



February 12, 2008

Mrs. Suzanne Sene
Office of International Affairs
National Telecommunications and Information Administration
Department of Commerce
1401 Constitution Avenue, N.W. Room 4701
Washington, DC 20230

Re: Mid-term review of the Joint Partnership Agreement with the Internet Corporation
of Assigned Names and Numbers
Docket number 071023616-7617-01

Dear Mrs. Sene,

The Information Technology Industry Council (ITI) represents the nation's leading information technology companies, including computer hardware and software, Internet services, and wireline and wireless networking companies. ITI is the voice of the high tech community, advocating policies that advance U.S. leadership in technology and innovation, open access to new and emerging markets, support e-commerce expansion, protect consumer choice, and enhance global competition.

We have a strong interest in seeing that the fundamental core mission of the Internet Corporation for Assigned Names and Numbers (ICANN), as the overall coordinator of unique global identifiers for the Internet, be solidly grounded within the principles set forth in the original White Paper that created ICANN.

Key among those original principles is a transparent, accountable, and bottom-up policy development process that adequately addresses the economic and security impacts of any particular ICANN decision. The Joint Project Agreement (JPA) between ICANN and the U.S. Department of Commerce (DoC) currently acts as the most effective backstop that guarantees ICANN will continue working to meet these original principles.

As ITI has previously argued, there remains a significant need for ICANN improvement in the areas of transparency and accountability, and until those core benchmarks are achieved, ITI believes the JPA is necessary to ensure that ICANN decisions will adequately address key stakeholders' concerns. Without the JPA as an effective backstop, ICANN's current state of affairs does not offer U.S. companies the necessary assurance that a mechanism exists for appealing ICANN decisions.

If the U.S. Government was to end its current role, we do not see an effective replacement framework for addressing industry concerns. The high tech industry needs some assurance by both ICANN and the Department of Commerce that an agreed upon process and set of rules would be in place before any further discussions move forward regarding ICANN's termination of the JPA.

The opportunity to appeal or seek legal recourse is critical for any company that uses the Internet infrastructure as a part of their business. ICANN's current location in the U.S. subjects the organization to a legitimate and substantial base of laws and regulations that offer contractual partners and customers a meaningful opportunity for appeal. Together with the oversight provided by the JPA, this recourse currently affords our industry with sufficient assurances that its interests will not be unnecessarily harmed. Without the contractual bonds of the JPA, we worry about the risks involved with ICANN's potential relocation to an unknown legal jurisdiction. Again, these issues must be resolved before any changes are made to the JPA.

Security and stability of the Internet infrastructure is key to the continued trust of businesses that use the World Wide Web as a major instrument for countless services and technologies. Preserving that trust requires an Internet governance structure with a high degree of accountability and transparency, which currently exist in large part due to the oversight provided by the JPA. Given ICANN's current organization and processes, such oversight continues to be necessary. Thank you for taking these comments into consideration.

Sincerely,

A handwritten signature in black ink that reads "Rhett". The letters are cursive and fluid, with a large initial "R" and a trailing flourish.

Rhett Dawson
President
Information Technology Industry Council