

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TECHNOLOGY IN GOVERNMENT

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October 17, 2008

Start: 10:19 am

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HELD AT: Council Chambers
City Hall

B E F O R E: GALE A. BREWER
Chairperson

COUNCIL MEMBERS:
Bill de Blasio
G. Oliver Koppell
James Sanders, Jr.
Letitia James

A P P E A R A N C E S (CONTINUED)

Thomas Lowenhaupt
Director
Connecting.nyc Inc.

Michael Palage
Advisor
Connecting.nyc Inc.

Hannah Kopelman
Head of Resident Advisory Network
Connecting.nyc Inc.

Dr. Frans Verhagen
New York City Earth Charter Alliance

Paul Garrin
Name.Space

Anthony Van Couvering
Dot NYC LLC

Davidson Goldin
Dot NYC LLC

Jack Eichenbaum
Coordinator Emeritus
GISMO

2 MALE VOICE: Yes, ma'am.

3 [Off mic]

4 CHAIRPERSON BREWER: Good morning,
5 I'm sorry to be late.

6 SERGEANT-AT-ARMS: Quiet, please.

7 [Off mic] to vibrate, if you haven't already.
8 Thank you.

9 CHAIRPERSON BREWER: Thank you very
10 much. I'm Gale Brewer, City Council Member for
11 the West Side and also Chair of the Committee on
12 Technology in Government and we're here today to
13 talk about a resolution, 1495.

14 This is a topic that I think is
15 somewhat known to those of us who are in the
16 technology world and perhaps in economic
17 development, but it is certainly something that we
18 have a lot to learn about, so it's quite exciting.

19 The background of this resolution
20 is that the Internet utilizes a domain name
21 system, known as DNS, which uses names to reach
22 websites. The domain names are separated by dots
23 and the last label in the sequence is called the
24 Top Level Domain, known as TLD. I think we're
25 very familiar with com and org and us. TLDs with

two layers of country codes, ccTLD, that are operated by managers on a local basis and TLDs with three or more characters are called generic codes, gTLD. The DNS, which of course is the domain name system, currently consists of over 20 generic codes and around 250 country codes.

Something that is becoming much better known is ICANN, the Internet Corporation for Assigned Names and Numbers. It's a globally recognized private-public partnership that is responsible for the coordination of domain names worldwide and there are members from all over the world, and sometimes they'll be at a rally and somebody will say they're an ICANN member and they can't talk to you because they're looking at your city. Kind of a good combination of public and private sector individuals. ICANN was created through a Memorandum of Understanding with the United States Department of Commerce to transfer management of the DNS from the United States government to the international community.

There are now new TLDs, the most want TLD, .com, which we're all very familiar with, is being used by 80 million websites, making

it hard for a new company to find a combination of letters that have not already been utilized. In June 2008 ICANN passed new rules that allow any company or country to apply for a new TLD while also permitting new names to be in scripts other than Roman characters. ICANN is expected to issue guidelines for the new TLDs in the coming months and the application period may begin in late 2009.

The issue of new TLDs is somewhat complicated. Because of the new rules, many organizations and individuals have created plans to apply for a city TLD that would be used by local businesses that are apropos to that neighborhood and that city, civic organizations and city governments, although city governments often have GOV. Berlin, Paris, and Portland, Oregon have shown interest in purchasing a TLD of their own. Advocates of regional TLDs believe that these new domains will create more options for new companies looking for a web address and give local businesses access to memorable domain names that will help in marketing their company to the community. City TLDs will also aid in marketing a city globally to tourists and

international business owners and create a more organized Internet that'll be easier to navigate.

So we're talking about this issue today because the city of New York, although not testifying today as a city government, is certainly interested in this topic and ICANN will be working on issuing RFPs, Request for Proposal, on this topic and the city of New York in some form will be responding to the RFP and will certainly be making comments regarding the RFP. So the reason we're here today is to sort of jumpstart the process, make sure that people understand and are educated on what ICANN is doing, and what the, I think the benefits, but people may have other comments regarding a TLD for the city of New York.

So without further ado, I'd like to thank Colleen Pagter for her work in terms of putting this hearing together and certainly Jeff Baker, who's counsel to the committee, and Kanal Maltra [phonetic] from our office, and the folks from the Finance Division of the City Council.

So without further ado, we'd like to call the father of TLD, Tom Lowenhaupt, who is

the one who has brought all of us together on the many opportunities on this topic. Tom, why don't you join us?

[Off mic]

CHAIRPERSON BREWER: And you can introduce whomever is with you today.

[Off mic]

MR. THOMAS LOWENHAUPT: I don't know what they did with it. No [Off mic]

CHAIRPERSON BREWER: It's Lionel Francois, sorry, Lionel, from the Finance Division, who's here today.

MR. LOWENHAUPT: Yeah, we loaded something on the machine here, it would be helpful if the fellow who put it there, would help us--

CHAIRPERSON BREWER: Sure.

MR. LOWENHAUPT: --here we go here.

CHAIRPERSON BREWER: You can do that.

MR. LOWENHAUPT: [Off mic]

CHAIRPERSON BREWER: There's some technology, Tom, in the City Council. [Vibration] Is that me?

MR. LOWENHAUPT: [Crosstalk] talk,

2 rather than touches--

3 MALE VOICE: Opening statement [off
4 mic]

5 MR. LOWENHAUPT: Yeah, yeah.

6 [Off mic]

7 FEMALE VOICE: Isn't it--I can't
8 think what's in [off mic] down there. Isn't that
9 that--

10 MALE VOICE: Do you want to start
11 and then [crosstalk]--

12 MR. LOWENHAUPT: Yeah, all right,
13 we'll see if we can--all right, I've got a bunch
14 of things to say, there's not really very much on
15 it anyhow, so let me begin.

16 I'm Thomas Lowenhaupt, other than
17 my college years, I've been a lifelong New Yorker,
18 having lived in Queens and Manhattan. For the
19 past 27 years, I've lived in Jackson Heights with
20 my wife, Patricia. My career for the past 30
21 years has been as a developer of state-of-the-art
22 interactive technologies, developing projects for
23 such giants as Citicorp and Verizon's predecessor
24 organizations, but I've mostly worked for smaller
25 organizations.

Beginning in--sorry, distracted here--beginning in 1992, I served for 14 years as a member of Queens Community Board 3, holding several positions including vice chair and chair of its technology committee. My education includes a BA from Queens College with a focus on government studies and a master's degree from NYU's interactive telecommunications program. Since 2005, I have been engaged full-time advocating for the acquisition and development of the .nyc Top Level Domain.

I'd like to begin by offering my thanks to the Committee's Chair, Gale Brewer, for introducing and providing the opportunity to comment on Resolution 1495. And I would like to thank the cosponsors, Council Members Leroy Comrie, Robert Jackson, Letitia James, John Liu, Annabel Palma, Larry Seabrook, and Thomas White, Jr.

I'm joined at the table by Michael Palage, our ICANN advisor. Michael is an attorney, an expert on Internet's domain name system, and a former board member of the ICANN, the organization with responsibility for issuing

the .nyc Top Level Domain. Michael will comment on the ICANN application process and governance issues. And I'm joined by Hannah Kopelman, a technology advocate and artist and head of our Resident Advisory Network and Hannah will comment on the way the public can participate in our decision-making processes.

My presentation will touch on five areas, what's a TLD and why it's important to New Yorkers and New York City. Second, I'll review the origin of our organization and what we've done to date. Third, what still needs to be done. Fourth, how city government can help and, finally, some closing remarks.

First, what's a TLD and why is it important? The .nyc TLD is like .com, .org, or gov, but just for New York City. Upon acquiring .nyc we will have the ability to issue the entire set of second-level domain names under .nyc. Familiar second-level domain names under the .com world are AOL, Yahoo, Amazon, Google.com.

Why is it important for New York City to get a TLD? The first thing we get with a TLD are good domain names. Good domain names are

those that are short, descriptive, and memorable:

Coke.com, IBM.com--these are good domain names.

In New York City, short is especially important in the realm of retail where stores need to identify themselves using the available signage above their establishments. Joesbar.nyc might fit on that sign above the store, while Joesbarin NewYorkCity.com doesn't. So good domain names are short, descriptive, and memorable.

Our efforts originated in Jackson Heights, where most of the residents are immigrants or young adults just starting out in the business world. Neither of these groups were around in 1995 when the good .com names were available. Today there are no good .com names left in--no good .com names left, none. Eighty million names have been issued.

When we receive the rights to .nyc, we will have the full set of domain names. Good domain names for small businesses-- Joetheplumber.nyc, Juliaswritings.nyc, or Igorsbrightidea.nyc, Juanscars.nyc.

The second thing that comes with domain names is identity. Every one of these good

domain names will say made in or from New York City.

Portals are a third benefit. Names such as schools.nyc and hospitals.nyc will organize our resources for residents. And for tourists and business visitors there will be portals such as hotels.nyc and tours.

Perhaps more important is the role .nyc can play in enabling residents to connect with one another. A city's traditional role is that of a meeting place where ideas and goods are shared and exchanged. With the globalization that was enabled in large part by the .com Internet, our city no longer benefits from proximity as it once did and there is no New York City on the Internet.

There are other benefits, such as more intuitive Internet, and being more findable in search engines. These benefits are discussed in detail on our website.

Next, I'd like to discuss Connecting.nyc's origin and those things we've done to make .nyc a reality.

Get a little sip here. Thank you.

I set our official birth date in April 19th, 2001, the day Queens Community Board 3 passed the Internet Empowerment Resolution, calling for .nyc's acquisition. After its passage in 2001, our Council Members, Congress members, and Borough President took steps to make the resolution a reality. City Hall also took notice. But the 9/11 tragedy took .nyc off the front burner as we addressed far more vital matters.

In 2003, when the ICANN issued a request for proposals for a proof of concept of new TLDs, I initiated an effort to encourage City Hall to submit an application, but more pressing matters faced the city and the opportunity passed.

