

# Draft NARALO Statement on the Misappropriation of the .PR Domain

The following draft statement on the .pr controversy was prepared by Eduardo Diaz, with comments by Garth Bruen and final revisions by Beau Brendler.

At this point, this draft is under discussion within NARALO. NARALO members are invited to give feedback promptly by using the "Add comment" function at the bottom of this page.

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## DRAFT STATEMENT OF THE NORTH AMERICAN AT-LARGE REGIONAL ORGANIZATION ON THE MISAPPROPRIATION OF THE .PR DOMAIN

The North American At-Large Regional Organization wants to bring the ICANN community's attention to a serious concern regarding management of Puerto Rico's country code top-level domain, .pr, following a June 2011 lawsuit filed by The University of Puerto Rico against the domain's manager alleging misappropriation of public funds and inappropriate ownership claim of the domain, among other allegations.

### Background

In 1988, the U.S. National Science Foundation established a program to expand use of the Internet outside the United States by establishing a domain registration that would allow each country connected to the network to offer access the Internet through that domain.

Within that program, the University of Puerto Rico, through its Gauss Research Laboratory in the Natural Sciences department, requested the domain ".pr" (institutional research number 8818283, "Support for the Participation of the University of Puerto Rico in the NSFNet"). This proposal was approved in 1989 and administration of the .pr domain was designated to the "Gauss Research Laboratory" with the university as manager.

In 2006, the .pr ccTLD's manager contacted the Internet Assigned Numbers Authority to request a name change in the sponsoring organization, from the University of Puerto Rico to a corporation with the same name, including the abbreviations "INC. i.e. Gauss Research Laboratory, Inc." As a result of this change, Gauss Research Laboratory Inc. was permitted to remove the .pr ccTLD operations outside the university campus, as well as redirect any funds generated by domain purchases.

### Results of IANA Decision

It is apparent IANA, in its decision, considered the request for a name change in the sponsoring organization to be an administrative task, not a re-delegation of the ccTLD. However, according to the lawsuit, the ccTLD manager took action as if a full re-delegation had been made, allowing him to move the operation outside the university. Critically, in 2007, Gauss Research Laboratory, Inc. filed a change in corporate status from non-profit to for-profit with the Department of State of the Commonwealth of Puerto Rico.

Therefore, IANA's decision effectively resulted in the hijacking of a public resource from a non-profit educational institution to a for-profit corporation.

The NARALO is concerned the apparent "re-delegation" of the .pr domain represents a potential abuse of public trust and misappropriation of Internet resources.

In addition, while the controversy over Puerto Rico's country-code domain may seem unusual, findings presented in the final report of the ccNSO Delegation and Redellegation Working Group (<http://ccnso.icann.org/workinggroups/final-drd-report-02may11-en.pdf>) clearly indicate it is not.

NARALO applauds and supports the ccNSO working group's desire, stated in that report, to "create an environment for making consistent and predictable decisions regarding the delegation, re-delegation and retirement of ccTLDs while enhancing accountability and transparency."

Therefore, at the 2011 ICANN meeting in Dakar, NARALO will present the facts and allegations in this case, as well as examples of similar cases, in hopes of prompting a multi-stakeholder discussion and approach to create such an environment worldwide.