

~~“That Judge Roberts ruled against us in a case involving the interpretation of a statute would not impact our views on his nomination,” RIAA CEO Mitch Bainwol told us: “We will look at any nominee from a broad perspective, not on the basis of any single case.” The question relevant to the industry is whether a nominee shows respect for property rights and constitutional freedoms, he said. “While we haven't had a chance to do a thorough review of his record, the answer at first blush seems to be yes,” Bainwol said.~~

~~In the only FCC-related case that attorneys say reflected Roberts' “strict constructionist” views, he wrote the 2003 order upholding the FCC's decision to require tuners in digital TVs. The case centered on whether the FCC had authority under the 1962 All Channel Receiver Act to institute the tuner requirement, and the court ruled it did. Roberts also was on appeals court panels dealing with such detailed issues as a bidder's challenge to the FCC's auction rules, competitive access to ILEC transport facilities, reselling AT&T 800 service, a Verizon request for forbearance authority from Sec. 271 unbundling requirements and wireless tower construction.~~

~~Communications attorneys consistently referred to Roberts as a “brilliant” or “excellent” attorney. “No one does better oral arguments,” said an attorney remembering Roberts as a deputy solicitor gen. under the first President Bush. Another described Roberts as having “an amazing legal mind that sees through issues.” He's also “kind of a nice guy,” she said. “I thought several weeks ago that if the Administration wanted someone who was conservative but who no one could question about qualifications or personality, it would have to be John Roberts, a communications attorney said. “He has a lot of friends in the legal establishment,” he said.~~

~~As a conservative, Roberts' views on the roles of the states could pose an interesting situation for video franchising, a communications attorney said. “He could support stronger rights for the states than the FCC,” the attorney said. Former FCC Chmn. and attorney Richard Wiley, who knows Roberts through bar association activities, said he would be surprised if Roberts wasn't confirmed: “He has great judicial temperament.” **Edie Herman, Andrew Noyes, Tania Panczyk-Collins**~~

'Explosive' Interest

Public-Root Said to be the Next-Generation of Internet Addressing

ICANN's domain name system (DNS) is an 8-track tape player about to be overtaken by MP3, the developer of a new alternate root told *Washington Internet Daily* Wed. Unlike ICANN's cumbersome -- and controversial -- TLD-approval process, Public-Root (P-R), an international, nonprofit federation of independent root operators, is building an addressing regime in which TLDs will be available quickly and inexpensively, said Marty van Veluw, managing dir. of Unified Identity Technology (UNIDT), the Dutch company that will develop and market the new TLDs. Far from being a threat to ICANN, he said, the new system exists alongside it, resolving all ICANN and country-code TLDs as well as those of other alternate roots such as New.net.

P-R arose because of the tremendous demand for TLDs, said van Veluw. The new TLDs -- which van Veluw said would never duplicate existing ones -- will be corporate (.saab, .coke) and public (.movies, .voip, and the like). Whoever purchases a particular TLD will decide what 2nd level domain names (car.forsale, for instance) will be available at what price. Applying for a new TLD is simple, and, compared with ICANN's \$50,000 fee, inexpensive at \$4,000. Trademark owners must prove ownership before securing their mark.

P-R's architecture permits more-accurate navigation, van Veluw said. Searches are still routed from an Internet Protocol address to a particular domain name, but clearly denominated company and public-portal TLDs make location easier and more standardized. Someone searching for contact information for a particular company can go straight to that web page (mail.unidt) instead of having to first locate the corporate site and then click on the "contact" link, he said: "We're going to burn [domain names] into everyone's brains" to streamline searches.

The targeted addressing regime could prove a boon to mobile companies and users as well, van Veluw said. It will take less time to reach websites, cutting call charges. And because it resolves all TLDs in all public roots, P-R is, in effect, a bigger phone book.

P-R operates a root-server system with 13 master servers strategically located around the world, and its design complies with all Internet Engineering Task Force specifications, officials said. It's already compatible with Internet2 and IPv6, and could offer e-mail with spam filters and internationalized domain names as early as the end of this year, van Veluw said. P-R is keen to roll out multilingual domains because that's what industry wants, he said -- of the 500 million people online every day, only 100 million are English speakers.

The new operation will be overseen by the Internet Names Authorization & Information Center (INAIC), which describes itself as "an international public service agency organized and dedicated to the maintenance of public information resources that facilitate the coordination and resolution of global Top-Level Domains (TLDs) through the Public-Root server system." There, a 7-member board will approve, create and delegate new TLDs and ensure that all TLDs in the DNS and P-R resolve. Neither INAIC nor P-R intends to "govern" anything, van Veluw said. P-R adheres to ICANN's goals of DNS stability, competition, private bottom-up coordination and representation but adds new core principles of decentralization and user control, he said. INAIC also runs the Global TLD Whois directory service.

Van Veluw came to UNIDT from the airline communications arena. His interest in P-R arose out of frustration over the lack of success of .aero, the ICANN-approved TLD of the Societe Internationale de Telecom Aeronautiques. When P-R approached him, he agreed to invest in updating its systems and crafting a marketing and sales plan for new TLDs. UNIDT's hq is in Amsterdam; there's a satellite office in Istanbul and talks are underway for others in Singapore and in the Americas.

P-R isn't the first alternate root initiative, but it's the first to sell TLDs rather than domain names, van Veluw said. Its success depends on whether ISPs agree to point to P-R TLDs and mobile operators have internal domain name systems capable of resolving them, he said.

The plan was to introduce the new regime to Dutch and Turkish ISPs at the same time, but Turkey, faced with "explosive" interest in the new TLDs, was forced to jump the gun. This month, the Turkish Informatics Society and UNIDT announced an alliance for the sale of the new domains, and van Veluw said he's now in talks with 20 countries' ISPs and other service providers to do the same. Tues. (July 26), a major European ISP is expected to announce it will begin resolving P-R domains in the Netherlands, he said.

The announcement that Turkish ISPs would resolve P-R domains prompted a breathless headline July 3 on ICANN Watch: "Turkey Abandons ICANN." That couldn't be further from the truth, van Veluw said. This isn't about ICANN, he said -- it's about the market. -- *Dugie Standeford*

Privileged Pamphleteers

~~Bloggers Status in Shield Legislation Disputed by Senators, Lawyers~~

~~In deciding who should be covered by proposed reporters' shield legislation, Congress should avoid "credentialism," or protecting only reporters for established media outlets, said U. of Chicago Law Prof. Geoffrey Stone in a Senate Judiciary hearing Wed. Stone was responding to Sen. Cornyn's (R-Tex.) question whether bloggers, or "an individual that has taken the initiative" to report something, should be covered.~~

~~Federal codification of reporters' privilege has failed in part from the difficulty in defining a journalist, ranking member Leahy (D-Vt.) noted at the hearing outset: "With bloggers now participating fully in the 24 hours news cycle, we might face similar challenges in defining terms today." N.Y. Times columnist William Safire estimated 9-10 million people were blogging, saying journalism shouldn't "profess to be a profession" and "the lonely pamphleteer has the same rights as the N.Y. Times."~~

~~Rep. Pence (R-Ind.), who testified for his Free Flow of Information Act (HR 3323) co-sponsored with Rep. Boucher (D-Va.), earlier told The Washington Post his shield bill wouldn't apply to bloggers but only online reporters for newsgathering organizations. Boucher told us he and Pence are "on the same page" with regard to denying the shield to bloggers and nonprofessional writers online. Such protection would "potentially open it up to every~~