

Reconsideration Request Form

Version as of 21 September 2018

ICANN's Board Accountability Mechanisms Committee (BAMC) is responsible for receiving requests for reconsideration (Reconsideration Request) from any person or entity that has been adversely affected by the following:

- (a) One or more Board or Staff actions or inactions that contradict ICANN's Mission, Commitments, Core Values and/or established ICANN policy(ies);
- (b) One or more actions or inactions of the Board or Staff that have been taken or refused to be taken without consideration of material information, except where the Requestor could have submitted, but did not submit, the information for the Board's or Staff's consideration at the time of action or refusal to act; or
- (c) One or more actions or inactions of the Board or Staff that are taken as a result of the Board's or Staff's reliance on false or inaccurate relevant information.

The person or entity submitting such a Reconsideration Request is referred to as the Requestor.

Note: This is a brief summary of the relevant Bylaws provisions. For more information about ICANN's reconsideration process, please refer to [Article 4, Section 4.2 of the ICANN Bylaws](#) and the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en>.

This form is provided to assist a Requestor 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.

Requestors 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. Requestors may submit all documentary evidence necessary to demonstrate why the action or inaction should be reconsidered, without limitation.

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. Requestor Information

Name: Bryan Ealba

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional): Contact Information Redacted

(Note: ICANN will publish the Requestor's name on the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en> in accordance with the ICANN [Privacy Policy](#). Requestor's address, email and phone number will be removed from the publication.)

2. Request for Reconsideration of:

Board action/inaction

Staff action/inaction

3. Description of specific action you are seeking to have reconsidered.

Compliance case: 01136612

Flatly refusing to recognize the United States of America's sovereign law of it's lands.

4. Date of action/inaction:

07/07/2022

5. On what date did you become aware of the action or that action would not be taken?

07/07/2022

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

I feel this affects every person in American society, as separation diminishes, the individuals who feel they have made a mistake, or were coerced into this lifestyle develop psychological issues. It is a spectrum, as all things. Also, it further endangers family stability, which time and again proves the most beneficial to children (personally, I would not know.). Infidelity is, I believe #1 on reasons for divorce (Personally, I am aware of this. I had it happen to 2 people I know, kind of.)

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

Besides the obvious spread of STIs, and infidelity. The narcissism that develops in the providers, makes them, equate relationships on any level to strictly money. I know we are Capitalist, this is more like a disorder. It is illegal, people are being exploited. Did we ever ask if those 50 dead bodies in that semi were field hands or women to put to work?

8. Detail of Board or Staff Action/Inaction – Required Information

Staff decided, I will quote from the initial response:

"Thank you for submitting a complaint to ICANN Contractual Compliance concerning the domain name adultsearch.com. Your report has been entered into ICANN's database. For reference your case number is: 01136612.

Please note that ICANN does not register domain names or control their content, and has no ability to activate, suspend or otherwise modify domain names. Registrars under the 2013 Registrar Accreditation Agreement (RAA) are required to respond to abuse reports that are sent to its published abuse contact details. However, please note that registrars are not required by the RAA to suspend or delete domain names in response to abuse reports.

ICANN will follow up with the contracted party within ICANN's scope and per process and provide you an update with its findings."

(It sounded to me like this nameless individual had already made up their mind, I am fresh back in the game and I am sure their are preexisting relationships. I was not nice to Namecheap, I will never be nice to Namecheap. I think they do not have our best interest in mind, and are not forthcoming with the reality of their situation)

Here is the follow up, the next day...

Thank you for submitting a complaint to ICANN Contractual Compliance. ICANN has reviewed and closed your complaint because:

- The registrar demonstrated that it took reasonable and prompt steps to investigate and respond appropriately to the report of abuse. Specifically, the registrar responded to you on 26 June 2022, 29 June 2022, 30 June 2022 and 1 July 2022 regarding your abuse report.

Please note that ICANN's authority extends to the enforcement of the requirements outlined in the agreements that it has with its contracted parties, including the Registrar Accreditation Agreement ("RAA"). To that end, Section 3.18 of the RAA requires registrars "to take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse". Any specific action that a registrar takes on domain names it sponsors following the receipt of an abuse report depends on the registrar's own domain name use and abuse policies, and is not determined by ICANN. The RAA does not require registrars to suspend or delete domain names in response to abuse reports, and ICANN has no contractual authority to instruct registrars to take specific action(s) or otherwise outside the mentioned agreements.