In 2005, I was contacted by the developers of the .Berlin TLD who encouraged me to again pursue the effort. My initial inclination was to encourage an existing organization to do so and I contacted several. But after some discussion and recalling my failure in 2003 to ignite some effort and, more importantly, having examined the nature of the operation of a TLD, I concluded that a not-for-profit corporation, broadly representative of our diversity, and

committed to the operation of a TLD in the public interest, was the best approach, and in 2006 we initiated steps to create Connecting.nyc Inc, a New York State not-for-profit.

Connecting.nyc seeks a more city-friendly Internet, where a carefully planned and managed TLD will make it easier for both residents and visitors to locate city resources within a safe environment.

What we've done. We created our not-for-profit to acquire and develop the TLD. Our not-for-profit status arises by virtue of our long-term role as an educator of the public about .nyc and the multiple roles it can play in our city's growth and development. That educational role will be small at the outset, but sustained for the long-term as we train and educate New Yorkers about the role and possibilities of a TLD. Our application for IRS 501(c)(3) status is pending.

We developed several online resources. We have a website at connectingnyc.org that has a petition on it, and if you've not signed it, please do so. We have a wiki with over

100 pages of ideas and resources on how the New York TLD can become a reality that serves the public interest of New York and New Yorkers. It works like Wikipedia and enables the public to participate in our deliberations. And in December 2007, we started a blog--to my mind, it's the most engaging part of our online effort.

Locally, we've met in person with over 85 organizations to explain our proposal--Chambers of Commerce, civic organizations, Kiwanis Clubs, community boards, government departments. We've made presentations at conferences at the Grassroots Media Conference, the New Media Day at LaGuardia community college. We attended dozens of civic events to explain our effort, answer questions, and seek suggestions. In January, we initiated the civics project to identify the names of neighborhoods and civic organizations so that we might set them aside to make them available when we begin to issue .nyc domain names.

We met with our local city and state officials, with members of the City Council, DoITT, three of the borough presidents, and we've reached out to NYC & Company. In June, during

Internet week, we handed out fliers in front of the municipal building asking city employees to provide their ideas on domain names we might set aside to aid the operation of local government.

We reached out globally as well and to other cities who's seeking TLDs. We developed a Paris Understanding, an emerging agreement on sharing best practices by developers of dot city domains for Paris, Barcelona, Berlin, and New York City. We're working with ICANN to create on their website a place where their experiences with governance, particularly multi-stakeholderism, will be organized for use by the developers of city TLDs. We've attended ICANN-related meetings in Prague, Paris, Puerto Rico, Los Angeles, and Washington, DC, to familiarize the ICANN community about the needs of cities and the role TLDs play in facilitating local communication. And we've met with the US Department of Commerce to appraise them of the importance of city domains to good city governance and the creation of a more livable city. Finally, we recently began a round of meetings for our Civic Name Project that will take us to the city's 59 community boards. We've done

two so far, it's going to be a long haul.

Fourth, what remains to be done.

We need to develop an application that convinces ICANN that we are capable of operating the .nyc TLD with the technical, management, and financial wherewithal to do so. We need to convince ICANN that we have the support of the city and the community of New York. The most challenging task that I faced, that we face, has been creating a governance structure for our organization. As we've met with dozens of organizations and hundreds of people over the past few years, a consistent issue I've raised is governance, how do people think .nyc oversight should be organized and if they'd like to participate.

Today, we have four members on our Board of Directors and I believe the fifth is coming on board soon. These are all individual members who are enthusiastic about the effort, technologically adept, and have committed time to devote to the effort. John Moran, one of our board members, is here, I thank him for showing up today.

But there's a more important

membership cadre that we seek to include in our governance structure: existing institutions. For example, last year we met and discussed with Queens Borough President Helen Marshall about her interest in serving on our board. She suggested that all the borough presidents be represented in ex officio capacities, we're working to implement that now. We would also like to have a representative of the City Council on our board. As well, several city entities that will have a special connection with domain names should be represented in our governance processes: NYC & Company, DoITT, Consumer Affairs, and Small Businesses, minimally. Finally, the chambers of commerce should be represented and civil society.

How can the city help us. The ICANN, the organization responsible for issuing the .nyc TLD, requires that a city TLD applicant provide evidence of approval by its city. If we are to move forward in an expeditious manner, we require a clear indication of support from the City Council. As well, to avoid possible confusion, we require a similar indication of support from the office of the mayor.

2 The ICANN will soon issue the draft
3 RFP indicating among other things, the fee that
4 must accompany our application. We expect that it
5 will be in the six-figure range. City Council and
6 mayoral approval of our effort will assist us in
7 meeting our funding needs.

8 Our application will also require
9 approval of the U.S. Department of Commerce. City
10 support of our effort will enable us to begin
11 taking steps to secure Commerce's okay of our
12 effort.

13 Finally, governance. As I
14 mentioned, there are a number of city entities
15 that we would like to have involved in our
16 governance process. We have postponed making
17 certain decisions until we have a broader and more
18 diverse governance structure. With the Council's
19 approval of our effort, we would speak from
20 strength and encourage the chambers of commerce
21 and entities representing libraries and other
22 civil society members to participate in our
23 governance process.

24 In closing, I'd like to address two
25 frequently asked questions. The first question

I'm asked is, is there money in it. Once the ICANN made its June 25th decision that cities can have TLDs, money became a frequently asked question. My answer is that there's big money or there is enough money.

Big money. If we were to give the .nyc TLD to an avaricious developer without any limitations on its use, there'd be a quick fortune to be made modeling the TLD as real estate. How much am I bid for TimesSquare.nyc? What's the bid for CentralPark.nyc? Such an auction would probably raise a considerable bank account for an individual or firm, and I've no doubt that a community benefits package would offer to put some of it back into the neighborhoods. The downside of this is we'd sell our city's soul and have little control over our future. And when a digitally organized .Berlin or .Paris presents themselves as livable cities where people happily visit and businesses fruitfully operate, we'll be at a disadvantage, and we'll have missed a huge opportunity--probably the only one--to plan our city's place in the digital world.

With enough money, we can allocate

names to those who need or will best develop them--city government, civic organizations, small businesses--to help boost our tourism resources, to build the .nyc brand. After we've used the TLD to help create a more livable city, .nyc domain names will be highly desirable with their sale generating excess financial resources that we'll dedicate to our education efforts aimed at reducing the digital divide.

The second frequently asked question is why wouldn't NYC & Company or DoITT take this on? First, it's a totally different line of business. Most basically, operating a TLD involves a highly technical operation of a domain registry that must always work, that must comply with evolving global Internet standards, and must network with various root servers around the world.

As well, it is imperative that the registry operator coordinate with ICANN and other Internet governance agencies, establish standards and processes for determining who gets which name, that it educate the New York City community on the effective use of .nyc domain names to support

businesses, community, and the city's global brand.

There are many different needs that can be met by the .nyc TLD. For example, of the millions of possible .nyc domain names, NYC & Company, will be interested in developing various tourist names--hotels.nyc, tours.nyc, visit.nyc, and the like--names that promote the city's brand. It is unlikely that its priority would be assuring that civic names are equitably distributed, that Joseph Smith the 3rd gets josephsmiththe3rd.nyc domain name in a timely manner, and that Mr. Smith uses it within standards established by the community.

As well, I don't see a city agency being eager to make decisions on sensitive names, e.g., themayorsucks.nyc. We selected our not-for-profit model after seeing the success of the governance model created for cable TV's public access channels in the early 1980s. In that instance, one not-for-profit per borough was created--MNN, QPTV. This arm's-length governance removes city government from a censor's role and, in the case of a bare breast might be seen on the

channels, distance Council Members and the Mayor from irate citizens.

Most important, a dedicated entity, such as Connecting.nyc can support the multiple roles that TLD must play in promoting tourism and small business, civic organizations, city government, neighborhoods, individuals, and making .nyc a medium for addressing the issues and opportunities that face our city. NYC & Company, the police department, Consumer Affairs, DoITT, Small Business services, and for-profits could operate the .nyc TLD, but we've established a broad view of the TLD's role as supporting the entire New York community. And with 10 years involvement with this development and important connections with New York City and the global Internet community, Connecting.nyc Inc. brings the expertise and focus to develop the city's TLD in an effective manner.

Thank you very much. And, if I might, well maybe just questions or do you want to make a comment? And, Hannah, who I'd like--she's trying to encourage public involvement in our effort and we have a network advisory board and

she oversees it and she may like to say a word at this point.

CHAIRPERSON BREWER: Before she does, I just want to make sure that we introduce our colleagues, Council Member Bill de Blasio was here and probably had to leave, but he was here and Council Member Oliver Koppell is here. We thank you very much.

Hannah, go ahead and say something if you want.

I also want to just thank Tom Lowenhaupt for the incredible effort on his part, because I think if one person can make a difference, this is an example.

But go ahead if you want to say a few words.

MS. HANNAH KOPELMAN: I'm Hannah Kopelman and I am the face of .nyc.

I live in Washington Heights and it is a very diverse community, especially since it's been added as a neighborhood that has cheap rents. So we have a whole influx of a diverse population coming in, many of them artists, and who are into the cultural scene.

2 I think .nyc would go very far to
3 help us to connect everyone together to bring all
4 the resources to a central place and to show
5 people what is available, even if you don't have a
6 computer or access to the Internet in your own
7 home, as so many residents do.

8 So I just wanted to bring it home
9 that it's not a theory that we would be fine
10 stewards of .nyc, but that we have very practical
11 issues that we are trying to conquer that hit us,
12 you know, where we live, literally. Thank you.

13 CHAIRPERSON BREWER: Thank you very
14 much.

15 Council Member Koppell may have
16 questions, but if you could just describe the
17 process for obtaining the Top Level Domain. In
18 other words, ICANN meets, there's an RFP, the city
19 of New York is involved, there are many, many
20 steps, if you could just describe the process.

21 MR. LOWENHAUPT: Well this morning I
22 asked Mike the timing the ICANN's RFP and he
23 pulled out his iPod or whatever it was and showed
24 me a little thing which I barely read, so if I
25 may--Mike was a former board member of ICANN and

is quite familiar with the process and...

MR. MICHAEL PALAGE: Thank you.

CHAIRPERSON BREWER: Push the button at the bottom.

