<div style="border: 1px solid">

Reconsideration Request Form

Version of 11 April 2013

ICANN's Board Governance Committee is responsible for receiving requests for reconsideration from any person or entity that has been materially affected by any ICANN staff action or inaction if such affected person or entity believes the action contradicts established ICANN policies, or by actions or inactions of the Board that such affected person or entity believes has been taken without consideration of material information. Note: This is a brief summary of the relevant Bylaws provisions. For more information about ICANN's reconsideration process, please visit http://www.icann.org/en/general/bylaws.htm#IV and http://www.icann.org/en/committees/board-governance/.

This form is provided to assist a requester 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.

Requesters 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.

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.

</div>

| 1. | **Requester Information** |

Name: DotKids Foundation (New gTLD Applicant: 1-1309-46695)

Address: Contact Information Redacted

Email: Contact Information Redacted

Phone Number (optional):

<div style="border: 1px solid">

(Note: ICANN will post the Requester's name on the Reconsideration Request page at http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm. Requestors address, email and phone number will be removed from the posting.)

</div>

| 2. | **Request for Reconsideration of (check one only):** |

___ Board action/inaction

_x_ Staff action/inaction

---

3.   Description of specific action you are seeking to have reconsidered.
(Provide as much detail as available, such as date of Board meeting, reference to Board resolution, etc. You may provide documents. All documentation provided will be made part of the public record.)

On April 9, 2016, DotKids Foundation received notice from ICANN staff notifying that the Community Priority Evaluation (CPE) for the application has been completed.

According to the DotKids CPE report (https://www.icann.org/sites/default/files/tlds/kids/kids-cpe-1-1309-46695-en.pdf), the CPE Panel concluded that "*After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application did not meet the requirements specified in the Applicant Guidebook. Your application did not prevail in Community Priority Evaluation.*"

Although the Disclaimer contained in the Determination states that "*these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the AGB or the Registry Agreement.*" ICANN staff has changed the "Contention Resolution Status of the Application into "Active", and the Contention Resolution Result into "In Contention" (https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/161).

The DotKids Foundation is seeking a reconsideration of this action by ICANN staff.

We believe that the CPE Panel had inadvertently and materially misread the DotKids application and have misinterpreted the Applicant Guide Book (AGB) in relation to the CPE process.

In particular, the CPE Panel inadvertently misread the DotKids application to define Children's Rights Organizations (and "parents" for that matter) to be in violation of the CPE requirements of a clear delineation of the Kids Community.

Such inadvertent misreading is like saying that "Hotel Associations" cannot be called nor is known to be a "hotel", and therefore determining that "Hotel Associations" must not be part of the Hotel Community. We believe this is an inadvertent misreading that should be rectified in accordance with a correct understanding of the AGB and CPE requirements.

Another apparent inadvertent omission is the fact that the CPE Panel did not refer to one of the most important delineation aspect of the defined Kids

Community based on the United Nations Convention of the Rights of the Child (UNCRC) and the key organization which is the "*at least one*" "*entity that organizes the community defined in the application in all the breadth of categories explicitly defined.*" namely the Committee on the Rights of the Child (CRC) http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx, which was established specifically to monitor the global implementation of the UNCRC, which covers the entire breadth from health, literacy to well-being of kids worldwide (through local kids community organizations).

Most importantly, we are not contending about the opinion of the CPE Panel, but identifying the inadvertent deviation and misreading of the AGB and the DotKids Foundation application as well as the inadvertent omission of certain facts, which together results in a material departure from established ICANN processes.

---

4.   Date of action/inaction:

(Note: If Board action, this is usually the first date that the Board posted its resolution and rationale for the resolution or for inaction, the date the Board considered an item at a meeting.)

According to the ICANN website, the DotKids CPE Report was posted on April 8, 2016.

---

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

(Provide the date you learned of the action/that action would not be taken. If more than fifteen days has passed from when the action was taken or not taken to when you learned of the action or inaction, please provide discussion of the gap of time.)

On April 9, 2016, DotKids Foundation received a notification that the DotKids CPE Report has been completed on April 8, 2016.

