

**Danny Younger 11 November 2006 - comment on INTLNET candidacy to the NCDHC.
with the requested "clarifications"**

Note: most of the points I answer are private information. I have no other reason to disclose them than to show the danger of amateurish reports like this one. Also to protect Danny in case I would sue him for defamation and privacy violation: he could claim that I was kind in answering him :-)

I have corresponded often with the designated representative from INTLNET, Jean Franoise C. Morfin (Jefsey), over the course of the last five years.

There is a confusion. My second given name is "Franois". "Franoise" is the given name of my wife who is involved in children brainware analysis, women ICT and e-HR areas.

Jefsey has been a frequent commentator on numerous lists such as the DNSO/GNSO General Assembly (GA) Discussion list, the Independent Domain Name Owners (IDNO) list, the icannatlarge discussion list, IETF working group lists, and so on. Jefsey is known to us as a fixture in the ICANN community; he has contributed his views to the NTIA¹, to the WGIG², to the IGF³, and to the community at large⁴.

Jefsey is one of the last remaining rugged individualists with a strong tech background. His tenacity, focus and sense of purpose is to be admired, but this particular set of character traits – this passionate single-mindedness – has often been viewed by others as excessive to the point of being disruptive;

It is true that one of the INTLNET contributions I manage - in particular in IETF and standardisation areas - is what we name the "rod lightning" service. It consists in obtaining the focus of the opponents to the actions we support to permit them to pursue their objectives. We obtained this way a few interesting successes. Part of our user technical QA, lobbying intelligence and advocacy services.

this has resulted on numerous occasions in the suspension of his posting privileges (at least five times on the ietf-languages list⁵), and in petitions that called for his removal as an organizational member⁶.

Thank you for the "numerous". I have been engaged on a few occasion in weak to strong tactics where banning the weak was the only possibility left to the strong to avoid losing (what did not work). The cases quoted at icannatlarge should be compared with the comment from the list moderator. The ietf-languages issue resulted in a won IAB appeal. We do oppose ethical violations and use to win. Our adversaries use to oppose us.

The only way for a consortium of the market leaders to delay the enforcement of RFC 4646 I obtained against them and a flood of ad-hominems was to engage into a PR-action (removing my Posting Rights in some IETF lists). This is under IAB appeal.

¹ http://www.ntia.doc.gov/ntiahome/domainname/dnstransition/comments/dnstrans_comment0574.htm

² <http://www.wgig.org/docs/Comment-intlnet.doc>

³ http://www.intgovforum.org/Substantive_1st_IGF/e-mdrs-intro.pdf

⁴ <http://www.icannwatch.org/article.pl?sid=02/05/20/220530>

⁵ <http://www.alvestrand.no/pipermail/ietf-languages/2006-January/003854.html>

⁶ <http://www.fitug.de/atlarge-discuss/0306/msg01503.html>

While I understand that we are NOT deciding whether we like an organization's designated representative, nor whether we like the views espoused by such a representative, it is important to note that an individual's propensities may have a bearing in determining whether an "organizational" application tendered by that given individual is indeed legitimate.

I have difficulty to understand this. The NCDNHC Charter is clear. It does not speak of the feelings of Danny Younger about Member Chair's propensities.

I have taken note of Jefsey's inclination to charge into a project by throwing up a website and simultaneously pronouncing it to be an organization⁷ (whose membership roster will in theory shortly be filled by those with collaborative interests).

Bravo! If instead of digging into old archives you had read our site you would hopefully have understood that this is one of our main service to civil society lobbying, user project advocacy, and R&D efforts!

At issue is whether INTLNET is a legitimate organization or if instead we are looking at an application from an individual masquerading himself as an organization.

You just have to consider the legal documents. They are online.

The Due Diligence:

1. The earliest archived record⁸ of the intlnet.org website tells us that "The support of the Intlnet users and users networks has been incorporated in 1978 as a non-profit Secretariat (SIAT) to administer its services and serve its Execom actions."
2. The organizational domain itself, however, was only first established (according to WHOIS records) on 13 March 2002 – apparently the INTLNET organization functioned without an organizational website that bore its own name for a total of 24 years.