Please note that responses to closed cases are not monitored. Therefore, if you require future assistance or have any questions regarding this case that is being closed, please email compliance@icann.org. If you have a new complaint, please submit it at <http://www.icann.org/resources/compliance/complaints>.

Provide the Required Detailed Explanation here:

From the RAA definitions, this is the 2013 version, I do not know which they are tied to:

1.13 "Illegal Activity" means conduct involving use of a Registered Name sponsored by Registrar that is prohibited by applicable law and/or exploitation of Registrar's domain name resolution or registration services in furtherance of conduct involving the use of a Registered Name sponsored by Registrar that is prohibited by applicable law.

I am a little confused as to ICANN's position, or you stating prostitution is legal in the United States? Or, that Federal law does not define what is or is not legal in the US?

Then we get into section 3, which is mostly technical...

3.7 Business Dealings, Including with Registered Name Holders.

3.7.1 In the event ICANN adopts a Specification or Policy that is supported by a consensus of ICANN-Accredited registrars as reflected in the Registrar Stakeholder Group (or any successor group), establishing or approving a Code of Conduct for ICANN-Accredited registrars, Registrar shall abide by that Code of Conduct.

3.7.2 Registrar shall abide by applicable laws and governmental regulations.

Section 3.7.2, which I feel should be clarified, it leaves a lot to interpretation, I read it as "Don't do anything illegal." Which is defined in section 1.13.

Then we get to our anchor:

3.18.2 Registrar shall establish and maintain a dedicated abuse point of contact, including a dedicated email address and telephone number that is monitored 24 hours a day, seven days a week, to receive reports of Illegal Activity by law enforcement, consumer protection, quasi-governmental or other similar authorities designated from time to time by the national or territorial government of the jurisdiction in which the Registrar is established or maintains a physical office. Well-founded reports of Illegal Activity submitted to these contacts must be reviewed within 24 hours by an individual who is empowered by Registrar to take necessary and appropriate actions in response to the report. In responding to any such reports, Registrar will not be required to take any action in contravention of applicable law.

Now, I believe, this is the part where this language is being misinterpreted.

contravention

kɒnˈtrə-vənˈʃən

noun

The act of contravening or the state of being contravened; a violation, contradiction, or inconsistency.

The act of opposing, antagonizing, or obstructing; counteraction.

The act of transgressing or violating; violation: as, the proceedings of the allies were in contravention of the treaty.

The language clearly states the registrar will not be asked to continue breaking the law. Not that it is their choice. It is a protection clause for law abiding citizens who may be asked to break the law. Not criminals who decide it is okay to keep breaking the law. I am not a lawyer, but I think I am correct.

So, the opposite of following the RAA's very clear definitions as to the responsibility, in regards to illegal content, stands. Take it down, offline. If it were child pornography, which is illegal, too. Would I have to ask twice and have someone's opinion dictate the resolution? No, this is law. If it changes, it changes. Currently, this is the law and it is a big problem.

9. **What are you asking ICANN to do now?**

Compel these registrars to honor their commitment defined in the RAA, and regardless of their personal opinion, or financial enrichment, from this illegal activity. Treat it the same as every other law.

10. **Please state specifically the grounds under which you have the standing and the right to assert this Reconsideration Request, and the grounds or justifications that support your request.**

I do not want to cite the entirety of the RAA, however, I feel ICANN takes a very soft approach towards it's authority regarding the behavior of these companies. Granted, they are multi-billion dollar entities. Money just does not mean

anything to me, personally, if it induces suffering. I think, it should be removed from the persons who behave that way.

These sections are from the suspension/termination section. Continuing to provide services to illegal content, I believe fits. Considering, the attitude towards their commitment, I would begin holding these organizations to upholding the law. You cannot fly in the face of the law to make money. That is called criminal behavior. They will straighten up at strike two.

5.5.4 Registrar fails to cure any breach of this Agreement within twenty-one (21) days after ICANN gives Registrar notice of the breach.

5.5.5 Registrar fails to comply with a ruling granting specific performance under Sections 5.7 or 7.1.

5.5.6 Registrar has been in fundamental and material breach of its obligations under this Agreement at least three (3) times within a twelve (12) month period.