MR. PALAGE: Hello, there we go. Well I--

CHAIRPERSON BREWER: [Interposing] Introduce yourself to--

MR. PALAGE: Yes. My name is Mike Palage and I have served as an advisor with Tom over the--there we go, thank you very much--over the last two years, shortly after stepping down from the ICANN board in 2006.

ICANN--there we go--ICANN last night issued a communication that within the next two weeks the draft RFP would be out in advance of the Cairo meeting. This communication is calling for a 45-day public comment period, and they are predicting that the final RFP will be issued sometime early in 2009.

As part of the policy development process, there was a four-month hard-code date in the PDP, or the Policy Development Process, which states that after the RFP is finalized there will

1
2 be four months for interested applicants to come
3 forward and get their application. So right now
4 in Washington, approximately two weeks ago, Paul
5 Twomey, the CEO of ICANN, anticipated the
6 application phase beginning at the end of the
7 second quarter 2009.

8 Now also of importance in direct
9 relevance to a .nyc application was a
10 communication which Mr. Twomey sent to the
11 government advisory committee, which represents
12 over a hundred governments that participate within
13 ICANN, and in this communication that was sent out
14 approximately two weeks ago, there were specific
15 guidelines relating to geographical identifiers,
16 i.e., city TLDs and these were recommendations
17 that were, if you will, new, they were not
18 originally contemplated in any of the policy
19 development process. So this was, if you will,
20 ICANN staff initiating a deviation from what the
21 community had said in response to concerns voiced
22 by the governments. And what is relevant there
23 was that with regard to city identifiers, there is
24 basically going to be a requirement that the city
25 approve, acknowledge, show their support, or

acknowledge that they do not object, so that there is--this is important and, again, this goes to kind of the foresight in chairperson for calling this hearing because we didn't even know this existed, and just two weeks ago we found out that this new requirement is going to be there showing some type of affirmative role in the city to approve or in the application process. So I think that is very relevant.

Now assuming that the applications begin to be--are processed at the end of the second quarter 2009, you're probably looking at around a 12 to 18-month window before that TLD will actually be up and operational in the root and resolving on the Internet. So I think that's kind of, if you will, important benchmarks and metrics to take into account.

The one thing though that I did want to touch upon and circle back on some of Tom's original comments is the governance structure. The governance structure is something that I bring a lot of expertise, I have worked with a number of registries over the years: .info, .coop, .mobi, .Asia, and .post. I've dealt with

for-profits, nonprofits cooperatives; I've dealt with IGOs and their intergovernmental organizations which have their own nuances with privileges and immunities. So what is important here and which is very important is a final governance structure has not been agreed upon and the reason it has not been agreed upon is these consultations with the relevant community and a relevant stakeholders need to continue to continue.

Now what has become clear is that the governance structure will include certain variables. Obviously the City Council has a role in ensuring that public policy is properly incorporated into the operation of this TLD, which is going to represent the city's interest. Now how that representation, whether it's direct or indirect, these are some of the things I think we need to look at.

Another definite variable will be NYC & Company. Clearly, they have a role in promoting tourism and trade within the city and they need to have a role particularly with some of the more generic or commonly used identifiers--

hotels, tourism, and stuff like that.

So putting of these pieces together is something that, hopefully as a result of this hearing and continued outreach, we'll be able to figure out what the appropriate interlocking mechanisms will be.

It's also important in doing this that one acknowledge that launching a TLD is not for the faint of heart. Over the years there have generally been litigation involved with certain aspects of expanding the namespace, either through processes or through individual specific applications. So that's one of the reasons why, in setting the proposal to have a nonprofit, it was designed to, if you will, insulate either City Council or other nonprofits such as NYC & Company from having their operational budgets negatively impacted because particularly in the current economic situations you want to make sure that the existing budgets are going towards focusing on achieving their primary goals and you do not want this potential asset to become a distraction. So, again, from a liability standpoint, American lawyers have ways of complicating things, so I

2 think that is one of the things looking back at
3 the history of the launch of new TLDs that one
4 always must factor in from a governance structure.

5 CHAIRPERSON BREWER: Thank you very
6 much, Mike, for all of your knowledge.

7 The other question I have is
8 twofold, one is the ICANN's going to be looking
9 at, I assume, many, many applications, so when you
10 say the RFP, is that going to cover every kind of
11 possible application, the one that's coming in
12 after Cairo?

13 MR. PALAGE: Yes, what they have
14 done is in the communication sent last night,
15 there is going to be six components to the RFP and
16 that will cover geographical identifiers,
17 corporate identifiers, such as a .IBM or a
18 .Comcast. Yes, this is designed to be a
19 comprehensive one-size-fits-all RFP.

20 CHAIRPERSON BREWER: Okay. And so
21 when you were listening to the addendum so to
22 speak that the staff came up with, I assume that
23 the executive branch and the legislative branch
24 where there's some kind of geographic would have
25 to be involved or was it clear? In other words,

would the Mayor's office and the City Council have to sign off on something locally or it wasn't clear from the addendum [crosstalk]--

MR. PALAGE: I don't have that right in front of me, but generally what ICANN is looking for and, again, looking back at when I said on the board we dealt with a situation with the .cat TLD, which was for the Catalan community, and what ICANN did there is working in conjunction with the government advisory committee reached out to the relevant governments in the Catalan community to seek agreement or non-objection.

So, again, ICANN in this process is not trying to be overly rigid or inflexible, but just making sure that there are appropriate public policy safeguards so that one could not somehow dupe a city in trying to, if you will, have a city without the approval.

And just one other point is, there is a recognition that there are some cities that may in fact be related to a generic term. Orange, mobi, there are some cities that actually have a generic term. So what ICANN has said is if someone comes forward and proposes, oh, I want to

use this in a generic sense, I'm not intending to use it as a city, there will actually be requirements and safeguards to make sure that that entity does not change its mind later on at a later date and try to, sort of, you know, get cute with the rules. So I think ICANN has, in this communication to the government advisory committee, shown a rather broad brush stroke to provide that adequate safety net for public policy concern.

CHAIRPERSON BREWER: Okay. Tom, you want to [crosstalk]--

MR. LOWENHAUPT: Yes, I just, you know, one of the concerns that I saw in the recent letter from the president of ICANN, Paul Twomey, to the GAC, the Government Advisory Committee was that, you know, in the instance where there are more than one application from a city, that they would, for example, let's say the Council were to say Connecting.nyc was a great model and NYC & Company decided that they wanted to apply also, they would put the two parties in touch with one another, period, that's it, you know. So, in that instance, you know, I don't know what competing

parties there might be, but if the city is not clear on its role and the fact that they want this thing to be developed, this thing can sit around for weeks, months, years, or decades before it moves ahead. Meanwhile, other cities, truly have their act together, Barcelona knows what they're doing, Berlin knows what they're doing, Paris knows what they're doing, and I think New York does too, but we just have to continue along and not, you know, confuse the situation.

CHAIRPERSON BREWER: Okay. How would the, in your scenario or maybe looking at some other cities, how would domain names be allocated? I know you talked about Joe's Pub, I mean, I think obviously one would look at win conjunction with places like NYC & Company economic development, small business, things that have known to the small business community, the tourism community, etc., something that is New York City-based. But, again, would that have an icon kind of definition or would that be a local definition and then how would somebody challenge a domain name allocation?

MR. PALAGE: I'll answer this.

Historically, looking back over the last seven years, ICANN has developed two types of TLDs, there's the sponsored and unsponsored. Examples of sponsored would be .museum, .coop, .aero. In those instances where the TLD is a sponsored TLD, ICANN delegates to that registry operator certain policy delegation and authority. So, for example, the .mobi TLD, which is a joint venture with Nokia, Microsoft, and Google, what they have done is they have actually hard-coded into the registration terms certain requirements regarding how a website on a .mobi appears so that it appears within a narrow mobile handheld device, so there are certain restrictions. An example with .museum, they are able to exclude who can and cannot do this.

So, although in this new process ICANN has not said there will be sponsoreds, there won't be sponsoreds, the believe in most of the community is that one can claim that they are seeking to represent a community, there should be a sponsored structure, and then that way that entity will be able to retain certain policy delegation authority.

2 CHAIRPERSON BREWER: Okay. Council
3 Member de Blasio has questions.

4 COUNCIL MEMBER DE BLASIO: Thank you
5 very much. First of all, thank you, Chair Brewer,
6 I think this is an important topic and I want to
7 put my name on your resolution.

8 It seems to me, this fits very
9 clearly with the discussions we've had before
10 about how to, you know, create wireless access for
11 this city and how to look at the interplay of, you
12 know, democracy and technology and so I think a
13 lot of us on the Council, and obviously Chair
14 Brewer in particular, have been pounding away on
15 this issue that there is a fundamental democracy
16 question and how we decide going forward, what
17 power people have in this process. So I really
18 appreciate that folks are raising the question of
19 how do we allow people to get their information
20 out, their message out, their brand out, their
21 idea out more effectively. I know everyone,
22 myself included, has been frustrated by trying to
23 get a name that's appropriate and finding all
24 avenues blocked and including names you would have
25 thought no way on earth could have been taken

already and then of course there's the dynamic of the sort of unfortunate bidding war that occurs in trying to get names that are, you know, entrepreneurially owned by someone already, and we've certainly seen that in a lot of--in business and in politics.

So I guess I want to key in on the question of who should take the lead and you talk about, I don't know who put this in their testimony about raising specifically the money questions and the entity question, but I'm very intrigued by the notion of the city directly doing this. Again, I think it keys into a lot of what Gale's been talking about in terms of wiring the city and using the Philadelphia example and one thing and another. So I want to ask it this way, why shouldn't the city of New York step in and control .nyc and create an equitable fashion for allocating ownership of each name?

MR. PALAGE: I--

[Off mic]

MR. PALAGE: --yeah, I tried to address this--

COUNCIL MEMBER DE BLASIO: I'm

sorry, I stepped out of [crosstalk]--

MR. PALAGE: Oh no, no, and put it this way, it's a very good point and worth revisiting.