---

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

The inadvertent misreading and omission together lead to a material departure from established ICANN processes causing the failure of the CPE report to understand the DotKids Foundation application for the .KIDS gTLD as a community gTLD in accordance with the community priority criteria as defined in the AGB.

Such failure of the CPE panel to find that the .KIDS community gTLD application

meets the community priority criteria means that DotKids Foundation, a non-profit community organization, is now facing contention from two other commercial applicants, who are for-profit conglomerates, for the same string "through the other methods as described in Module 4 of the Applicant Guidebook".

---

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

The United Nations Convention on the Rights of the Child (UNCRC) is the most ratified human rights convention in history with 196 countries being signatories to the convention.

This represents an extremely strong consensus globally that kids (and their rights) is a clearly delineated community from the general public at large.

The UNCRC recognizes that kids "*by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.*"

Failure of ICANN to realize that the kids community is a delineated community that requires and deserves separate consideration puts kids around the world at risk and places ICANN against the global consensus on the issue.

The DotKids Foundation community gTLD application for .KIDS proposes a kids friendly Internet namespace for kids around the world. We believe in kids-friendly not only being kids-safe but content, services and applications that are kids-friendly, exemplifying and upholding the UN Convention on the Rights of the Child (UNCRC).

---

8.   Detail of Board or Staff Action – Required Information

Staff Action: If your request is in regards to a staff action or inaction, please provide a detailed explanation of the facts as you understand they were provided to staff prior to the action/inaction presented to the staff and the reasons why the staff's action or inaction was inconsistent with established ICANN policy(ies). Please identify the policy(ies) with which the action/inaction was inconsistent. The policies that are eligible to serve as the basis for a Request for Reconsideration are those that are approved by the ICANN Board (after input from the community) that impact the community in some way. When reviewing staff action, the outcomes of prior Requests for Reconsideration challenging the same or substantially similar action/inaction as inconsistent with established ICANN policy(ies) shall be of precedential value.

Board action: If your request is in regards to a Board action or inaction, please provide a detailed explanation of the material information not considered by the Board. If that information was not presented to the Board, provide the reasons

why you did not submit the material information to the Board before it acted or failed to act. "Material information" means facts that are material to the decision.

If your request is in regards to a Board action or inaction that you believe is based upon inaccurate, false, or misleading materials presented to the Board and those materials formed the basis for the Board action or inaction being challenged, provide a detailed explanation as to whether an opportunity existed to correct the material considered by the Board. If there was an opportunity to do so, provide the reasons that you did not provide submit corrections to the Board before it acted or failed to act.

Reconsideration requests are not meant for those who believe that the Board made the wrong decision when considering the information available. There has to be identification of material information that was in existence of the time of the decision and that was not considered by the Board in order to state a reconsideration request. Similarly, new information – information that was not yet in existence at the time of the Board decision – is also not a proper ground for reconsideration. Please keep this guidance in mind when submitting requests.

Provide the Required Detailed Explanation here:

(You may attach additional sheets as necessary.)

There is no mention or reference made by the CPE panel in the DotKids CPE Report about the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Committee on the Rights of the Child (CRC), besides quoting incidentally descriptions from the DotKids application. The community defined is fundamentally based on the UNCRC. There is good reason to believe that there is an inadvertent misreading of the application and an inadvertent omission by the CPE Panel.

The inadvertent misreading (of the AGB and DotKids Foundation application) and omission (of the UNCRC and CRC) together lead to a material departure from established ICANN processes causing the failure of the CPE report to understand the DotKids Foundation application for the .KIDS gTLD as a community gTLD in accordance with the community priority criteria as defined in the AGB.

