

From: Joe Baptista <baptista@publicroot.org>
To: <DNSTransition@ntia.doc.gov>
Date: Tue, Jun 9, 2009 12:17 PM
Subject: Additional comments to the Notice of Inquiry Docket No. 090420688-9689-01

Ms. Fiona M. Alexander, Associate Administrator
Office of International Affairs
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, N.W., Room 4701
Washington, DC 20230, United States

Dear Ms. Alexander:

I am making this amended comment to the Department of Commerce, National Telecommunications and Information Administration agency in response to a Notice of Inquiry, being Docket No. 090420688-9689-01, on the Assessment of the Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System. Please confirm receipt.

These comments are made by me as a representative of TLD (Top-Level Domain) holders, owners or operators that were allocated TLDs in the name space by the project no known as the HEX (Herman xennt Experiment).

I make this comment in addition to the comment already submitted by me yesterday in my role as the public root representative.

In my comments on the NOI dated June 8 2009 (restated below) I promised to "send to you under separate cover and in confident the complete list of claims to these TLDs including any supporting documentation to these TLDclaims". As per our recent email communications I understand you will be required to publish all information received under the NOI.

Unfortunately the documents under my control are private records and contain audit notes from various sources. It would be inappropriate to publish them. There I withdraw my offer at this time until the records under my control are audited and verified.

I will ask our legal representative how best to lodge the HEX TLD holder / owners claims with the agency.

Thank you for clarifying that any additional submissions of documents must be made part of the public record and the opportunity to correct the mistake. Also I realize these additional comments to my original comments are late. I hope you can still accept this comment to ensure the record is

accurately documented with respect to our redaction of the supporting evidence from our original comments under the NOI.

regards
Joe Baptista
Public Root Representative

P.S. Original submission under the NOI follows:

----- Original Comments -----
From: Joe Baptista <baptista@publicroot.org>
Date: Mon, Jun 8, 2009 at 4:07 PM
Subject: Comments to the Notice of Inquiry Docket No. 090420688-9689-01
To: DNSTransition@ntia.doc.gov

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These comments are made by me as a representative of TLD (Top-Level Domain) holders, owners or operators that were allocated TLDs in a failed root experiment known to the name space community as the HEX (Herman xenntExperiment). I am one of the principle founders in the HEX. The others involved are John Palmer, Bradley Thornton, Gene Marsh all U.S. citizens and Herman Johan Xennt a dutch National.

The organizations directly involved and under contract in the HEX are the UnifiedRoot a Dutch corporation, INAIC (Internet Name Authorization and Information Center) a Dutch society and foundation, INAIC, UN1D and TLD.Name all web sites wholly owned by Herman Johan Xennt, PacificRoot a wholly owned web site and organization of Bradley Thornton, NewRoot a Dutch corporation, NameSlinger a U.S. corporation, Public-Root Ltd. a United Kingdom corporation, UNIDT a Dutch corporation, TLD Registry Ltd. a U.S. corporation, Marssoft Corporation a U.S. corporation, Dogan Online and KOCHOLDING both Turkish internet service providers, RS Media, Epolicy Council, planet.nl,

hetnet.nland/or any of their subsidiaries, associates or resellers.

Organizations indirectly involved in the HEX include SITA (SocieteInternationale de Telecommunications Aeronautiques) an ICANN TLD contractor, TLDA (Top Level Domain Association), and the Turkish Telecommunications Authority. The SITA representative Andrew Dawe was to have been our contact at ICANN.

The purpose of the experiment was to replace ICANN (Internet Corporation for Assigned Names and Numbers) with a system known as the public root. The public root experiment had backing from major players in the telecommunications industry and the backing of governments through out the middle east.

The public root is an interpretation of IETF (Internet Engineering Task Force) RFC (Requests for Comments) 2826. Where public root is defined as the elements of all those TLDs broadcasting in the known public name spaces. Assignments or delegations of TLD labels are made on a FCFS (First Come First Served) basis. Effectively replacing the ICANN model.

The experiment was designed to fund public root operations through the commercialization of TLD registrations in the public name spaces. The experiment was very successful commercially. Some of the largest corporations have invested in the HEX TLDs including multinational companies like Phillips, Xerox, KIA, RE/MAX, KPMG, TMF, SITA and TimeWarner, to name a few.

The public root was first adopted by a government in Turkey on June 23, 2005. On that day Turkish corporations finally could be free to use their own names as their TLD on the Internet. The public root overnight revolutionized the Internet in Turkey.

The initiative in Turkey was backed by the Turkish government and sponsored by leading local Internet service providers. The commercial representative from Turkey to the HEX was Dr. Mehmet Altuner the Head of the Telecommunications Authority for the Turkish Government.

In 2005 I visited the Netherlands and investigated the organizations involved in the HEX. I uncovered irregularities and malpractices. A number of individuals in the HEX organizations had been involved in and in some cases found guilty of various offenses including drug trafficking, embezzlement, fraud, tax evasion, misrepresentation of prior claims and contracts on TLDs, impersonation, identity theft and other sorted crimes.

I withdrew my support in September 2005 and the HEX was effectively marked as being a group of organizations and individuals not capable of honestly

meeting their mandate to replace ICANN. The HEX lost the support of numerous Internet service providers and governments including Turkey.

The experiment may have been a failure due to corruption but I put you on notice that the HEX TLD holders / owners still retain their intellectual property rights in these TLDs. On behalf of the HEX TLD holders / owners I am putting you on notice that we reserve all rights in these TLDs.

I will send to you under separate cover and in confident the complete list of claims to these TLDs including any supporting documentation to these TLDclaims. This documentation is submitted to you in private and we request that your privacy policies apply to same. Also a legal representative is available to assist HEX TLD holders / owners in defending their claims.

My concern with respect to ICANN and the HEX TLD holders / owners is specifically in reference to the new gTLD program. ICANN has failed to take the necessary steps required to ensure HEX TLD holders / owners claims are properly respected.

In light of ICANN's history of failing to respect the intellectual property rights of others in TLDs I respectfully request the U.S. department of Commerce extend the JPA (Joint Project Agreement) with ICANN to ensure proper oversight.

Regards
Joe Baptista
Public Root Representative