One of the things in my involvement with TLDs, with new TLDs in the 2000 and the 2004 round has been a certain amount of litigation, has generally involved the rollout of new TLDs. So in creating the appropriate governance structure, one of the things that I'm looking for is to insulate the TLD from undue litigation. So if the city was to have a direct role, which if it wants, it could have that role, but once it does, it then begins to, if you will, create potential certain constitutional challenges. For example, some people in this room here are familiar with certain constitutional challenges regarding free speech that were raised back in the late 90s regarding the expanse of the namespace. So by setting up the nonprofit, you have the ability to delegate certain policy, important public policy considerations to the city or appropriate policy bodies so you have that safety net that you're looking for, but then not exposing the City

Council or the city to litigation involved in the day-to-day administration of the TLD.

COUNCIL MEMBER DE BLASIO: I respect that and I understand the logic, let me just make a counterpoint and ask you to comment and I'll preface by saying I think in this last month or two, we've been given, probably in my lifetime, the most profound lesson on why the government has to play a role, a mediating role in public life and in the economy and I'm sort of at a point personally very unapologetic now about saying I have no longer any doubt about government as the arbiter because I don't trust the private sector to do it and I think the stock market situation just kind of, to me, makes that point so clearly across the board.

So you could say, well you'd set up a non-profit, I understand it, but I still fear that if [off mic] I guess [off mic] I fear if it's outside the hands of government, it will get in some way derailed or sent into a track where it won't be effective and, second of all, I feel like it's the same point about, you know, wiring the city and creating access that it should be, why on

1 earth shouldn't it be the appropriate role of
2 government? I'm not saying it might not be
3 complicated, there might not cost, there may not
4 be considerations about, you know, distraction, if
5 you will, of having it sort of have another front
6 we have to act on. But I guess on a philosophical
7 level, it to me sounds very similar to the
8 argument of, you know, that we certainly heard in
9 the hearings on creating a wireless city that, you
10 know, a lot of folks are trying to urge us away
11 from the government stepping in and making sure
12 there was equity, and I fear those arguments. I
13 think, in fact, the answer should be until you can
14 prove there is a better way, it should be
15 government's responsibility to make sure there is
16 equity in everything involving technology and
17 everything involving the Internet. So what do you
18 say to that?

19
20 MR. PALAGE: Can I--

21 [Off mic]

22 MR. PALAGE: As I said in the
23 governance structure, the city has a definite
24 role, so this is not a question of do they have a
25 role, they have a role. The question is in what

2 role do they play in the governance structure. So
3 in looking at how things have been done before,
4 let's look at the example of .edu, right? What
5 .edu is a TLD, that's a legacy TLD that many
6 people are very familiar with, it's a small TLD
7 only 7,000, that TLD, the United States government
8 actually delegated that to a private entity called
9 Educause because they thought that they would be
10 able to do a better--

11 CHAIRPERSON BREWER: [Interposing]
12 Is that a nonprofit or a--

13 MR. PALAGE: That is a nonprofit,
14 Educause is a nonprofit. So, again--

15 COUNCIL MEMBER DE BLASIO:
16 [Interposing] I'm sorry, with a government charter
17 or some imprimatur?

18 MR. PALAGE: The government issued,
19 I believe there was an RFP, there was a process
20 where the United States--

21 COUNCIL MEMBER DE BLASIO:
22 [Interposing] So government authorized.

23 MR. PALAGE: They authorized that,
24 yes, that's part of the legacy, .edu has its own
25 little unique point, but in that instance, the

government said, look, we want a private entity to run this, so I would think that that's probably a good example. You could also look at .org, .org is a TLD that has upwards of 8 million names, that has been delegated to PIR, which is the registry operator, that's a 501(c)(3) and ISOC is another 501(c)(3), so they delegated that, money goes back.

So there are ways to set up governance structures to retain this, and getting back to your concern, a very legitimate concern regarding oversight, the City Council always has the ability Connecting.nyc is a non-profit, you have the ability to pass legislation as a City Council, to control. So if you feel that the adequate safeguard mechanisms in a governance structure do not address your concerns, you, as a City Council, you clearly have the ability to pass laws to address those concerns, if in fact they're not addressed in the existing structure.

COUNCIL MEMBER DE BLASIO: I don't want to interrupt, Gale, I just had a follow-up for you.

CHAIRPERSON BREWER: [Crosstalk] I

just want--Tom, do you want to jump in on that quickly 'cause I know [crosstalk]--

MR. LOWENHAUPT: [Interposing] Yeah I just, you know, when we started this thing in 2005, or 2003 rather, you know, we approached the city government, I tried my best to get into City Hall and encourage the city to send in an application, there were more important things that City Hall had on their mind at that point. And I started in 2005 again and I found the same difficulty, I couldn't find organizations that were interested in this, and I said most important to me is that New York City have a Top Level Domain. I knew that Berlin was applying for it, I knew that other cities were going to apply for it--

CHAIRPERSON BREWER: [Interposing] Tom, are they applying directly or through a nonprofit or you don't know?

MR. LOWENHAUPT: It differs, in Berlin it's a nonprofit; in Barcelona I believe it's going to be government's going to create a for-profit to--with adequate supervisory role to operate it, so it's always outside of government.

So the idea was to make sure that the thing, that it would get done, you know, that it didn't happen last time, I wanted to make sure that this opportunity was not lost, so I started this not-for-profit with the intention of getting city government involved as much as I could.

CHAIRPERSON BREWER: And you have a meeting with [off mic] now.

MR. LOWENHAUPT: I have a meeting with--

CHAIRPERSON BREWER: You have been meeting with [crosstalk] now.

MR. LOWENHAUPT: [Interposing] I have been meeting, I met with DoITT, I met with my Council Members, with everybody that I could get a hold of saying, you know, we want you involved with this, you know, we think that we can focus on the issue, you know, that NYC & Company might be a reasonable one to do it, they'll be interested in a half a dozen of these and they should and they should develop them and we'll make sure they get them.

We met with DoITT and we said, you know, gov.nyc is for the city of New York, they

said, well we don't want to use it now, it's reserved for you, you know. Our intention is to-- we met with the Queens Borough President, she said she wants all the borough presidents on the board, we'd love to have the borough presidents [crosstalk]--

COUNCIL MEMBER DE BLASIO:

[Interposing] Okay. I'm going to interrupt, I apologize, I just want to follow-up because if I feel like there's something hanging in the air I can need to get at here.

Okay, I respect the answer, obviously, but I'm not hearing sort of the why not enough and one of the things I'd like to point to is I think the .nyc is going to be unquestionably more popular than say .edu because I think it has such broad, you know, application and I think one of the testimony pointing out how powerful it would be as a promotional tool for people to make clear that that was their brand, that was their location simultaneously.

But also on the legal front, if you're trying to ensure equity and trying to not let lawsuits bog you down, I would think having a

government entity defending would give you more chance of success than a nonprofit, even a nonprofit with government support, just 'cause of the sheer weight and, you know, the legal ability and the way government treats other government in the legal process. So I'm not trying to be difficult, I'm trying to understand why it isn't superior to have it based in government.

MR. PALAGE: And, again, this is the excellent dialogue and there may not be a right answer, there could just be different viewpoints.

If you look at the U.S. government, right? The whole idea, because there was a certain point in time, the Green paper, the White paper, the whole genesis of ICANN was to get the US government out of the direct control of the namespace, that's why they created NewCo, which it was ICANN, a nonprofit corporation, to, if you will, handle the day-to-day administration. Now although ICANN is handling the day-to-day administration, the oversight that you are concerned about is still maintained through two agreements: the IANA agreement and the JPA, the Joint Project Agreement. So what the U.S.

government has been doing is letting the nonprofit, ICANN, handle the general administration of the global coordinating role while retaining its oversight through separate agreements.

So, again, getting back to your concern, does the City Council, does the city have a role? Yes, it has a role, so it's just a matter of how do you enforce the role and the concerns. So I guess my question to you is, what do you fear? What are your concerns of what could go wrong--

COUNCIL MEMBER DE BLASIO:

[Interposing] I think right now, we see a growing skew in everything involving the Internet along the lines of money and resources. As I said, you know, you want a name that's a perfect name for you, you're going to have to pay for it, and that immediately--and pay, you know, if someone else has grabbed it entrepreneurially and then they'll sell it to the highest bidder, which is happening rampantly. You know, and that would be true obviously if you came up with .nyc, it would instantly have people running all over trying to

grab all the good names and I think what it means is it kind of goes against, again, everything that Gale and this committee has been talking about is about equity and access. And so, if you keep repeating the pattern we've had up to now, which, although I appreciate the history and its government-sponsored in a sense, it still seems to me that slowly but surely fall it into the worst habits of the private sector where it becomes about who has the most resources, who has the most lawyers, etc., etc.

MR. PALAGE: And let me address that concern. I was just talking about .mobi where they have hard-coded in user guides, certain specific requirements. .Biz is a unsponsored restrictive TLD and one of the requirements they have in there is there is a requirement that the use of that domain name, there must be a bona fide commercial use, so cyber squatting or someone just holding out a name to prevent a legitimate business, these are restrictions that have been hard-coded into the registrant agreement that are enforced via contract.

So if the Council has legitimate

concerns on the allocation process, if that's what they want to do, the way to do this is through a policy Council that will set the registration, use and terms. So if you want to sit there and set specific equitable guidelines on how names are used and how they're allocated, you even have the ability there are some registries that prevent the resale of names, so if you were concerned about a cyber squatter getting the name and then trying to resell it to the highest bidder to the detriment of a business, there are ways to address that.

Now one of the most important ways that I think we're going to prevent the, if you will, the pirating or the profiteering of this space is by having the strict registrant requirements, geographical requirements as to who could register, so I think that's number one. If you're just limiting it to people within New York City, and this is when we had met with Paul Goss with--

Chairperson Brewer: Cosgrave.

MR. PALAGE: Yes.

CHAIRPERSON BREWER: Cosgrave.

MR. PALAGE: Thank you. From DoITT,

they were very, very concerned about making sure that there were strict geographical guidelines, a verification so that someone from, you know, Jersey City, no, you're not a New Yorker, you don't apply. So by restricting it to New Yorkers, that's going to be one of the most important safeguards to minimize profiteering. You then could have the ability to limit how many names a person could have. Historically, for example, there have been some registries, .ca just comes to mind, where you could only have one or two TLDs or domain names, so you can be--these are different policy mechanisms that, I think the way to go about this is everything that you have raised are all excellent points from an equity standpoint and making sure that the use of this TLD provides a maximum benefit to the citizens.

What I guess my rebuttal to you, is, there are ways of doing that through a policy body where you have Council Members sitting in direct oversight to do that and then have that feedback to the nonprofit, so that you have that insulation from a liability standpoint, but still have that important public policy safeguard and,

if you will, the short leash, so that if you see the nonprofit acting in an inconsistent way, you have the ability to pull back the leash.

COUNCIL MEMBER DE BLASIO: Let me-- I'm sorry to jump in, I don't want to prolong it, I'll just say this, I appreciate your answers very much.

The fundamental question I think, look, we've had a very strange national situation in the last eight years in terms of civil liberties, in terms of information flow, and you'll see where this goes. I mean, one of the things that really grabs me is for decades and decades and decades, it was assumed that the media would show you the tragedy of the bodies of soldiers returning to this country and then somehow it was blacked out when this particular war in Iraq began and it's never happened. So what that says to me is, you know, something could be well established as a concept of freedom of information and journalistic practice and suddenly it can be compromised, which means anything can be compromised, you don't have to be a conspiracy theorist to realize how, you know, money and power

and everything else can change the flow of information.

That being said, when this Committee started talking about ensuring real access, you know, you saw all sorts of people come out of the woodwork trying to inhibit the notion of the city playing a role in doing that. And all sorts of fears raised, even though there's examples of other cities and other governmental entities playing aggressive and effective role.

My fear is whenever you take it a few steps away from our immediate ability to control and oversee it, it gets lost in the confusion of things, it's harder to affect change. Yeah, you could have people on a board, but that's still several steps--you know, you have to identify a problem and then get to a solution and move a solution through an indirect process, whereas something under our direct oversight, in my opinion, there's more chance of at least getting a public debate on it.

So I don't want to belabor, I'm just trying to give you a flavor of why to me when I hear this particular vein, I see a lot of things

1
2 in society going the wrong way in terms of, you
3 know, Democratic process and freedom of
4 information, so on this one I'd say, how do we put
5 a higher level of guarantee and can you do that if
6 it's not directly overseen by a legislative body?

7 MR. PALAGE: And I think this is a
8 good constructive dialogue and my response, again,
9 this is just a free flow of information, one
10 potential way of getting that, if you will, the
11 nuclear option of what happens when you have a
12 rogue nonprofit or--'cause that's what you're
13 really concerned with, what happens when you have
14 a rogue nonprofit or a rogue registry operator
15 that is no longer responsive to the City Council's
16 concern, their public policy trust has been
17 violated.

18 One potential way--and, again, this
19 is just a dialogue here--is, based upon the most
20 recent RFP where you have to have the affirmative
21 approval of the relevant city government, perhaps
22 you look at incorporating that safeguard into the
23 actual registry agreement so that any time that
24 the city, the city has the ability to say when the
25 application was put forward, we gave them the

support, we believed in them and, at any point in time when that trust has been violated, the city has the ability to contact ICANN and say--

COUNCIL MEMBER DE BLASIO: Well then it's a very short leash and I'm less worried about a rogue nonprofit than a nonprofit overwhelmed by the power and legal teams of corporations who want to buy up a lot of names and, you know, and use them for whatever reason.

I think if you say to me there's a very short leash, I'm more intrigued then. That, you know, there's almost a trigger mechanism if something inappropriate happens, there's a very specific remedy and a specific way, for example, their charter is revocable under these conditions or whatever. So, you know, I am talking from a broad construct, but I would urge, as the Committee considers it going forward, that we push for, you know, a very clear, sharp safeguard so that if something isn't working, we have the ability to pull it back.

Thank you, Madame Chair.

CHAIRPERSON BREWER: Thank you very much. Along those lines, I know that when I spoke

to DoITT--I know they're not able to be here today--but I was very, very clear just picking up on this if there was one aspect of this that I felt most strongly about is that whether it's government or a nonprofit, New York City should not be participating in supporting a for-profit to be the oversight of this particular project. So that was something that I think in the comment period all of us, individually or collectively as a committee, should be commenting and these are great points to add to the comment period.

We've been joined by Council Member James Sanders, who is from the borough of Queens.

I think one other question that we didn't get a complete answer, depending on what happens 'cause this is still very theoretical, nothing's been applied for, but what would be the process locally if we had the structure that you were envisioning of challenging a domain name allocation? Is that something that's too far-fetched to even discuss at this point?

[Off mic]

CHAIRPERSON BREWER: Because I think the issue is, is it's not just rogue, it's also

are you a New Jersey firm, are you a New York firm, and one person says one thing, another person says another.

MR. PALAGE: This has been addressed, for example, I will refer back to the .biz TLD. They actually have a use challenge requirement, so all ICANN TLDs have a requirement that they comply with, what they call the UDRP, the Uniform Dispute Resolution Policy, and that is addressed at providing minimal safeguards for trademark owners, so that is in every gTLD. On top of that, you as a registry operator can impose other use terms of use and that's exactly what the .biz TLD has done. That is where the bona fide use requirement. Another example, which I think would be very relevant for the city to look for would be the .us TLD that has specific--a nexus requirement for the registrant.

So the ability to cancel a registration because certain geographic nexus requirements have not been met, that is totally within the scope and authority that a .nyc would be able to have, the ability to draft these mechanisms. There are already numerous mechanisms

out there that could be easily modeled or adapted to address the concerns [crosstalk] Council--

CHAIRPERSON BREWER: [Interposing]
Who actually runs the .us? Who decides if you are a U.S.?

MR. PALAGE: The .us TLD has been delegated by the NTIA, Department of Commerce, to NeuStar, so NeuStar is the registry operator.

CHAIRPERSON BREWER: And NeuStar is a 501(c)(3)?

MR. PALAGE: No, they are a for-profit entity, they are a publicly traded company.

What NeuStar does is they contract out--there are, I believe there are at least two providers that, neutral third-party dispute providers, that if someone believes that the nexus requirement has not been met or the bona fide use of business use has not been met, that third-party has the ability to file a complaint with one of these agencies. In this situation, as part of the New York City Council maintaining it, you can impose--

CHAIRPERSON BREWER: [Interposing]
It would be the city government.

2 MR. PALAGE: You could have someone
3 impose, you could do that internally, Chamber of
4 Commerce, the flexibility to address your
5 concerns, I believe can easily be incorporated in
6 any administrative dispute process.

7 CHAIRPERSON BREWER: So one would
8 assume that NeuStar makes quite a bit of money,
9 but those that are running the edu and the .org,
10 which are nonprofits are plowing it back into
11 their project. In other words, those are both--
12 it's just interesting for those of us standing on
13 the side here, some are for-profit models, some
14 are nonprofit models--

15 MR. PALAGE: Some are cooperatives,
16 some are intergovernmental, there--

17 CHAIRPERSON BREWER: Okay.

18 MR. PALAGE: --there is an infinite
19 spectrum.

20 CHAIRPERSON BREWER: And how much,
21 there's obviously lots of economic advantages, do
22 you have some kind of estimate on the economic
23 impact on something like this? Obviously, what is
24 of great importance is somebody from the city or
25 from anyplace in the world it says that .nyc,

because it has such cachet, people are going to think better of that company or that institution, so that would be the economic advantage.

How much also money do you think would be involved, \$100,000 or some six-figure to set this thing up? Would part of the RFP be how much you would charge somebody to have a .nyc? There are two issues here, one is economic development, one is the--

MR. PALAGE: I will leave Tom talk to economic development.

CHAIRPERSON BREWER: Okay.

MR. PALAGE: With regard to cost, the--

CHAIRPERSON BREWER: Cost and revenue.

MR. PALAGE: Cost and revenue. Not to sound like a lawyer, but it depends okay?

CHAIRPERSON BREWER: No, I understand.

MR. PALAGE: And let me--

CHAIRPERSON BREWER: [Crosstalk] On past experience.

MR. PALAGE: Exactly. So let me

give you some snapshots here. There is the .coop-
-

CHAIRPERSON BREWER: Yes.

MR. PALAGE: --which is a small TLD,
6,000 names, one person runs that.

CHAIRPERSON BREWER: Got it.

MR. PALAGE: There is .cat, which
has, I believe, two people--now these are
administration, they subcontract out the backend,
okay? So we're just talking about administration.
.Cat has two people that manage 30,000 names; .org
has approximately 10 people, 8 to 10 people that
manage upwards of 8 million names.

CHAIRPERSON BREWER: Got it.

MR. PALAGE: Okay? .Asia has a
quarter of a million and I believe they have a
staff of five, so there are a variety of
difference, staffing requirements that go towards,
if you will, the cost side. What we don't know is
we don't know what the application, as Tom said
it's probably going to be a six digit fee, the
ongoing application costs as far as that, there is
generally going to be a per domain name fee.

Now what could be impacted is

2 there's two different ways to look at domain name
3 allocations that Tom and I have discussed.

4 Clearly businesses should be paying for the domain
5 name, however, you may want to create a situation,
6 to create a social network where individual New
7 Yorkers might be able to have a domain name for
8 free, sort of like a MySpace or something like
9 that--

10 CHAIRPERSON BREWER: Oh, God.

11 MR. PALAGE: --a social network--
12 well, if you--

13 CHAIRPERSON BREWER: [Interposing] I
14 [off mic] trouble in the making, but go ahead.

15 MR. PALAGE: Well but then, as I
16 said, if you want to--

17 CHAIRPERSON BREWER: [Interposing]
18 Something to discuss. [Crosstalk]

19 MR. PALAGE: Well, this is exactly
20 it from a cost structure and a revenue structure
21 because do you just want to charge names? If
22 you're generally going to charge, you're generally
23 going to be looking at businesses and some really
24 proud people.