We would like to particularly draw your attention to the facts illustrating the inadvertent misreading and omission by the CPE panel causing the departure from established ICANN policies and processes, namely the AGB:

1. Community Organizations being considered part of the Community is not Inconsistent with the AGB Community Priority Criteria

2. The Committee on the Rights of the Child is one entity that organizes the community defined in the application in all the breadth of categories explicitly defined

3. All other Community Establishment and Nexus Requirements defers to the

inadvertent misreading and omission

4. The DotKids community gTLD proposal has included a comprehensive set of guidelines and enforcement mechanisms and has received substantial support from the kids community globally

1. Community Organizations being considered part of the Community is not Inconsistent with the AGB Community Priority Criteria

The DotKids CPE Report explains that:

"*While the string identifies the name of the core community members (i.e. kids), it does not match or identify the other categories of members: (2) charities, non-government organizations and government institutions that work on the well-being of children; (3) parents and educators; (4) educational institutions, organizations and operations that are primarily serving children.*"

This understanding appears to indicate that the CPE Panel has fundamentally misread both the AGB community priority criteria and the DotKids Foundation application.

The rationale provided essentially argues that a "community association/organization" is not normally referred to by the name of the community and therefore the community is not a coherent one.

Such inadvertent misreading is like saying that "Hotel Associations" cannot be called nor is known to be a "hotel", and therefore determining that "Hotel Associations" must not be part of the Hotel Community. We believe this is an inadvertent misreading that should be rectified in accordance with a correct understanding of the AGB and CPE requirements.

Of course, we understand that "parents" or "children's rights organizations" or "UNICEF" for that matter are not known as "kids", nevertheless, they are considered part of the kids community.

In an earlier correspondence, we have also emphasized that the kids community is the children rights and children welfare community.

The kids community is clearly delineated with clear and straightforward membership definition:

1) Kids themselves: Defined by the UNCRC convention (Article 1: http://www.ohchr.org/en/professionalinterest/pages/crc.aspx), a child means every human being below the age of eighteen (18) years unless under the law applicable to the child, majority is attained earlier

2) Consistent with the children rights approach considered by the United Nations Committee on the Rights of the Child, kids do not exist independently in the community (Article 3). They are supported and also represented by those who

are no longer kids but are intricately involved with kids to protect, promote and advocate their rights for their best interests. They are Children Rights and Children Welfare organizations (charities, NGOs, etc.), Children-Led groups and alliances, which together are considered the children rights community.

In short, the Kids Community are the kids themselves (under 18) and children rights and children welfare organizations around the world (UNCRC).

As included in the earlier public correspondence to ICANN ("Public Correspondence" – https://www.icann.org/en/system/files/correspondence/dotkids-to-icann-board-et-al-redacted-10nov15-en.pdf) and publicly posted on our website, in clarifying the intent for the original application response to question 20(a), items 2), 3) and 4) are best consolidated into 2) above.

====Original Submission====

2)   Charities, non-government organizations and government institutions that work on the well-being of children. This also includes the alliances that promotes causes that promote the well-being of children

3)   Parents and educators: As a matter of fact, they constitute a large part of and have a huge impact on a child's growth.

4)   Educational institutions, organizations and operations that are primarily serving children

====Clarification for Non-Children Rights Familiar public====

2)   Consistent with the children rights approach considered by the United Nations Committee on the Rights of the Child, kids do not exist independently in the community. They are supported and also represented by those who are no longer kids but are intricately involved with kids to protect, promote and advocate their rights for their best interests. They are Children Rights and Children Welfare organizations (charities, NGOs, etc.), Children-Led groups and alliances, which together are considered the children rights community.

===

The clarification is intended to avoid potential misunderstanding that "3) Parents and educators" as well as "4) Educational institutions" makes the eligibility and membership of the community unbound. The eligibility for .kids domain names is restricted and membership of the community is bound. The clarification does not change the original intent and substance of the application with a purpose to serve the kids community and the best reference is the UNCRC (Both the United Nations Convention on the Rights of the Child, and the United Nations Committee on the Rights of the Child).

Most importantly, for CPE panel's consideration, "parents" and "children" themselves, while are part of the community, their community membership for

eligibility in .kids domain name registration, are based NOT as individuals but as community organizations or members of such organizations within the community as Children Rights and Children Welfare organizations (charities, NGOs, etc.), Children-Led groups. Furthermore, kids themselves in most cases will not be able to register a domain name as a registrant, the Children Rights, Children Welfare and Children-Led groups are envisioned to register domain names potentially on their member's behalf.

