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MARITIME ISSUES

July 10<sup>th</sup>, 2012

Rahul N. Merchant, Commissioner  
NYC Department of Information Technology & Telecommunications (DoITT)  
75 Park Place, 9th Floor  
New York, NY 10007

Dear Commissioner Merchant,

I write to you on behalf of my constituent— Mr. Paul Garrin, the Founder of name.space—a pioneering information technology company that has been operating out of the East Village since 1996. I respectfully ask that you give this situation the direct attention that it so clearly requires.

Mr. Garrin contacted my office upon reading that the New York City Department of Information Technology and Telecommunications (DoITT) recently contracted with a Virginia-based company called Neustar to finance and submit a proposal for the .nyc Top Level Domain (TLD) to the Internet Corporation for Assigned Names and Numbers (ICANN).<sup>1</sup>

According to Mr. Garrin, since 1996, the rights to the .nyc domain have been owned and operated by his company—name.space—which originally created the domain. He offered testimony (appended here) to this fact in a 2008 Public Hearing of the City Council's Technology in Government Committee, on the subject of the .nyc Top-Level Domain. In that testimony he also stated that name.space had a pending application at ICANN to formally operate the .nyc TLD since 2000. Additionally, in March of this year name.space filed for trademark protection concerning the .nyc TLD and 481 similar domains.<sup>2</sup>

Mr. Garrin's basic contention is that the contract between DoITT and Neustar conflicts with name.space's prior rights to the .nyc domain—since they have owned and operated it for the last sixteen years, without interruption. His position is that the City should withdraw their agreement with Neustar and recognize the rights of name.space to operate the .nyc domain.

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<sup>1</sup> <http://www.informationweek.com/news/government/state-local/232700077>

<sup>2</sup> <http://www.domainnews.com/en/namespace-claims-trademark-protection-over-118-gtlds.html>

In addition to the overarching principle legal principle of ownership and trademarking, he points out the following complementary arguments to buttress his claim:

1. The City will reap a higher financial (and public good) benefit from name.space's operation of the .nyc domain, considering they are a local company that pays local taxes and has a more civic-minded business model.
2. Recognition of name.space's rights to the .nyc domain would have a domino effect; triggering recognition of hundreds of their other prior TLD's which they retain rights to that others may be infringing upon. In total, this could generate upwards of \$1 Billion in business to a locally-based company, which would then be re-invested in the community.
3. To the extent that the actions of ICANN and Neustar are questionable from a legal perspective, the City may presently be seen as supporting such organizations and environments that violate the spirit and letter of the law.

The facts—as presented to me by Mr. Garrin and summarized above—are compelling and certainly bear out the need for a clear investigation and response from DoITT. In the first instance, I would ask you to call me so we may discuss the matter directly. Furthermore, I would suggest that we eventually convene a meeting between Mr. Garrin, representatives from DoITT and staff from my office in an attempt to reach a level of understanding and potential resolution on this issue. Please have your staff reach out to Chris LaBarge, ([clabarge@council.nyc.gov](mailto:clabarge@council.nyc.gov); 212.788.7366) my Policy and Community Aide, to effectuate the details of this meeting.

I thank you in advance for your consideration in this important matter.

Respectfully yours,

A handwritten signature in black ink that reads "Rosie Mendez". The signature is written in a cursive, flowing style.

Rosie Mendez  
City Councilwoman, District 2