25 Now, as I said, if you want to give

2 away names, and there are different incentives,
3 one of the things I think, you know, we've talked
4 about is if someone's registered to vote, they get
5 a free name, so there you're creating civic
6 awareness pride, they're actually registering to
7 vote. Guess what, you get the ability to have a
8 .nyc name.

9 So there are different constructs,
10 and, you know, part of what, as I said, Tom and I
11 have discussed is until we understand what the
12 governance structure is, you really can't build
13 the business model, so they're kind of, they go
14 along in parallel here. But these are some of the
15 things I think you need to look at and, based upon
16 that, you then reverse engineer the business model
17 [crosstalk]--

18 CHAIRPERSON BREWER: [Interposing]
19 What happens if you move? Okay, go ahead, Tom, go
20 ahead, go [crosstalk]--

21 MR. LOWENHAUPT: That's obviously a
22 difficult one, we're going to have students--

23 CHAIRPERSON BREWER: I know
24 [crosstalk]--

25 MR. LOWENHAUPT: --in the city.

CHAIRPERSON BREWER: We can't keep track of who's registered [crosstalk]--

MR. LOWENHAUPT: And you can take the--you should be able to take them with you, I mean you can't start a business, have a good business in New York City as a consultant, for example, and leave the city and not be able to take your business name with you, so, I mean, we can't restrict people in that regard. But we can be strict in who gets them initially and in the types of the standards we set in terms of how you use it. You know, so if you don't have that--

FEMALE VOICE: Names need to be renewed.

CHAIRPERSON BREWER: Okay.

MR. LOWENHAUPT: They'd be renewed every two years and if there's at least--

CHAIRPERSON BREWER: [Interposing] I know I pay my renewal, \$35, I'm familiar with it.

MR. LOWENHAUPT: Yeah, well it can be cheaper, you should--

CHAIRPERSON BREWER: GaleBrewer.com.

MR. LOWENHAUPT: --you should shop around, you could probably get some cheaper than

that--

CHAIRPERSON BREWER: Thank you, Tom.

MR. LOWENHAUPT: --and our, you know, the people in Berlin are thinking of charging \$50, others are thinking of charging \$25 initially. You know, what the ICANN does with the RFP, what the city decides its involvement's going to be, there's a whole load of questions that we've got to answer as we get down the line here.

But basically we want to make sure that New Yorkers get these names, that it's small businesses, that it's individuals in New York and, as much as possible, to develop that and once we have all New Yorkers having names and all New York's businesses having them, it'll be a very desirable name and it'll be a good brand for our city, we'll put a good face out to the world.

CHAIRPERSON BREWER: Would the assignment of names be first come, first serve, at auction, or this is all to be discussed? I mean, these are very specific issues [crosstalk]--

MR. LOWENHAUPT: [Interposing] Yeah, I think that, you know, we don't have--until we have a, you know, a more diverse board, we really

1 haven't made any decisions on that, but the
2 people, they've learned how to do this over the
3 years, you know, they've made a lot of mistakes
4 with the .biz and the .info, the people with .Asia
5 did a pretty good job with it. I mean, they kind
6 of figured out the order of distribution so that,
7 you know, we'd have certain names that we'd have
8 to set aside for technical reasons, we'd have ones
9 that we'd have for our own internal corporate
10 reasons--
11

12 CHAIRPERSON BREWER: Absolutely.

13 MR. LOWENHAUPT: --and then we'd
14 want--the trademark people, they have certain
15 rights, if American Express wants .nyc, they'll
16 have a right and then we're going to set aside--
17 well reason we're going to community boards is
18 we're setting aside civic names and neighborhood
19 names and we're not deciding how that's done at
20 this point, we're just trying to identify all the
21 neighborhood names in New York City. So, for
22 example, one of the ones that we found the other
23 day and this just raises an issue of how difficult
24 this is, is that there is a neighborhood in
25 Brooklyn called Rugby, I didn't know there was a

neighborhood in Brooklyn called Rugby. And so there's going to be the neighborhood--my inclination as a community board guy, I say communities should have their names, neighborhoods should have their names, and come up with a process for the neighborhoods to decide that. But when you have Rugby, you know, Rugby versus Rugby is what my post was on the blog and I don't know how big the Rugby community is in New York, but maybe you could share a page in that instance [crosstalk]--

CHAIRPERSON BREWER: Got it, okay. Council Member Sanders, you had a question?

COUNCIL MEMBER SANDERS: No, just more of a statement, Madame Chair.

It sounds like a very good idea, I was thinking about the primary responsibility, seems that it would go through EDC or some variation department of small--EDC more than anything else to manage it and, of course, they would subcontract, but I think it's a great idea. I can see it making money for the city at a time when money will be necessary. My first thought was not free I must concede, but certainly for a

charge and for the policedepartment.nyc or some variation of this, I can see it. Thank you.

CHAIRPERSON BREWER: Thank you very much.

Mike, I think can see that there's lots of discussion on our side of the aisle, so to speak, and people wondering I think particularly 'cause of what we're all facing in government, what the financial ramifications are, the process, the excitement on one hand and then the concern on the other about how it's actually implemented.

But I want to thank you--all three of you for being pioneers, it takes one person and you've done it, so thank you very much for your interest and your support and we'll keep working with you. Thank you so much.

MR. PALAGE: Thank you very much. Appreciate it.

CHAIRPERSON BREWER: All right, the next panel is Dr. Frans Verhagen, Paul Garrin, and Anthony Van Couvering. And this is the last panel.

[Off mic]

CHAIRPERSON BREWER: All right. You

want to come up separately?

MALE VOICE: Yeah [off mic].

CHAIRPERSON BREWER: Okay. All right, go ahead, if you want to go first. Go ahead. [Off mic] Go ahead introduce yourself, sir.

DR. FRANS VERHAGEN: Yeah.

[Off mic]

DR. VERHAGEN: My name is Dr. Frans Verhagen, I reside in Rego Park, 97-37 63rd Road, Apartment 15E and I'm a sustainability sociologist, who is representing the New York City Earth Charter Alliance, abbreviate it as NYCSPAC [phonetic], [off mic] and I have two comments to make--an educational one and a taxonomic one.

The educational one is one of the reasons that I favor this particular proposal, I had a meeting with Tom a year, maybe two years ago and saw the potential for educating the citizenry not only about the Internet and about social networks--[clears throat] sorry--inside the city and outside the city, but also in terms of the larger kind of vision that we could incorporate into this TLD. And when I talk about a larger

vision, I am really sequencing into the taxonomic part of my testimony.

Taxonomy is basically a scientific enterprise to justify classifications. We all make classifications and we often don't think about it and so taxonomies are very subject to all kinds of personal and social biases. So for this major enterprise, with all the questions that we heard about in this really good discussion, I feel that as part of the application and of all the people who are going to participate in .nyc that they start thinking not only about the present, but also about the future. And when we say future in New York City, we really have to say PlaNYC 2030, Mayor Bloomberg's sustainability plan is there and, though it has some real shortcomings, it is a very important first step.

And so I for one, I would strongly recommend in the whole process that we look into the future with this TLD and incorporate the YC2030. Now when I say shortcomings of YC2030, I feel that given the whole process of this particular sustainability strategy that there are shortcomings in terms of social justice, in terms

2 of procedural justice or the whole process, and so
3 I for one, I would recommend that we enrich YC2030
4 with the integrated social and ecological values
5 of the earth charter.

6 Some of you may know about the
7 Earth charter, it's basically the successor you
8 might say of the universal declaration of human
9 rights in the 20th century, it's also compared to
10 the rights of man and citizen of 18th century
11 Britain and or--

12 CHAIRPERSON BREWER: [Interposing]
13 Yeah, just if you could--

14 DR. VERHAGEN: --and even the Magna
15 Carta of the 13th century Britain.

16 So in conclusion, I think this is
17 an outstanding effort, there's quite a few
18 questions still left, but I would strongly
19 recommend that we include the future in terms of
20 YC2030, together with the values of the earth
21 charter. Thank you.

22 CHAIRPERSON BREWER: Thank you very
23 much, thank you for making time to be here today.
24 Thank you.

25 Go ahead.

2 MR. PAUL GARRIN: Good morning, good
3 morning, my name--

4 CHAIRPERSON BREWER: Introduce
5 yourself. Good morning.

6 MR. GARRIN: --good morning, and I
7 want to thank the Council for having this hearing
8 and for giving me the opportunity to present my
9 testimony today.

10 I have a written testimony that I
11 would like to submit to the record. It's in more
12 detail, I can give each Council Member a copy.

13 [Off mic]

14 MR. GARRIN: Okay. And first I also
15 want to say that--

16 CHAIRPERSON BREWER: Introduce
17 yourself.

18 MR. GARRIN: Oh, okay I'm sorry, my
19 name is Paul Garrin, I am a long time resident and
20 a product of the New York City education,
21 specifically I graduated from the Cooper Union
22 with a degree in fine arts in 1982, and some
23 people may know me from 20 years ago when I was
24 the cameraman who was assaulted by the police in
25 Tompkins Square Park and became known for exposing

the cover-up there. I am also the founder of an organization called Name.Space and I want to just give a little history.

First of all, the positive economic impact of the New York City domain could've been realized years ago, had the efforts of Name.Space to bring new Top Level Domains not been blocked by big business. It's my hope that Name.Space will this time be supported by the city so that economic benefits of not only the NYC domain, but hundreds of other Top Level Domains that Name.Space originated and published more than 10 years ago will make a positive impact on New York City's economy.

By not recognizing Name.Space Top Level Domains, ICANN has actually hurt New York City by not allowing one of its cutting edge startup enterprises, namely my organization Name.Space to grow to its full potential, to create jobs in New York City, and enable commerce and opportunities for New Yorkers to contribute to the growth of our economy. Name.Space has the potential to become a billion-dollar company that would generate millions of dollars that would flow

into the New York City economy. Had ICANN recognized Name.Space in the year 2000 when we had initially applied for .nyc, among over 118 other Top Level Domains, the positive impact would have already begun and the .nyc domain would already be widely in use and generating benefits for New York City and New Yorkers.