Furthermore, "parents" in the kids community, as understood in children's rights context and included in the UNCRC is understood as part of the basic institution of the family for which a kid is within, "*Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.*" (Preamble of the UNCRC: http://www.ohchr.org/en/professionalinterest/pages/crc.aspx)

Just because the DotKids community gTLD application identifies community organizations as part of the community should not diminish the coherence and delineation of the community. The community is clearly defined based on the UNCRC, one of the most accepted conventions globally.

The CPE Panel misread the AGB requirement that community organizations, cannot be community members also. Community organizations (in this case children's rights organizations) are of course not identified or known as the community in the name of the community (in this case "kids"), nevertheless, they form a coherent group with the community.

The CPE Panel misread the DotKids community gTLD application in that the defined community is "construed" for the TLD application. In fact, the kids community is defined in its entirety by the UNCRC and which is clearly delineated from the general public at large. As a matter of fact, if the community is not clearly delineated, there wouldn't be a UN Convention on the Rights of the Child (UNCRC) independent from the Universal Declaration of Human Rights.

2. The Committee on the Rights of the Child is one entity that organizes the entire community defined in the application in all the breadth of categories explicitly defined

The DotKids CPE Report explains that:

"*the Panel has concluded, based on its research, that there is no entity mainly dedicated to the entire community as defined by the applicant in all its geographic reach and range of categories. Research showed that those organizations that do exist represent members of the defined community only in a limited geographic area or only in certain segments within the community. While there are many organizations dedicated and relevant to children (e.g. Save*

the Children, UNICEF), the community as defined by the applicant is not organized. This is because the community includes parents, educators and third-sector organizations, which do not come together under a single umbrella organization."

The CPE Panel appears to have inadvertently omitted one key entity, namely the Committee on the Rights of the Child (CRC) (http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx) under the Office of the United Nations High Commissioner for Human Rights (OHCHR). This entity is dedicated to the entire community as defined by the DotKids application.

In fact, in accordance with the UNCRC, "*parents, educators and third-sector organizations*" do come together under "*a single umbrella*", which is the UNCRC itself with the "*umbrella organization*" being the Committee on the Rights of the Child, which is an elected body of members "*States parties in accordance with article 43 of the Convention on the Rights of the Child.*" (http://www.ohchr.org/EN/HRBodies/CRC/Pages/Membership.aspx)

We further emphasize that the kids community is compromised by:

1. Children, defined by UNCRC that a "child" as a person below the age of 18, unless the relevant laws recognize an earlier age of majority,

2. Children rights organizations as understood by the UNCRC (not simply a "collection of individuals and organizations)

United Nations Convention on the Rights of the Child (UNCRC) is signed by all member nations on the planet, is the universal standard that represents and protects the rights of all kids around the world. While the UNCRC has been signed by United States and is awaiting ratification, the DotKids Foundation vision of developing the .kids namespace adhering to the UNCRC principles have garnered support from the largest children-rights organizations in the U.S., including the Child Welfare League of America representing over 700 children organizations. Thus, the United Nations

Committee on the Rights of the Child, which is the UN committee commissioned to oversee the implementation of UNCRC, is the recognized authority for the entire global community described by the DotKids application. Organizations which follow UNCRC are recognized as part of the community. International organisations, such as UNICEF and Save the Children, are commissioned to serve all kids in the world with the principles of UNCRC and are well-recognized globally for their work.

Perhaps due to the time constraint of the CPE process, the CPE Panel has omitted to consider the CRC itself

3. All other Community Establishment and Nexus Requirements defers to

the Inadvertent misreading and omission

It appears that the CPE Panel is not familiar with the United Nations Convention on the Rights of the Child (UNCRC) and how it is the definitive document for which the kids community organizations around the world. This appears to have caused the inadvertent misreading and omission explained in 1 and 2 above.

