

February 13, 2008

Sent via email to JPAMidTermReview@ntia.doc.gov

Dear Ms Sene:

Re: Midterm Review of Joint Project Agreement (JPA) between United States Department of Commerce (DoC) and ICANN

Thank you for the opportunity to provide comments on the continued transition of the technical coordination and management of the Internet's domain name and addressing system.

I have lived in New York for 38 years, and started 8 different business throughout the world, mostly in high risk emerging economies long before they became 'fashionable, employing thousands of people. Among them are Haiti, Mexico (2 years before NAFTA), Hungary (right after the fall of the Berlin Wall), Romania, Turkey, Pakistan, India, Azerbaijan and Russia.

During this 32 year period, I developed a deep and profound understanding of the need and desires of people of non US cultures, which is quite different from most Americans who are very 'US & English – centric'. For that reason, 4 years ago I started <http://dotSUB.com>, to enable anyone anywhere, speaking any language, with no training, to help re-purpose video content into any language from a browser using open, wiki type thinking – sort of a Wikipedia for video.

Many global organizations have adopted the use of our tool to enable people in many languages to see their internal communications in many languages, including ICANN who is using dotSUB to communicate its messages across cultures, most recently about IDN related issues. You can see how it looks at some of these sites at

<http://ICANN.org>

<http://pangeaday.org>

<http://globalonenessproject.org>

We feel it is vitally important for the internet to remain totally free of any one government interference and oversight, and be allowed to be freely governed by a global body, not one under the control and oversight of any US agency.

In 1998 the United States proposed that this vital part of the Internet - the addressing system - was never to be controlled by any one government, organization or individual. It has been committed to that position publicly for nine years.

Over those nine years the organization tasked to coordinate this role on behalf of all stakeholders with their participation, ICANN, has progressively evolved to develop its own responsibilities in

consultation with the community and is performing those in a manner that is satisfactorily and competently producing outcomes. ICANN's achievements – just since the JPA started in September 2006 – run to over two thousand pages.

The early Memorandums of Understanding (MOUs) by which the DoC scrutinized ICANN's performance were necessary for the organization to become stable and to develop confidence in the model of governance. They and the current JPA have been a success. As a result we support ICANN's call to conclude the JPA.

Knowing the JPA is concluding in September 2009, and in the knowledge that there should not be another, produces the right environment to have a debate to ensure that ICANN can never be captured or controlled. We think that is extremely unlikely. But if there are final changes to be made to the ICANN model they must be made now so that we can put the argument about the validity of this model to a conclusion through the end of the JPA. We must as a community, set a date for the final transition. Without this step many may consider that after nine years of effort, participation and achievement, momentum has been lost in the process and that transition will never occur. Further it is a confusing symbol as it implies that the US government makes or is capable of making operational interventions into ICANN when no government, individual or organization should.

I urge the Department of Commerce to conclude the JPA and not propose another oversight mechanism as conclusion will have no material change on the operation of domain name system coordination. But it will enshrine a model of Internet governance that has worked and is all about coordination not control.

Sincerely,

dotSUB LLC

Michael L. Smolens
Chairman & CEO