Now, if I may, I just want to give a little background because the history of the Top Level Domains expansion did not start with ICANN, it actually started before ICANN and my organization, Name.Space, is actually the first proponent of a widely expanded Top Level Domain namespace. And in fact, in 1995, just as the Internet was becoming commercial, I had downloaded and reviewed the open-source protocols that made the Internet work and when I realized that the domain name system was an essential service that helped people find their way online, and with my creative background in arts and media, I began experimenting setting up domain name servers with partners all over the world and we began to create a new set of Top Level Domains, including .art, .nyc, .music, .love, .space, .shop, and a growing

list of other useful generic terms that were suggested by people all over the world in response to a survey that we had on our website.

We understood at that time, and I understood at that time, that the Internet was going to become a booming commercial medium and that the demand for domains was going to be large and beyond what the so-called legacy domains of .com, .org, .net could handle. And so at the time in 1996-'97, when Name.Space was doing its technical development, the domain registration process happened in bureaucratic time--it was an e-mail-based application form, it sometimes took weeks to get domain processed, and the cost was around \$100.

Name.Space was actually, I can say this unequivocally, the very first to create a fully automated self-service domain name registry that would create a domain registration in real time and allow the domains registered to be available within 90 seconds of registration. We also were the inventors of so-called Smart Who Is, which was the first of its kind domain search that would search any Top Level Domain or [Interposing]

address from a single form.

As a small startup, Name.Space confronted incredible barriers to entry trying to bring its domains to the greater market of the Internet. Because Top Level Domains must be synched with a master database called the root and because the master root.zone file was controlled and operated by a monopoly at the time, Network Solutions, Inc., NameSpace, Inc. was forced to file an antitrust suit, NameSpace versus Network Solutions, and you can see that online at namespace.org/law, on March 20, 1997, when Network Solutions refused to include NameSpace Top Level Domains into the root. The lawsuit was litigated in the Southern District of New York Court and it was modeled after the successful MCI versus AT&T that broke up the phone monopoly in the United States and brought competitive long-distance service.

CHAIRPERSON BREWER: I wonder if you can just summarize some of your testimony. It makes sense, but just if you could summarize it and then I think it's helpful to have this in terms of the current discussion with ICANN, which

is very helpful.

MR. GARRIN: Absolutely. I just, if you would, I just want to--I am actually summarizing it--

CHAIRPERSON BREWER: Go ahead, right, go ahead, that's fine.

MR. GARRIN: --you know, I would appreciate a reasonable amount of time. So anyway, the result of the NameSpace lawsuit--let me see, I'm sorry--anyway NameSpace litigated its lawsuit and in the year 2000, the U.S. Court of Appeals Second Circuit upheld the NameSpace antitrust claims, but granted Network Solutions immunity as a U.S. government contractor in an unprecedented decision.

Meanwhile, NameSpace versus Network Solutions was being litigated and NameSpace was anticipating a win under the law, the case was a winner to begin with, we didn't expect Network Solutions to get immunity, the U.S. Department of Commerce set up a contract between the newly formed ICANN not-for-profit agency.

All the while since NameSpace was first started in 1996, it was in business with a

growing number of members who were registering under the NameSpace Top Level Domains, which supported our proof of concept--now this was before ICANN even came along.

We were told that, at the time, that what we were doing could not and should not be done, in fact NameSpace and myself personally was harassed, coerced, extorted, and a very vocal minority was spreading disinformation that what we wanted to do--namely, add a large number of Top Level Domains to the root and at the time we had come up with 540 including .nyc as a result of our survey--they said, people were saying that it could not and should not be done, that it would cause chaos, and that it would break the Internet. Now I had contacted the Darfa [phonetic] scientist who invented the domain name system, Dr. Paul Mockapetris, and he confirmed to me that the scalability of the domain name system as he designed it could accommodate millions of Top Level Domains into the root, however, he declined to be an expert witness on behalf of our case because he wanted to stay out of the politics. Had Dr. Mockapetris's testimony been part of our

primary injunction in March of 1998, NameSpace would have already prevailed--we would have basically put aside the judge's technological fears of the unintended consequences that what may happen with a large number of Top Level Domains and we would've already brought our domains to market.

Now fast-forward ahead in the year 2000, NameSpace basically applied to the ICANN round in the year 2000 and we paid a \$50,000 application fee. Several of the ICANN board members at that time actually had to recuse themselves because they were involved with parties who were also domain applicants and, needless to say, those recused parties were all awarded the Top Level Domains and they voted NameSpace down, although Chairperson Esther Dyson, who was the chair of ICANN at the time, was a supporter and did vote for NameSpace's application. The application that we put before ICANN, as far as we understand, is still pending and in the next round we're actually pleased that ICANN finally sees it our way and that a large number of Top Level Domains is a good idea and a good thing for the

Internet. And so this time around NameSpace is going to reassert its application with ICANN and, of course, we will have the funding to handle whatever it takes to do that.

And I am actually quite pleased, I've been talking to Tom Lowenhaupt off and on for quite some time. Tom is also well aware of my history and my efforts to bring on, not only .nyc, but other Top Level Domains to the Internet and I actually would look forward to, not only cooperating, but working with Tom, because I think his work in the governance structure is good and I generally agree with the bulk of the discussion that has taken place this morning.

What I'm asking for first of all is that to put on the record that .nyc is actually not anything that's new. It is actually 12 years old .Nyc was originally created, first published by NameSpace in 1996 and has been in continuous use in commerce since its date of inception in 1996. So it's therefore Name.Space reserves its right to the .nyc domain and we are committed to applying the Top Level Domain .nyc as a civic purpose. So, in short, the .nyc is intended by

Name.Space to serve New Yorkers and is dedicated to the mission of social responsibility and civic purpose.

CHAIRPERSON BREWER: Okay. You need to wrap up, sir, just--

MR. GARRIN: I will.

CHAIRPERSON BREWER: --[off mic]

MR. GARRIN: Name.Space intends to operate .nyc as a means to create funds to bring positive social and ecological change to New York City. Funds raised by .nyc beyond its operating and management costs will go into a fund for New Yorkers to help pay for or provide outright communications and media services for New Yorkers with a focus on education and the young--

CHAIRPERSON BREWER: Okay.

MR. GARRIN: --including free child-friendly wireless broadband for all K through 12 students and a One Laptop Per Child Program to help bridge the digital--

CHAIRPERSON BREWER: [Interposing]
I'm very familiar with all those issues, I wish they were so easy, but I really appreciate your testimony, and I think that this will be a long

process, certainly as a result of the conversation today, it'll probably be even longer, but we appreciate your input, and it's good to know that you've been involved this long time. Okay?

MR. GARRIN: Well, one final point that I would like to make--

CHAIRPERSON BREWER: [Interposing]
Because I really--yeah, go ahead [crosstalk]--

MR. GARRIN: Yes, I understand, but I also--

CHAIRPERSON BREWER: --we have to move along.

MR. GARRIN: --also, the first presenters had quite a lot of time and--

CHAIRPERSON BREWER: [Interposing] I know, because he's been working on this for a very long time.

MR. GARRIN: I've been working on this actually longer--

CHAIRPERSON BREWER: [Interposing]
Okay. Sir, we really need to move on, so if you want to conclude, that's fine, but we need to move on.

MR. GARRIN: Yes, in conclusion

Name.Space has the potential to raise an incredible amount of money because, not only .nyc, but scores of other Top Level Domains, should we succeed in acquiring them, the global recognition for them will create a very large employer in our organization and will generate a large amount of money for the New York economy.

CHAIRPERSON BREWER: Thank you very much. [Off mic] Anthony Van Couvering is next.

[Off mic]

CHAIRPERSON BREWER: Welcome.

MR. ANTHONY VAN COUVERING: Thank you. Thank you, Council Member Brewer, and--

CHAIRPERSON BREWER: Everybody else left, but [crosstalk] staff--

MR. VAN COUVERING: [Crosstalk] else--

CHAIRPERSON BREWER: Great staff.

MR. VAN COUVERING: --I can't read without my glasses, I can't see--so my name is Anthony Van Couvering, I've been a New Yorker for over 30 years and I've been working to create a .nyc since the year 2000.

I bring with me Davidson Goldin

2 who's been advising me on how best to--

3 CHAIRPERSON BREWER: [Interposing]

4 We know him, we like him.

5 MR. VAN COUVERING: Good.

6 MR. DAVIDSON GOLDIN: That's good to
7 hear.

8 MR. VAN COUVERING: To make this
9 good for New Yorkers.

10 CHAIRPERSON BREWER: New York One,
11 yes.

12 MR. VAN COUVERING: Right. And I've
13 been meeting many times with Tom Lowenhaupt in an
14 effort to bring our two plans together.

15 As you've heard earlier, ICANN's
16 about to authorize new Top Level Domains, finally
17 fulfilling its mission, that's what it was created
18 for and I know that because I chaired the meeting
19 that created ICANN's General Assembly, which is
20 the place where people come to talk about... My
21 partner, Bill Semich, was there as well, and we've
22 both been working in the domain name industry
23 since 1997. Combined, we've started five country
24 code Top Level Domains and Bill has pioneered a
25 public-private profit, not-for-profit model for

geographically-based Top Level Domains that's been copied worldwide and has brought free Internet access to an entire country. He is a board member of DotAsia as well. Personally, I've started three different domain name companies and sold them to publicly traded companies. And that's my experience, mostly.

In 2000, we filed an application with ICANN for .nyc which we then withdrew as the .com bubble burst and in 2004 we almost filed again, but ICANN seemed set on approving just a few TLDS, so we thought the time was not right. But now we have London, Paris, Boston, Berlin, Chicago, Homburg, Munich, Toronto, Tokyo, Barcelona, Portland all going to apply for a new Top Level Domain, so New York must not be left behind, it is a global city and it needs to assume its proper rank in that list. So after 10 years, the time is right, but there's a risk.

