Application ID:	Ref# **1-1165-42560**
Entity/Applicant Name:	**DotConnectAfrica (DCA)**
String:	**.Africa**
Early Warning Issue Date:	20 November 2012

Early Warning Description – This will be posted publicly:

> **GAC Member(s) to indicate a description of the Early Warning being filed**
>
> The Government of The Federal Republic of Nigeria wishes to express objection to the application submitted by DotConnectAfrica (DCA) for the .Africa geographic Top Level Domain.
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> The African Union Commission (AUC) is a Union of 54 (fifty four) African states and has the mandate of African governments for "establishment of dot Africa as a continental Top-Level Domain for use by organizations, businesses and individuals with guidance from African Internet Agencies" and "set up the structure and modalities for the implementation of the dotAfrica project" as provided for in the 2010 Abuja Declaration. In keeping with this mandate and following an open and transparent Request for Proposal process, UniForum SA, trading as the ZA Central Registry, was appointed the registry operator to manage and administer the dotAfrica gTLD on behalf of the African Community and for the benefit of the African region.
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> The DotConnectAfrica application as revised,
> - Does not meet the requirements concerning geographic names as described in the new gTLD Applicant Guidebook, since it does not satisfy the required minimum support of concerned (African) governments;
> - Constitutes an unwarranted intrusion and interference on the African Union Commission's (AUC) mandate from African governments to establish the structures and modalities for the Implementation of the dotAfrica (.Africa) project; and
> - Is identical to the dotAfrica (.Africa) application officially endorsed by the African Union Commission (AUC) and the 39 individual African governments who have submitted letters of support per the Applicants' Guide Book **(Ref # 1-1243-89583)**.

Reason/Rationale for the Warning – This will be posted publicly:

GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.

The African Union (AU) and several African countries have supported and endorsed the application by UniForum **(Ref # 1-1243-89583)**, which was selected through a transparent process conducted by the African Union Commission, as directed by the AU CITMC (Communications and Information Technology Ministerial Conference). The African Union has taken steps to ensure that Uniforum will operate .Africa for the public good of the people of Africa, and will put in place sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

The Government of Kenya therefore hereby records its objection to the DotConnectAfrica application which is competing with the UniForum application that has the support and endorsement of the African Union and an overwhelming number of African governments.

1. **DCA's Application lacks the requisite Government Support**

   - Paragraph 2.2.1.4.2 of the Applicants' Guidebook prescribes that certain applied-for-strings may qualify as "Geographic Names" and must therefore be accompanied by documentation of support or non-objection from the relevant governments or public authorities. In particular, the guidebook requires at least 60% of the relevant national governments in a region to provide documentation in support of new applications for geographic strings and there must be no more than one written statement of objection.

   - Africa is a clearly designated geographic region as defined in the UNESCO "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list. In this regard the designation of the official AUC endorsed dotAfrica (.Africa) TLD string application as a geographic name is therefore technically and procedurally correct. The "geographic evaluation process" that this application is subject to, provides sufficient checks and balances for the protection of interests and rights of African governments and the pan-African community.

   - The issue as to whether DCA's application for the .dotAfrica string (**1-1165-42560**) will constitute a geographic name as outlined in the Applicant's Guidebook is uncertain, notwithstanding the fact that the applicant itself has designated the application as a "geographic name".

   - According to the Applicant's Guidebook (section 2-18) "*Strings that <u>include but do not match a Geographic Name will not be considered geographic names</u> as defined in section 2.2.1.4.2 and therefore will not require documentation of government support in the evaluation process*", which used to be the case of DCA's application before being amended. Now, after amendment, it is identical to the AUC-endorsed application and must be regarded as a geographic name for purposes of evaluation. Consequently, it must be subject to the criteria and rules applicable to the evaluation of geographic names, including government support.

   - In contrast to the DCA application, the AUC's officially endorsed dotAfrica (.Africa) geographic application (**1-1243-89583)** has the support of over 39 (thirty nine) individual national governments in Africa, which exceeds the minimum governmental support prescribed by ICANN for new geographic strings.

2. **Unwarranted Interference and Intrusion**

   - DCA's application constitutes an unwarranted intrusion and interference with the mandate

given to the AUC by African Head of States and African Ministers responsible for Communication and Information Technologies. In this regard the AUC has been mandated to establish dotAfrica (.Africa) as a continental Top-Level Domain for use by organisations, businesses and individuals with guidance from African Internet Agencies; and in doing so to set up the structures and modalities for the implementation of the dotAfrica (.Africa) project. DCA's persistent interference in this process is likely to have substantive political, economic and social repercussions in Africa.

3. **Confusing Similarity**

   • DCA's applied for string (.Africa) is identical to the dotAfrica (.Africa) geographic application as officially endorsed by the AUC. Should DCA's application be allowed to proceed, it is likely to deceive and/or confuse the public into believing that the AUC is associated with, or endorses their application, which is clearly not the case.

   • In particular, it is contended that the amended DCA's .Africa application does not sufficiently differentiate itself from the AUC's endorsed dotAfrica (.Africa) geographic application and will therefore confuse and deceive the public.

Possible Remediation steps for Applicant – This will be posted publicly:

GAC Member(s) to identify possible remediation steps to be taken by the applicant

   • The applicant should withdraw the application based on the information provided above.

   • The applicant should engage in a discussion with the AUC to agree on how the applicant's experience in the Internet field can be utilized to further benefit the African continent in ways that will not conflict with positions taken by the African Governments.

Further Notes from GAC Member(s) (Optional) – This will be posted publicly: