides.
- c) The preservation of the Amazonian biome and its local populations should prevail over the interests of a private company which name is inspired by the region itself.
- d) Amazon is also the name of a department of Peru located in the northern part of the country and this fact is also recognized under ISO 3166-2.
- e) The application requested by Amazon, partially coincides with the denomination, in English, of the Amazon Cooperation Treaty Organization (OTCA), created in 1978.

We finally hope that ICANN meeting to be held in March this year in Singapore, will adopt a clear resolution in this matter, reflecting the outcome of the GAC Durban Communiqué

Best regards,



Fernando Rojas Samané
Vice Minister of
Foreign Affairs of Peru