Once, it understands better the UNCRC and how it is implemented and upheld worldwide, it should become apparent to the CPE Panel that the UNCRC is the umbrella document and that the CRC (Committee on the Rights of the Child) is an umbrella entity that serves the kids community globally.

All the Community Establishment and Nexus Requirements as considered by the DotKids CPE Report refers to the above inadvertent misreading and omission:

The DotKids CPE Report explains that:

"*While individuals within some of the member categories may show cohesion within a category or across a subset of the member categories, the number of individuals and entities included in the defined community that do not show such cohesion is considerable enough that the community defined as a whole cannot be said to have the cohesion required by the AGB. For example, a state government institution focused on children's health does not have a demonstrable awareness and recognition of a community with a charity focused on children's literacy, although they may have a commonality of interest generally in children's well-being.*"

As explained in 1&2 above, all of such "*entities*" that are considered children's rights organizations understand the UNCRC as the umbrella convention and therefore has a strong cohesion beyond a commonality of interest. These entities are not merely interested in the well-being of the child but in health, literacy and well-being of kids in accordance with the UNCRC.

The DotKids CPE Report explains that:

"*The Panel determined that this application refers to a "community" construed to obtain a sought-after generic word as a gTLD string, and that the application is attempting to organize the various groups mentioned in the documentation through a gTLD. The proposed community therefore could not have been active prior to the above date (although its constituent parts were active).*"

The community is based on the UNCRC, the Committee on the Rights of the Child (CRC) is formed from the UNCRC and all the "*various groups mentioned*" are based on the UNCRC. The UN General Assembly adopted the Convention and opened it for signature on 20 November 1989 (the 30th anniversary of its Declaration of the Rights of the Child, an international document promoting child rights, drafted by Eglantyne Jebb and adopted by the League of Nations in 1924, and adopted in an extended form by the United Nations in 1959).

The entire community, and not just its constituent parts have been active well

before September 2007.

The DotKids CPE Report explains that:

"*as previously noted, the community as defined in the application does not show evidence of awareness and recognition among its members, as required by the AGB. Therefore, it fails the second criterion for Size.*"

And,

"*The Panel determined that this application refers to a proposed community construed to obtain a sought-after generic word as a gTLD. As previously stated, the community as defined in the application does not have awareness and recognition among its members. Failing this kind of "cohesion," the community defined by the application does not meet the AGB's standards for a community. Therefore, as a construed community, the proposed community cannot meet the AGB's requirements for longevity.*"

The community is well aware of the UNCRC and how it is the unifying document for the community globally. The CPE Panel here refers to the inadvertent misreading (that because children's rights organizations are not "kids" they do not form a coherent community) and omission (of the CRC) in concluding that the community does not show evidence of awareness and recognition.

The DotKids CPE Report explains that:

"*Because the community defined in the application is a collection of categories of individuals and organizations, and because there is no single entity that serves all of these categories in all their geographic breadth, there is no "established name" for the applied-for string to match, as required by the AGB for a full score on Nexus.*"

and,

"*based on the Panel's determination that the applied-for string ".Kids" does not identify the whole breadth of the community as defined in the application.*"

Again, these relates to the inadvertent misreading that because "parents" and "children's rights organizations" are not "kids" therefore they cannot be part of the "kids community". This appears both to be a misreading of the AGB and a lack of knowledge of how children's rights organizations uphold the UNCRC, which forms a strongly cohesive and recognized community worldwide.

Given more in-depth understanding, especially if consulting children's rights experts with good knowledge of the UNCRC and how it is understood worldwide by the community, we strongly believe that the results would be clear and that the DotKids community gTLD application does satisfy the community priority criteria as set out in the AGB.