.Travel didn't work, .aero didn't work, .museum didn't work, .pro didn't work. Why? Because very few people had ever heard of these TLDS because they were tangled up in bad rules and policy and because they weren't administered well,

and we cannot afford that with .nyc. For .nyc to succeed, people need to know about it, that will not happen all by itself, it needs a real marketing campaign and awareness campaign. People need to know that it exists, they need to know how to get it, and they need to know how they can use it, and it also needs to be run professionally and competently and this will require an investment. We estimate in the millions of dollars, especially for the marketing side. Build it and they will come is just not a good business model for a new Top Level Domain.

.Nyc needs to be responsive to the needs of New York and New Yorkers. The community partner model that we pioneered is now used worldwide, it works well. A generous percentage of profits are taken off the top and given to a not-for-profit group who has the understanding of how to disburse it and the authority from the city to disburse it where the community needs it, it's not our job to decide that. That leaves the operating company to focus with its expertise on making .nyc work. Well the community partner uses the proceeds for the community, brings community

feedback to make sure that we're being responsive, obviously, this is an amorphous group, it's not us to decide who it is either.

Our plan provides for free names for New York City agencies, which they propose, which they will propose, it makes sure that New Yorkers know about .nyc, it makes sure that important names are reserved for community use, it makes sure that New Yorkers get a first crack at the good names. Our plan does not require that the city put up any money, in fact, we generate money for the city, our plan discourages the warehousing of domain names through stipulations for use, our plan fights spam, phishing, and other illegal activities. With our plan, .nyc will be a professional, well-run, and responsive organization.

As you pointed out, ICANN is a public-private partnership and we believe that this model works for .nyc as well. We have a detailed presentation that we're happy to make available to any interested party and we'll be happy to be with you as well, but in the interest of time, I'm just making a few remarks.

And, again, thank you, Tom, for doing this and it's an effort we've been involved in for a long time and we hope it goes forward.

CHAIRPERSON BREWER: Thank you very much.

Davidson, you want to add anything.

MR. GOLDIN: I just, you know, on their behalf--

CHAIRPERSON BREWER: [Interposing] Why don't you introduce yourself. I know.

MR. GOLDIN: I'm Davidson Goldin, in addition to other ways that I know the Committee Chairwoman and some of her colleagues, I've been advising Anthony and his partners on making sure they've been determined to all along that they work with the City, the Council, other nongovernmental entities in a way that is best for everybody because, as Anthony said, their job will be to run .nyc, where the money that they generate goes is for the people, elected officials, and their colleagues in government to decide best.

Where they stand now is they've been meeting with several prominent nongovernmental organizations and other entities

that are associated with the city, meetings with DoITT and the law department are in progress, meeting with you, obviously something we've begun to discuss and after the current round of other issues that are focusing on people's time, they'd like to do that.

And I just also should add I was a little surprised to hear Mr. Lowenhaupt say that he didn't know the other people interested in doing this and who are quite further along, because I've been present for a conversation between Anthony and Tom and I know that the goal on Anthony's behalf is to work with Tom, he has terrific community ideas and his concept of what the community needs, he's got a lot of good ideas, he just doesn't have the means to do this. This team is ready to go and hopefully there's a way for everybody to come together as they've been discussing and actually make this happen.

And just to anticipate if your colleague Mr. de Blasio were here are, some of the questions he would ask, the plan, as you'll see, provides for a robust role for government, government's ascent, as you know, is required for

2 any plan to move forward and for this to happen,
3 everybody's got to be the same page.

4 MR. VAN COUVERING: And I'd be happy
5 to speak to some of the policy issues that you
6 raised earlier if indeed you have time and, if
7 not, I'm happy to meet with you at a different
8 time.

9 CHAIRPERSON BREWER: [Interposing]
10 Well what do you think about, I mean there's a
11 nonprofit model, there's a government model,
12 there's a for-profit model, there's an integration
13 of all of the model. What do you think about all
14 of that [crosstalk]--

15 MR. GOLDIN: Well I've seen, there
16 are a number--

17 CHAIRPERSON BREWER: [Interposing]
18 Are you for-profit or nonprofit, that's
19 [crosstalk]--

20 MR. VAN COUVERING: We're for-
21 profit--

22 CHAIRPERSON BREWER: Okay.

23 MR. VAN COUVERING: --but we have a
24 not-for-profit wing.

25 CHAIRPERSON BREWER: Okay.

2 MR. VAN COUVERING: And that is a
3 model that has worked well overseas. We've seen a
4 lot of ccTLDs that started out along the lines
5 that were discussed here, which is to say
6 basically run by a government or some agency of a
7 government with strict rules that were pre-applied
8 before anyone could get a name. So, in other
9 words, in France, you had to be a business, you
10 had to be on their list of businesses, if you
11 applied, they would check that out and then if you
12 got it, you would get the name. So what happened
13 there is that nobody used .fr, reason being
14 International Business Machines, Inc., didn't want
15 their name to be
16 InternationalBusinessMachineInc.fr, they wanted to
17 be IBM, well that's not their name on the
18 registry. Those models are very, very costly
19 because somebody has to go, and the example that
20 was used earlier, go through the voter rolls. Joe
21 the Plumber turns out to have an incorrect voter
22 registration, he probably could not get a name--

23 CHAIRPERSON BREWER: [Interposing]
24 He's not even a plumber turns out.

25 MR. VAN COUVERING: Right, not

1 licensed, not a plumber, and his name is
2 misspelled on his voter registration, that means
3 that you have to have a staff, and not small
4 staff, to go through all those things and
5 basically that just slows everything down.

6
7 One thing we've learned in the
8 domain name world is that people expect that when
9 they apply for a name, they'll get a yes or no
10 right away. That's an expectation that people
11 have we don't want to disappointment it. So I
12 believe that the correct way is to have a
13 responsive operating company that can raise money
14 and be for-profit, that the community concerns
15 should be dealt with by an oversight board, this
16 is how it works through most of Europe now, and
17 that challenges should be done post facto. You
18 should have rules that you want to enforce and for
19 valuable names, you might have stipulations about
20 how they must be used, but what you don't want to
21 do is create a backlog without staffing to deal
22 with it and slow things down.

23 So like .us does, there should be a
24 nexus policy and it should be subject--names
25 should be subject to challenge, but it shouldn't

be gummed up at the beginning.

CHAIRPERSON BREWER: We could spend hours, I really appreciate this we look forward to more discussion and--

MR. VAN COUVERING: Great.

CHAIRPERSON BREWER: --this was a good hearing, and I thank you very much for contributing.

MR. VAN COUVERING: Thank you very much.

CHAIRPERSON BREWER: I think that Jack is here, Eichenbaum, would you like to say something, sir?

MR. JACK EICHENBAUM: I'd be very
[off mic]

CHAIRPERSON BREWER: Okay. Thank you very much, both of you.

MR. VAN COUVERING: Thank you.

CHAIRPERSON BREWER: Thanks. Mr. Gizmo [phonetic], how are you?

MR. EICHENBAUM: I'm very well, thank you. I am Coordinator Emeritus of GISMO Councilwoman, as you know, because you're a member, and I started that organization--

2 CHAIRPERSON BREWER: [Interposing]

3 Why don't you introduce yourself, even though I
4 know.

5 MR. EICHENBAUM: Jack Eichenbaum,
6 Coordinator Emeritus of GISMO, an organization
7 started in 1990, which has a lot to do with what
8 I'm going to be saying here.

9 We tried to develop a user group
10 for a new technology called geographic information
11 systems here in the city and we were pretty
12 successful at that, but there were barriers and,
13 oh, were there barriers, and the barriers are that
14 most people, quite rightly, justifiably for their
15 own concerns, think rather parochially about the
16 city, they don't think about the whole city, and I
17 think of .nyc as a symbolically as people who
18 think about the city as a whole and I think of it
19 as a merit badge in a way for individuals and
20 people who use that term, people who are thinking
21 about the city in general.

22 I'm familiar with several
23 organizations that everyone in this room knows,
24 there's city governments and city governments is
25 divide into agencies, and most people take their

1 agencies very seriously, more seriously than New
2 York City, because it's the agencies that promote
3 them, it's the agencies that give them rewards,
4 agencies that provide them with work place and
5 have a chairman who's concerned about the agency.
6 And the same way in City Council, people are
7 elected to the City Council through districts, and
8 they know about the boundaries of those districts,
9 and their first job is to report to those
10 districts and become reelected by these districts.
11 And same with committees in City Council, they
12 break the city down, the same I'm now associated
13 with academia and every academic institution has
14 departments. And I remember when I was a doing a
15 Masters degree in chemistry how there was a
16 chemical physics in the physics departments and
17 physical chemistry in the chemistry, they never
18 talked to each other. And all of these things are
19 very real to the people inside them, but are real
20 barriers to people who are trying to integrate and
21 synthesize things at a higher level and the higher
22 level that we're all concerned with here,
23 particularly in City Council, is the betterment of
24 this city that we call New York. And even that,

most people think of as the five boroughs and it really isn't just that, it extends way beyond that into a city, state that goes way of the Hudson and into New England and into New Jersey. It's more than--it doesn't just end at the Nassau Queens line or the...

All of this stuff, we've got to think bigger and there need to be--not everybody's going to do this, but there needs to be people who integrate all the time. Integration of knowledge on the larger New York City level is so needed by all of our institutions, not everybody's going to do this, but the people in .nyc better be doing that.

And that's the merit badge, that's the symbol of how we can begin some higher-level thinking that go beyond the parochial concerns of the institutions that we work in. Thank you.

CHAIRPERSON BREWER: Thank you very much, we all listen carefully to what you have to say, and based on your history and your ongoing interest in our city. Thank you very much.

MR. EICHENBAUM: You're welcome.

CHAIRPERSON BREWER: I appreciate

everyone's participation today. I think this is a topic that generated more interest than most would have thought and we will certainly continue it.

We look forward to figuring out what ICANN is proposing and how New York City can benefit and what the best procedures are looking, perhaps at other cities, but always keeping in mind that we're unique.

So I want to thank the staff and say that this hearing is concluded with much more discussion to come. Thank you.

Oh, I also want to thank--I'm sorry, I want to thank Joely McPhee [phonetic] for his ongoing support of keeping this committee on record. Unfortunately, the City Council doesn't seem to webcast anything, so I so appreciate his efforts. Thank you.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Tammy Wittman

Date January 23, 2009