

June 8, 2009

Administración
Central
Universidad de
Puerto Rico

John O. Jeffrey, Esq.
General Counsel and Secretary
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601

Re: .pr

Dear Mr. Jeffrey:

I am the Director of Legal Affairs of the University of Puerto Rico (“UPR” or the “University”). I am writing on behalf of the University to advise you that the previous change in contact information for the .pr country code top-level domain (the “ccTLD”) from the University to Gauss Research Laboratory, Inc. (“GRL”) was without the University’s authorization and, therefore, to request that the record be restored to reflect the University as the registrant for the ccTLD. In addition, for the reasons outlined herein, such restoration back to the University would be in the best interests of the Internet community.



Oficina de
Asuntos Legales

I. Background

At the time of the 1989 National Science Foundation grant that ultimately resulted in the appointment of the University to manage the ccTLD, and for the majority of the time since, the University administered the ccTLD with the support of the Internet community, the Puerto Rican government, and its faculty, including but certainly not limited to Dr. Oscar Moreno. As you may know, Dr. Moreno was employed by the University since the time of the original NSF grant application in 1988 through 2007, when he formally retired from UPR. To help support the administrative roles associated with the ccTLD, the University created an unincorporated administrative unit within the University, which it named Gauss Research Laboratory (“Gauss”). The University provided support – financial, facilities, human capital, and otherwise – to Gauss and Dr. Moreno throughout the years, and Gauss continues to exist today as a part of the University.

As recently as November 1, 2006, The Commission for Education, Youth, Culture and Sports of the Senate of Puerto Rico issued a final report related to Senate Resolution 1487. The report included Dr. Moreno’s defense of the permanency of the administration of the ccTLD *within the structure of the University*, and the report supported the University’s continued participation in the administration of the ccTLD.

As you may know, shortly after that report, Dr. Moreno retired from the University faculty on December 31, 2007. Before he left the employ of the University, however, Dr. Moreno set up and incorporated a not-for-profit private corporation, unrelated to the University, that he named “Gauss Research Laboratory Inc.” (“GRL”). The University understands that Dr. Moreno subsequently made a request to ICANN to change the contact information for the ccTLD from UPR to Dr. Moreno and GRL. It is

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the University's further understanding that, notwithstanding the change in entity that proposed to administer the ccTLD, neither ICANN nor Dr. Moreno initiated a redelegation proceeding. Instead, either ICANN solicited and/or Dr. Moreno supplied the Letter from faculty member Dr. Brad Weiner purporting to approve the changes requested by Dr. Moreno. (Neither the University president nor I received any notification from ICANN regarding the request for redelegation of – or any other process related to – transfer of the ccTLD.) Dr. Weiner's short Letter does not (i) specifically advise ICANN of the University's support in the relinquishment of responsibility with respect the ccTLD, or (ii) confirm that Dr. Weiner has any authority to act on behalf of the University. In fact, Dr. Weiner's Letter was neither within Dr. Weiner's authority nor approved by the University, and therefore the University rejects and rescinds the Letter.

The University understand that on or about November 27, 2007, Dr. Moreno converted GRL from a not-for-profit entity to a for-profit entity. Further, as noted in more detail later, the University learned recently that Dr. Moreno appears to be attempting to sell the ccTLD and/or his company (with the ccTLD as it primary asset). Neither is in the best interests of the Puerto Rican Internet community or Puerto Rican community at large. In addition, the University understands that in recent weeks the ccTLD was the victim of a DNS-related attack, causing the local sites of Coca-Cola, Google, Nokia, and others to be redirected to an unauthorized third party's website. The University is committed to protecting the interests of the Internet community and working with partners to ensure that such attacks are not likely.

II. Restoration of Functions Within the University

Recognizing the importance of the ccTLD and its continued, smooth operation to the Puerto Rican Internet community as well as the global Internet community, the University has worked to ensure that, should it be permitted to resume administration of the ccTLD, there would be sufficient operations and technical capabilities available to be put in place immediately to effect a transition that would be least likely to have any impact, let alone disruption, of Internet connectivity for the people and businesses of Puerto Rico, including through technical implementation of measures to guard against DNS attacks. In fact, the University has a rich history of working within the Internet community toward meeting the needs of the community, as addressed herein.

A. Meeting the Community's Needs

The University was the first institution to implement access to the Internet in Puerto Rico back in 1989; second in Latin America only to Mexico. In addition, for many years, the University served as the Internet Service Provider (ISP) to various educational institutions, including Interamerican University, the Ana G. Méndez University system, Ponce School of Medicine, Universidad Central del Caribe, the Escuela de Artes Plásticas, and sundry school libraries throughout the Island. To this day, UPR still provides ISP services to Ponce School of Medicine and Universidad

Pontificia Católica. Further, as part of its Puerto Rico Data and Video Network (PRDVNet) project, the University also served as ISP to local Government agencies (including the Puerto Rico Health Department, Planning Board, Puerto Rico Energy and Power Authority (PREPA)), as well as the general public, at very reasonable costs. The University has continued its tradition of service to the Internet community into the present day by expanding services into Internet2, where it serves such institutions as the University of Sacred Heart, The National Astronomy and Ionosphere Center Arecibo Observatory, and the Ponce School of Medicine, among others.