4. The DotKids community gTLD proposal has included a comprehensive set of guidelines and enforcement mechanisms and has received substantial support from the kids community globally

In addition to the inadvertent misreading and inadvertent omission, the CPE Panel appears to have missed the specific description of enforcement mechanisms and updates on the active ongoing work to develop a set of Kids Friendly Guidelines by the DotKids Foundation in response to the .KIDS community gTLD

The DotKids CPE Report explains that:

"*The Panel determined that the application does not meet the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application does not provide specific enforcement measures and coherent and appropriate appeals mechanisms. The application received a score of 0 out of 1 point under criterion 3-D: Enforcement.*"

In the DotKids community gTLD application, a Protection Scheme was detailed in response to question 18(c) as well as question 20(e):

Quoting from the DotKids Community gTLD application:

18(c):

```
4. Protection Scheme

To facilitate the enforcement of the Guiding Principles
described in 20e A. Eligibility, an express complaint-
response system will be implemented through an online
portal. The online portal will accept complaint reports of
any inappropriate content from the public through a
structured report form (i.e. such that the complainant can
indicate the type of inappropriate content they are
reporting and its severity in the view of the complainant,
etc.). Upon the receipt of a complaint report, a takedown
decision process will be initiated depending on the type of
complaint report filed:

1: Illegal Content & Activities

In the case of a complaint report filed alleging illegal
content and activity, the Registry, with the support from
Afilias as the registry back-end services provider, will
activate the Anti-Abuse process as described in #28 (Abuse
Prevention & Mitigation).  If the investigation based on
the Abuse Policy finds the complaint to be substantiated,
the Registry, with the support from Afilias, will act
according to the Abuse Policy.  If the investigation finds
```

the complaint not to be of an abusive nature in the view of the Abuse Policy, the complaint will be passed to 2.

2: Inappropriate Content

In the case of a complaint report filed alleging inappropriate content or activity (or as a result of 1 above), the complaint report will be passed to the Monitoring Committee for further process. Anyone online can access the complaint-response portal to file a complaint report. This includes the DotKids Foundation itself as well as all members of the Foundation and members of the community. In fact, the DotKids Foundation is prepared to proactively guard against inappropriate content through this mechanism. A complaint report should clearly state the rationale of why the content or activity should be considered inappropriate and how the .kids domain is inconsistent with the .kids Guiding Principles and should be suspended.

Once filed, the report will be posted on the complaint-response portal and the Monitoring Committee will be notified.

Monitoring Committee

The Monitoring Committee consists of members of the Foundation, individuals from the Professional Advisory Council and other qualified children's rights, children services or children centric organization who volunteers to be on the notification list. Each Committee Member will be able to login to the complaint-response portal and place a "vote": Red, Yellow or Green against a complaint report filed:

Content Violation Indicators

Red: The domain has severely violated the .Kids Guiding Principles developed by the DotKids Foundation and the domain should be taken down.

Yellow: The domain has marginally violated the .Kids Guiding Principles, a warning should be given and if changes are not made and violation rectified in 10 calendar days, the website should be taken down.

Green: The website did not violate the .Kids Guiding Principles and no action should be made.

Takedown Action

The Voting Period commences immediately upon the posting of the complaint report and notifications sent to the Monitoring Committee. The following are trigger points for takedown or warning actions:

1) If at least 5 Reds and 0 Greens are received within the first 24 hours, the domain will be suspended and a warning notification issued to the registrant.

2) Else, after a 5 day (120 hour) Voting Period completes, the votes will be tallied and form of action will be chosen based on the category with the highest vote.

3) If there is a tie, the higher severity action will be taken.

The number of votes for each category for each complaint report will be maintained on the complaint-response portal, but the organization who casted a votes will remain anonymous.

Appeal Mechanism
An Appeal Mechanism is in place to allow registrants to reverse the domain taken down and a specific Appeal Committee is set up by members of the Foundation along with qualified children's rights professionals that are independent from the Monitoring Committee. The Appeal Committee will re-elect its constituencies every year to ensure a fair process. An Appeal Request must be submitted to the Appeal Committee within 30 calendar days after the Protection Scheme result notification to the registrant based on the Protection Scheme. The Appeal Committee will then review the case again and go through the process and guidelines of the Protection Scheme to determine if the Appeal should be sustained. The decision of the Appeal Committee will be final. While the Appeal Request is in process, the domain will remain at the stage of the action undertaken per the Protection Scheme as a precaution to avoid the exposure of harmful materials to kids.