5.5.7 Registrar continues acting in a manner that ICANN has reasonably determined endangers the stability or operational integrity of the Internet after receiving three (3) days notice of that determination.

*****Could we censor this portion if it is to be public? If not, I will redact it and resubmit*****

I personally know of a 24 year old immigrant from Cuba. She has lived here since she was 14, she barely speaks conversational English, she cannot do simple addition of 3 digit numbers.

She was recruited young. She has had intercourse, by her count, with 3-5 thousand men for money. She has performed oral sex on 10-15 thousand men. I do not care how you frame this. It is wrong. She sees nothing wrong with it. Her story is what moved me to action. She is also, from above, all about money. There is no work and save and build. When she is no longer fit for service, what is she going to do? This is a problem

that will have generational effects for an immigrant community. I get upset thinking about the people who could justify normalizing that in a young woman. It is wrong. That is why when people brush it to the side, I get angry. Let someone do that to you.

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 substantially the same for all of the Requestors? Explain.

They are not aware. Perhaps some have the shortsighted view that their lifestyle is being hindered? I feel that their socialization into a world of complete commercialization is wrong, too. The rest of the factors far outweigh that portion. So, if that qualifies, then yes, multiple persons.

12. Are you bringing this Reconsideration Request on an urgent basis pursuant to Article 4, Section 4.2(s) of the Bylaws?

Yes

No

12a. If yes, please explain why the matter is urgent for reconsideration.

13. 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 on the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en>.

Terms and Conditions for Submission of Reconsideration Requests

Reconsideration Requests from different Requestors may be considered in the same proceeding so long as: (i) the requests involve the same general action or inaction; and

(ii) the Requestors are similarly affected by such action or inaction. In addition, consolidated filings may be appropriate if the alleged causal connection and the resulting harm is substantially the same for all of the Requestors. Every Requestor must be able to demonstrate that it has been materially harmed and adversely impacted by the action or inaction giving rise to the request.

The BAMC shall review each Reconsideration Request upon its receipt to determine if it is sufficiently stated. The BAMC may summarily dismiss a Reconsideration Request if: (i) the Requestor fails to meet the requirements for bringing a Reconsideration Request; or (ii) it is frivolous. The BAMC's summary dismissal of a Reconsideration Request shall be documented and promptly posted on the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en>.

Hearings are not required in the Reconsideration Process; however, Requestors may ask for the opportunity to be heard. The BAMC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing. The BAMC's decision on any such request is final.

For all Reconsideration Requests that are not summarily dismissed, except where the Ombudsman is required to recuse himself or herself and Community Reconsideration Requests, the Reconsideration Request shall be sent to the Ombudsman, who shall promptly proceed to review and consider the Reconsideration Request. The BAMC shall make a final recommendation to the Board with respect to a Reconsideration Request following its receipt of the Ombudsman's evaluation (or following receipt of the Reconsideration Request involving those matters for which the Ombudsman recuses himself or herself or the receipt of the Community Reconsideration Request, if applicable).

The final recommendation of the BAMC shall be documented and promptly (i.e., as soon as practicable) posted on the Reconsideration Website at <https://www.icann.org/resources/pages/accountability/reconsideration-en> and shall address each of the arguments raised in the Reconsideration Request. The Requestor may file a 10-page (double-spaced, 12-point font) document, not including exhibits, in rebuttal to the BAMC's recommendation within 15 days of receipt of the recommendation, which shall also be promptly (i.e., as soon as practicable) posted to the ICANN Reconsideration Website and provided to the Board for its evaluation; provided, that such rebuttal shall: (i) be limited to rebutting or contradicting the issues raised in the BAMC's final recommendation; and (ii) not offer new evidence to support an argument made in the Requestor's original Reconsideration Request that the Requestor could have provided when the Requestor initially submitted the Reconsideration Request.

The ICANN Board shall not be bound to follow the recommendations of the BAMC. The ICANN Board's decision on the BAMC's recommendation is final and not subject to a Reconsideration Request.

By submitting my personal data, I agree that my personal data will be processed in accordance with the ICANN [Privacy Policy](#), and agree to abide by the website [Terms of Service](#).

A large, bold, black handwritten signature scribble that is mostly illegible.

Signature

_____07/16/2022_____

Date

_____Bryan Ealba_____

Print Name