

gTLD String: .patagonia
 Applicant Entity Name: Patagonia, Inc.
 Application ID#: 1-1084-78254

SPECIFICATION 11 PUBLIC INTEREST COMMITMENTS

1. Registry Operator will use only ICANN accredited registrars that are party to the Registrar Accreditation Agreement approved by the ICANN Board of Directors on [date to be determined at time of contracting], 2013 (or any subsequent form of Registrar Accreditation Agreement approved by the ICANN Board of Directors) in registering domain names. A list of such registrars shall be maintained by ICANN on ICANN's website.

2. ☐ Registry Operator will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator's application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement. Registry Operator's obligations pursuant to this paragraph shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN ((posted at [url to be inserted when final procedure is adopted])), as it may be amended by ICANN from time to time, the "PICDRP"). Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

Patagonia, Inc.'s Reservation of Rights

Patagonia, Inc. ("Patagonia") has no objection in principle to submitting a Public Interest Commitments ("PIC") Specification. However, for the reasons set forth below, Patagonia hereby reserves its rights to submit to ICANN in the future a completed Section 2 of the PIC Specification:

A. Patagonia has requested the opportunity to meet with representatives of the Governments of the Argentine Republic and the Republic of Chile to discuss the concerns the Governments of the Argentine Republic and the Republic of Chile, respectively, have raised in their Early Warnings, to provide more detail about Patagonia's plans for the use of .patagonia, and to discuss potential alternative remedial measures to address the issues raised by the respective Governments in their respective Early Warnings. The requested meetings and discussions have not yet occurred. Until the consultation process with the Governments of the Argentine Republic and the Republic of Chile has been concluded, Patagonia believes that any substantive, completed Section 2 of the PIC Specification submitted by Patagonia at this time would be both incomplete and materially prejudicial to such discussions.

B. Sections 2 of the PIC Specification require Registry Operators to agree to be bound by a Public Interest Commitment Dispute Resolution Process that has not yet been drafted, that has not yet been disclosed, and, most importantly, about which the ICANN community – including new gTLD applicants such as Patagonia – has been unable to provide any meaningful opportunity for review, comment, and consultation.

C. ICANN has not stated if a completed Section 2 of the PIC Specification is a prerequisite to an Applicant's adoption and implementation of restrictions on the registration and use of domain names in the applied-for gTLD to itself where the Applicant has previously set forth such restrictions in its Question 18 response contained in its application.

3. ☐ Registry Operator agrees to perform following specific public interest commitments, which commitments shall be enforceable by ICANN and through the PICDRP. Registry Operator shall comply

with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

Patagonia, Inc.'s Reservation of Rights

Patagonia, Inc. ("Patagonia") has no objection in principle to submitting a Public Interest Commitments ("PIC") Specification. However, for the reasons set forth below, Patagonia hereby reserves its rights to potentially submit to ICANN in the future a completed Section 3 of the PIC Specification:

A. Patagonia has requested the opportunity to meet with representatives of the Governments of the Argentine Republic and the Republic of Chile to discuss the concerns the Governments of the Argentine Republic and the Republic of Chile, respectively, have raised in their Early Warnings, to provide more detail about Patagonia's plans for the use of .patagonia, and to discuss potential alternative remedial measures to address the issues raised by the respective Governments in their respective Early Warnings. The requested meetings and discussions have not yet occurred. Until the consultation process with the Governments of the Argentine Republic and the Republic of Chile has been concluded, Patagonia believes that any substantive, completed Section 3 of the PIC Specification potentially submitted by Patagonia at this time would be both incomplete and materially prejudicial to such discussions.

B. Section 3 of the PIC Specification require Registry Operators to agree to be bound by a Public Interest Commitment Dispute Resolution Process that has not yet been drafted, that has not yet been disclosed, and, most importantly, about which the ICANN community – including new gTLD applicants such as Patagonia – has been unable to provide any meaningful opportunity for review, comment, and consultation.