20(e):

D) Enforcement

Eligibility requirements are enforced upon submission of a .kids registration. The registration request must contain either a verifiable code obtained from a community member or have a community member as a contact of the domain registration. If it cannot be verified immediately, the Registry will request for relevant proof explained in A).

The process ensures that all accepted applications are verified in the registration process. The Registry is dedicated to working closely with kids community organizations to ensure such process is enforced efficiently. E.g. Registry will provide web tools for organizations to provide their member organization and membership information to check against and provide tools to easily produce a code for their members to register a .kids domain.

A Protection Scheme is developed and designed with the purpose of striking a balance between protecting kids from unwanted materials (UNCRC Article 17) and the freedom of expression online (UNCRC Article 13).

Details of the Protection Scheme is included in 18c: 4. Protection Scheme.

Open Compliant Platform and Immediate Process

Every netizen can file a complaint via the online portal with clear indication of the point of inappropriate content. The online portal enables all Internet users to contribute on building a kids-friendly Internet space at ease.

We understand the importance of prompt action against abusive materials, therefore when the content is clearly abusive, the domain would be taken down within 24 hours with over 5 Red Ratings.

Borderlinecases require more in-depth discussion, so a longer voting period to decide the actions is needed.

Representative Decision of the Community

The Protection Scheme is best maintained by children's rights experts around the world – who are members of the

DotKids Foundation governance structure. We understand that
there would be cultural differences as to what harmful
material are in the eyes of people, however, the children
right experts with a long experience of defending rights of
children, would know the best.

The online portal would be the most cost efficient way as
well as effective way for us to reach to our members
globally within a matter of seconds. Moreover, we
understand that it would be physically difficult to have
our members in present to vote on websites whether they
have harmful content to kids. The online portal is the best
way to aggregate the information and have allow our members
to have flexibility to vote any time they can within the
voting period. This platform is scalable, especially
because this can be used with 10 members, or 10,000
members. The DotKids foundation would only need to handle
the administrative process for each organisation, but not
for using the resources to host a voting meeting every
time.

As the DotKids Foundation grows, we expect the Monitoring
Committee to grow as well. It is reasonable to expect that
as the ".kids" TLD grows, the interest and willingness of
organizations and volunteers to participate in the
Monitoring Committee would grow as well. We have set the
preliminary takedown limit as 5 votes from our members.
With the growing interest and size of the domain, we expect
this number would be reviewed periodically. Eventually, we
would hope that it would be around 3% of our total members
that would constitute a significant action and
representation from our members. The low threshold
represents a conservative approach towards reasonably
strong protection towards the content in our domain.

Appeal Mechanism
Appeal Mechanism is in place to allow registrants to
reverse the taken down. See #18c for details.

In furtherance of the proposal, the DotKids Foundation has been actively
engaging the community to continuously develop a set of guidelines for the .KIDS
community gTLD. A first draft of the Kids-Friendly Guideline was also developed
and updated to ICANN in an earlier correspondence;
https://www.icann.org/en/system/files/correspondence/dotkids-to-icann-board-et-
al-redacted-10nov15-en.pdf

The conclusion by the CPE Panel that "*The application does not provide specific
enforcement measures and coherent and appropriate appeals mechanisms.*"

appears to have missed the Protection Scheme as proposed and the Kids Friendly Guidelines. This may be due to the fact that in the application, the Protection Scheme was included in response to Question 18(c) with a reference in response to Question 20(e).

Finally, in considering community support, the DotKids CPE Report explains that:

"*The panel has not found evidence of a single such organization recognized by all of the defined community's members as representative of the defined community in its entirety.*"

and

"*However, the applicant possesses documented support from groups with relevance; their verified documentation of support contained a description of the process and rationale used in arriving at the expression of support, showing their understanding of the implications of supporting the application. The Community Priority Evaluation Panel has determined that the applicant partially satisfies the requirements for Support.*"

The first part refers again to the inadvertent omission by the CPE Panel to consider the Committee on the Rights of the Child (CRC) as the "*single such organization recognized by all of the defined community's members as representative of the defined community in its entirety.*" And this have affected the conclusion by the CPE panel that the DotKids community gTLD application only partially satisfies the requirements for Support.

