Comments by Thomas Lowenhaupt on behalf of Connecting.nyc Inc.,
the New York not-for-profit seeking to acquire,
develop, and operate the .nyc TLD

Submitted to Suzanne Sene, NTIA
in Response to its Notice of Inquiry on ICANN Oversight

February 15, 2008

As an observer and participant in the ICANN's development and deliberation processes over the last decade, let me begin by noting that many positive steps have been made, in particular, in the areas of transparency, openness, and definition of scope. These foundations are beginning to provide ever-faster progress towards the Internet we all desire.

But more needs to be done prior to its establishment as an independent, internationalized body. In reviewing the comments already submitted in response to this Notice of Inquiry, particularly those of the International Trademark Association and Messrs. Danny Younger, Karl Auerbach, and Milton Mueller, many reasoned and detailed areas for further development have already been identified and presented.

My comments address two areas: The requirements and processes Connecting.nyc Inc. must follow to acquire the .nyc TLD (Question 5), and the broader question of the multi-stakeholder model (Question 6) as it applies to the support of city-TLDs.

(Question 5.) New TLDs

Much progress has been made toward creating a process for issuing new TLDs. And with the recent publishing of a timetable for their issuance, some accountability. We have two concerns with the process for awarding new TLDs as they pertain to cities. To understand the basis of our concerns, some background is necessary.

First, when the Domain Name System was developed (a pre-ICANN occurrence), no provision was made for the needs of cities. The needs of commerce (.com), non-profits (.org), the education community (.edu), the U.S. government (.gov), countries (.us, .uk, .ru…) and other sectors were addressed. But not the needs of cities. The needs of these central engines of economic, social, and cultural life were relegated to third, fourth, and fifth level names, e.g., HIV-outbreak.Jackson-Heights.nyc.ny.us. Research into the needs of cities was not undertaken by the DNS' creators. (This is not to denigrate the great work of the DNS' developers. Their task was not to address the needs of cities, and should not be thus judged with hindsight. But the impact of a city-less DNS remains. Read on.)

As part of our campaign to gather community support for our effort, I frequently make presentations about the opportunities the .nyc TLD will provide to civic groups. In presenting the background for our effort, I make a point about technology's impact on our city using two slides. The first has a proud Henry Ford standing next to a Model A in an early 20th century New York. I tell of the promise this technology made for less smelly, more livable horseless-cities. Slide two is from the South Bronx section of New York City 50 years later. It shows the removal of a one block wide by one mile long swath of six-story residential buildings to clear space for the Cross-Bronx Expressway. The razing of these buildings resulted in the eviction of 15,000 residents and is attributed as a key cause of the civil strife that severely damaged city life in the decades that followed.

I then raise a few questions: What plans were made for the arrival and impact of the automobile? What impact will the arrival of the Internet have on city life? What plans have been made?

Academics will provide clear answers to these later questions in the decades ahead, but it's not too early to begin thinking about the Internet's impact on our cities. And its time we take what steps we can to remedy the globalizing impact "the .com Internet" has had on cities' traditional role as areas of proximity - where person to person networking takes place, where ideas grow and concerns are addressed. One clear way we can begin to address the globalizing impact of the .com Internet is by the acquisition, development, and operation of city TLDs.

Connecting.nyc Inc. anticipates submitting an application for the .nyc TLD at first opportunity. We have two concerns with regard to the apparent new TLD process.

- TLD Acquisition & Operation Costs – We are a new, not-for-profit corporation with a very limited budget. Making the case for this infrastructure-ish resource to a community with 8,000,000 residents is a challenging task, with the need to compete for attention with everyday problems and the limited time our busy lives leave. With all indications from GNSO and the ICANN that demonstrating community support will be a criterion for evaluating new TLD applications, we have dedicated the preponderance of our resources to soliciting community needs and support. Previous TLD acquisition opportunities have been costly and time consuming. We believe the ICANN should shortcut the process and costs associated with acquiring the .nyc TLD (and other city-TLDs). With urban area now housing more than half of the world's population, the lacuna in the original DNS screams for repair. We seek a nominal application fee for what we see as our repair operation. Also, for the initial 5 years of operation, the per-name new and renewal fees to ICANN should be eliminated.
- Priority on Application Processing – Creating a process for new TLDs has taken over a decade and indications are that many applications will be forthcoming when the application window opens. We are concerned that a plethora of product applications by Fortune 1000 firms for new TLDs might inundate the ICANN's small staff and reduce the likelihood of city-TLDs being issued on a timely basis. We believe the ICANN should make provision for the priority handling of applications for city-TLD applications, enabling a rapid application of Internet's TLD medicine to long simmering city needs.

(Question 6.) Improving the Multi-Stakeholder Model

On November 14, 2007 Connecting.nyc participated on a "Broadening the Domain Name Space: Adding TLDs for Cities and Regions" panel at the U.N. sponsored Internet Governance Forum (IGF) in Rio De Janeiro. The panel first heard about the positive experiences of three recently issued TLDs: .cat (for the Catalonia cultural), .asia (for use in the continent of Asia), and .eu (for use in the European Union).

Panelist Sebastian Bacholet, appearing on behalf of the .paris TLD, previewed the internationalization study initiated by developers of the .nyc, .berlin, and .paris TLDs at the ICANN Los Angeles meeting. He provided three instances where second level domain names might be developed in various languages - www.taxi.nyc, www.hotels.paris, and www.hospital.berlin. By way of example, he explained that when in need of health care, German

or French speaking visitors to New York City might enter www.krankenhaus.nyc or www.hôpital.nyc in their respective languages and receive pages with the needed information.

This first small effort imagines a role for coordination among cities and points to the need for a more formal position for cities in the ICANN processes. Urban areas now house more than 50% of the world's population and consume 75% of its resources. The lacuna in the original DNS screams for repair. Clear thinking on the role the Internet may play in the creation of more sustainable cities can be facilitated within the structure of the ICANN. We urge those structural changes begin in parallel with the process for awarding city-TLDs.

Thank you for your attention to this important issue.