

## **Requirement for ALAC to advise the Board of ICANN the rejection of the applications 'Patagonia'**

The undersigned request to ALAC to advise the Board of ICANN to reject the application for the '.patagonia' according the ICANN bylaws, because the following reasons:

1.- The community does not have enough time to analyze and understand the true dimension of objection process for new TLDs. The filing of this requirement and other documents presented are proof of that.

2.- Furthermore, we believe the requirements for the objection are proved.

For an objection to be successful, the objector must prove that:

- The community invoked by the objector is a clearly delineated community; and
- Community opposition to the application is substantial; and
- There is a strong association between the community invoked and the applied-for gTLD string; and
- The application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted.

The undersigned believe that it meets the four requirements for the objection to be successful as we shall see below.

### **A.- RELATED '.PATAGONIA'**

#### **1.- COMMUNITY**

Patagonia is a region and / or geographic territory located in the most southern part of America, comprising areas of southern Argentina and Chile. Politically the region is divided into two: the Patagonia Argentina to the east, and the Chilean Patagonia to the west.

Patagonia covers an area of approximately 1,060,631 km<sup>2</sup>. Patagonia region of Argentina is clearly defined in a statute which brings together all the provinces directly involved, which was made with the signing of a statute No. 2310 [1] based on Art. 124 of the Constitution of Argentina.

Biodiversity hotspot in the world: Patagonia is considered as an important territory and / or a region for environment and conservation of natural resources in many forums, statements and acknowledgments. UNESCO recognizes just a small part of Chilean Patagonia as a biosphere reserve network within its program on man and the biosphere.

## 2.- SUBSTANTIAL OPPOSITION

Internet users in Argentina and Chile have objected in various ways the alleged application of ".patagonia" driven by the company of the same name. Here it is possible to find some examples:

- 1) <https://www.facebook.com/pages/Patagonia-Somos-Nosotros/217649071697459>
- 2) <https://www.facebook.com/groups/noapuntopatagonia>

Also in the public and private opposition can try this:

- a) <http://especiales.chubut.gov.ar/somosnosotros/>
- b) <http://punto.ar/patagonia/>
- c) <http://emebehosting.com.ar/d or m-patagonia.html inios>
- d) <http://internauta.org.ar>

However, the latest opposition has been expressed the 5th of April 2013 by the Declaration of Montevideo in the Fourth Ministerial Conference on the Information Society in Latin America and the Caribbean.

<http://www.internetnews.me/wp-content/uploads/2013/04/montevideo-declaration-en.pdf>

## 3.- TARGETING

There is a logical order that can not be ignored:

- Patagonia is located between Chile and Argentina in the South American region
- Those who object the application of .patagonia represent organizations from Chile, Argentina and Ecuador. There are many members of ALS who were born in Patagonia and who live in patagonia or have lived many years there. (For example, Guillermo Zamora from ADIAR y Humberto Carrasco from ADI Chile)
- Therefore: There is a strong association between the applied-for gTLD string and the community represented by the objector.

## **DETRIMENT**

There register of .patagonia means a clear violation of international treaties, is in itself a prejudice related to designation of origin.

Besides the economic damage caused to its citizens and residents (many ancestral), this register means a detriment to their culture, their idiosyncrasies and history.

The domain name .patagonia (trademark) cannot be reduced to an economic point of view. To take this view, it means to forget other aspect related to geographical, historical, cultural or natural conditions of the expression patagonia, which should be preserved as part of their heritage and cultural identity.

An example of the cultural aspect can be found UNESCO website related to the Rupestrian art of the Patagonia:

<http://whc.unesco.org/en/tentativelists/1203/>

Related to economic detriment there are many companies which can be affected by this register:

Some links about it:

- a) [http://www.diariodelvino.com/notas2/noticia565\\_24oct.htm](http://www.diariodelvino.com/notas2/noticia565_24oct.htm)
- c) <http://www.patagoniatp.com.ar/>
- d) <http://www.patagoniaregionales.com.ar/>

- e) [http://www.patagonia-argentina.com/e/content/productos\\_patagonia.php](http://www.patagonia-argentina.com/e/content/productos_patagonia.php)
- f) [http://ambarpatagonia.com/index.php?main\\_page=index&language=es](http://ambarpatagonia.com/index.php?main_page=index&language=es)
- g) <http://www.cuitonline.com/detalle/30708006412/productos-de-la-patagonia-srlhtml>
- h) <http://www.rosapatagonica.com.ar/>

Also, there is detriment because the applicant of the domain name .patagonia is involved in a permanent conflict with native people (Mapuches) due to slave labor and land seizures to this people of this region by the multinational.

a) <http://www.oocities.org/identidadlafkenche/principal/conflictomapuche/benetton.htm>

b) [http://domino.ips.org/ips%](http://domino.ips.org/ips%5Cesp.nsf/vwWebMainView/F28DE085DEE5480480256A08004969F3/?OpenDocument)

[5Cesp.nsf/vwWebMainView/F28DE085DEE5480480256A08004969F3 /? OpenDocument](http://domino.ips.org/ips%5Cesp.nsf/vwWebMainView/F28DE085DEE5480480256A08004969F3/?OpenDocument)

TO CONCLUDE,

The undersigned request to ALAC to advise the Board of ICANN to reject the application for the '. patagonia' according the arguments expressed.

Signed by

Sergio Salinas Porto

**Asoc. Usuarios de Internet de Argentina**

Humberto Carrasco

**ADI Chile**

Diego Acosta Bastidas

**Asoc. Software Libre de Ecuador**

## ANNEX WITH TO SOME LEGISLATION RELATED TO PATAGONIA

### Argentina Legislation:

Statute patagonia region <http://goo.gl/BEL92>

National day of patagonia law 25394 <http://goo.gl/jlkYG>

trademarks and designations law N° 22.362 :<http://goo.gl/Erlit> (art: 3-paragraph: a,b,c,d,e,f,g)

Argentina constitution: <http://goo.gl/U85Mp> (The art. 124 of the Constitution of Argentina, the article refers to "... the provinces may create regions for economic and social development ...".)

### Chile

industrial property law: <http://goo.gl/z9RRq> (paragraph: e, f)

Chile Constitution:<http://goo.gl/Qepzo>

Regulation of Regional Identity expressive symbols <http://goo.gl/xvbl0>

### Chile and Argentina

The 1881 Boundary Treaty between Argentina and Chile to set the boundaries between the two countries along its entire border. <http://goo.gl/2PMwu> // <http://goo.gl/pb7OI>

### International

Resume statement of 5 April 2013 ECLAC <http://goo.gl/Nn5dl>

UNESCO: <http://goo.gl/adQ3j> (paragraph 2)

OMPI: <http://goo.gl/eP8ZG>

Convenio de París para la Protección de la Propiedad Industrial: <http://goo.gl/QA4de>