As a matter of fact, the DotKids Foundation has been invited to participate at the United Nations Committee on the Rights of the Child meetings in Geneva and the cause DotKids' community gTLD application was well received by the committee members.

9.	**What are you asking ICANN to do now?**
(Describe the specific steps you are asking ICANN to take. For example, should the action be reversed, cancelled or modified? If modified, how should it be modified?)

The DotKids Foundation asks ICANN to set aside the current DotKids CPE Report and to appoint new evaluators to conduct a new CPE for the application.

We also urge ICANN to either seek directly or ask the CPE Panel to seek advice or input from children's rights community expertise in considering the CPE to best understand the DotKids community application.

10.	**Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration, and the**

grounds or justifications that support your request.

(Include in this discussion how the action or inaction complained of has resulted in material harm and adverse impact. To demonstrate material harm and adverse impact, the requester must be able to demonstrate well-known requirements: there must be a loss or injury suffered (financial or non-financial) that is a directly and causally connected to the Board or staff action or inaction that is the basis of the Request for Reconsideration. The requestor must be able to set out the loss or injury and the direct nature of that harm in specific and particular details. The relief requested from the BGC must be capable of reversing the harm alleged by the requester. Injury or harm caused by third parties as a result of acting in line with the Board's decision is not a sufficient ground for reconsideration. Similarly, injury or harm that is only of a sufficient magnitude because it was exacerbated by the actions of a third party is also not a sufficient ground for reconsideration.)

DotKids Foundation believes that the inadvertent misreading and omission has caused the CPE Report to fail to find that the application indeed meets the community priority criteria set out in the AGB.

As a not-for-profit initiative, it will be very difficult for the DotKids Foundation to compete in a capital/market driven auction (not to mention our strong belief that the interests of kids and the children community should not be put on the auction block in any case), a fair and conscientious consideration in the CPE process is therefore critical. Without which, the DotKids Foundation and the global kids community would be adversely impacted and at imminent material risk.

We must emphasize that the CPE is designed to consider the merits, commitments and support of a community gTLD initiative as a whole and not on how well the original application was written in English.

As the entity directly affected by the ICANN staff action/inaction, DotKids Foundation have the standing and the right to assert this Request for Reconsideration.

11.   Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)

____ Yes

__x_ No

11a. If yes, Is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.

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 at http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm.

Full text of the United Nations Convention of the Rights of the Child (UNCRC): http://www.ohchr.org/en/professionalinterest/pages/crc.aspx

Explanation of the Committee of the Rights of the Child (CRC):

- http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx

- https://en.wikipedia.org/wiki/Committee_on_the_Rights_of_the_Child

- https://en.wikipedia.org/wiki/Convention_on_the_Rights_of_the_Child

- https://en.wikipedia.org/wiki/Declaration_of_the_Rights_of_the_Child

Earlier correspondence to ICANN: https://www.icann.org/resources/correspondence/1194895-2015-11-10-en (attached also for convenience of reference)

Terms and Conditions for Submission of Reconsideration Requests

The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.
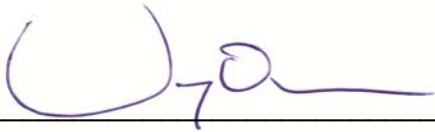
The Board Governance Committee may dismiss Reconsideration Requests that are querulous or vexatious.

Hearings are not required in the Reconsideration Process, however Requestors

may request a hearing. The BGC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing.

The BGC may take a decision on reconsideration of requests relating to staff action/inaction without reference to the full ICANN Board. Whether recommendations will issue to the ICANN Board is within the discretion of the BGC.

The ICANN Board of Director's decision on the BGC's reconsideration recommendation is final and not subject to a reconsideration request.

_____   _____June 23, 2016_____

Signature   Date

Edmon Chung, as Primary Contact of the
DotKids Foundation application for ".kids",
On behalf of DotKids Foundation