B. Experience

It was during the PRDVNet project, that UPR reached out to support other institutions of higher education throughout the Caribbean, which resulted in UPR hosting and administrating the ccTLDs for the countries of origins of those institutions. As you know, the University has managed a number of other ccTLDs, including the following ccTLDs:

- .AG - Antigua
- .BB - Barbados
- .BE- Belize
- .BS - Bahamas
- .DM - Dominica
- .DO – Dominican Republic
- .GD – Grenada
- .GY - Guyana
- .JM - Jamaica
- .KN - St. Kitts & Nevis
- .LC - St. Lucia
- .SR - Surinam
- .TT - Trinidad and Tobago
- .VC - St. Vincent

The University has the technical expertise to resume administration of the ccTLD. The University's IT department employs individuals with relevant experience in the operation and administration of the ccTLD, including the following individuals:

Eng. Félix G. Ramos directs the Technical Services Unit within the Information Systems Office of UPR. Eng. Ramos has over 20 years experience providing network support in the following areas: installation, configuration, diagnostics and repair of telecommunications equipment; needs assessment and capacity planning for acquiring telecommunications and server computing equipment; analysis, design, and implementation of local and wide area (multi-campus) networks; collaboration in the preparation of detailed network plans. He provides support to the University not only for wide area network access, but also to both the Internet and Internet2.

Eng. Mayra Vélez is one of the University's Communications Technologies Specialists. Eng. Velez has been the primary resource for defining and monitoring the ccTLD domains that the University of Puerto Rico has administered during recent years, as well as administrating the UPR.EDU domain for the University. She has over 15 years experience providing network

support in the following areas: installation, configuration, diagnostics and repair of telecommunications equipment; needs assessment and capacity planning for acquiring telecommunications and server computing equipment; analysis, design, and implementation of local and wide area (multi-campus) networks; collaboration in the preparation of detailed network plans; monitoring and troubleshooting of both network and Unix servers performance; and upgrading and maintenance to networks and Unix servers. She was also part of the initial team that implemented Internet access at the University back in 1989.

Gilberto Ramos is another Communications Technologies Specialist for the University. Like Eng. Velez, Mr. Ramos has over 15 years experience in monitoring network performance and troubleshooting incidents. He is responsible for the installation, configuration and maintenance of servers and telecommunications equipment; provides technical support to the network personnel of the 11 campuses within the University system; and assesses needs and conducts capacity planning for the acquisition and maintenance of adequate telecommunications and server resources. As with Eng. Velez, Mr. Ramos has administered the definition and monitoring of ccTLD domains during recent years, as well as administrating the UPR.EDU domain for the University.

C. Commitment to Successful Service

In addition to the University's successful experience in operating ccTLDs, and notwithstanding its proven and experienced track record, the University has partnered with Afilias to help administer the ccTLD in a way that would ensure effective, efficient, and safe operations going forward. Afilias is well recognized within the Internet community as helping to administer various ccTLDs, and has agreed to work with the University to administer the ccTLD.

D. Willingness to Cooperate

Finally, the University has been in touch with Dr. Moreno to attempt to work with him to transition responsibility for the ccTLD peacefully back to the University – with his help. Consistent with his practice during his tenure with the University, Dr. Moreno has failed to cooperate with, let alone respond to, the University's outreach. Of course, the University is confident that with its systems in place it can manage the ccTLD without the help of Dr. Moreno, but with the understanding that the Internet community would be served by a cooperative transition of the ccTLD back to the University – rather than a hostile one – it attempted once again to reach out to Dr. Moreno without success.

Note that, as referenced briefly earlier and although the details are not clear, the University has been advised that Dr. Moreno is in the process of soliciting offers for the sale of the ccTLD. As you know, the ccTLD is not a property right of any individual or

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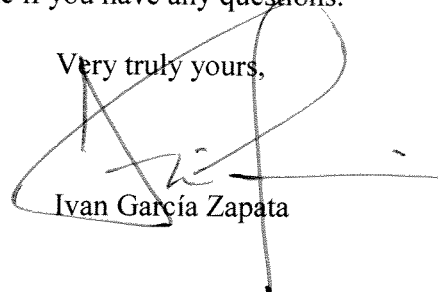
entity. The sale of the ccTLD by a for-profit entity in any way to any party is not within the best interests of the people of Puerto Rico, the Puerto Rican Internet community, the Puerto Rican government, or the global internet community. And such sale certainly exceeds the scope of authority and trust placed in Dr. Moreno by ICANN.

* * *

In view of the foregoing, the University hereby respectfully requests a return to the status quo ante with respect to the ccTLD. In other words, the University officially objects to the transition of the domain name to Dr. Moreno's for-profit entity and wishes to restore the ccTLD to the University which is subject to the public's and the government's input, scrutiny, and support, with an infrastructure in place to nurture and support development and growth of the ccTLD going forward within a safe computing environment.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Ivan García Zapata

jsr/jj80-1831.car

c Emma Fernández-Repollet, PhD.
Vice President of Research and Technology

Timothy J. Lyden, Esq.