I interconnected Internet to the world system in 1984 but never trusted it :-)

However we ran sites as secretariat a few years before. I do not see what history has to do in here? You can find it online. We pioneered the International Network years before Internet was borne. We pioneered our own Network OS, running X.25 and Teletex/Fax sites. We consider the Web as a flat Minitel 2.

3. A later edition of the intelnet.org website displays an incorporation document⁹ dated 22 August 1978 – but the name of the organization applying for association registration is S.I.A.T (Secretariat International Pour les Applications de la Tele Informatique), not INTLNET.

Just one? French laws requires more documents. They are on the site..

4. According to additional website documents¹⁰, the S.I.A.T. organization on 12 July 1983 decided to use "Intlnet" to distinguish a certain range of activities from those associated

⁷ Examples include wecann.com – see <http://www.dnso.org/clubpublic/ga-full/Arc10/msg00182.html> ; atlarge.ws – see <http://www.fitug.de/atlarge-discuss/0208/msg01097.html>

⁸ <http://web.archive.org/web/20030629152830/http://intlnet.org/>

⁹ http://web.archive.org/web/20040414151233/intlnet.org/siat_dec.jpg

¹⁰ http://web.archive.org/web/20060504184407/intlnet.org/siat_int.jpg

with the word "Eurolab" which was being used in technical test documentation (as in SIAT/Eurolab).

Yes?. Due to domain name conflicts Eurolab is now RDLab.

5. Corporate documents were formally modified on 13 August 1983¹¹ and once again on 15 July 1992¹². These documents are drafted in the name of the association S.I.A.T (that reserved the right to use the English name "ISDCA", an acronym for International Secretariat for Data Communications Applications) and bear the SIAT stamp. The association also noted its use of "Intlnet" as a "logo"

Yes? I do not see what is asked. Intlnet is our short name, Secretariat Intl pour les applications de la Télématique is our historic long name, we are proud of.

6. These above documents list the S.I.A.T. organizational directors and members as: Jefsey Morfin, the association AIEE, Tymnet Inc., the associations GLEXAD and IBCS Inc.

Incorrect. They are named as initial directors and members.

7. While it can reasonably be determined that S.I.A.T formally existed at one point as a legally registered association under the 1 July 1901 French law, no such claim can be made for the organization that now purports to have the legal name "INTLNET".

The reference was just quoted above. This is like saying IBM does not exist because they are incorporated as International Business Machines Incorporated!

8. As France does have provisions in its commercial code for organizations incorporated as non-commercial entities, and as there is no record being offered of an association named "INTLNET" listed as a registered association, the validity of INTLNET's status as an organization meeting NCUC eligibility requirements is in doubt.

What is in doubt here is the competence of the author. I would be glad to know what you asked and where and expect to get in one or two days? This way I could assist...

9. Further, if we are to accept the notion that the association S.I.A.T was formally or even informally renamed as "INTLNET", we are not presented with any current documents on the website that indicate who sitting Board members or other members might be (we note, for example, that former member Tymnet Inc. was sold to McDonnell-Douglass¹³ that was later merged with Boeing).

I am glad Danny Younger is the new French law maker !

The fun of the comment about Tymnet is that the quote is an extrapolation of a quote from me and not from any legal source. Any person knowing the network history, knows that Tymnet pioneered the international network, was part of a purchase by McDD-Data, went to BT and then to Worldcom as part of Concert. It was ended by Vint Cerf on 24 March 2003.

Tymnet was no more a Member after 1986. Twenty years ago!

¹¹ <http://web.archive.org/web/20060504184414/intlnet.org/stat1.jpg>

¹² <http://web.archive.org/web/20060504184442/intlnet.org/stat3.jpg>

¹³ <http://www.dns.org/clubpublic/icann-nominations/Arc01/msg00013.html>

Association documents should be available that would detail the Board's current composition and/or membership roster, yet no such documents are presented on the intlnet.org website.

Where is this site obligation required?

10. The earliest version¹⁴ of the intlnet.org website also contains the following: “[INTLNET] intends to enter in a MoU with ICANN and to join the ITU.” While we have no issues with ancillary ITU membership, it should be noted that the membership of the NCUC specifically excludes “Organizations that provide services under contract or MoU with ICANN”. If establishing such an MOU is INTLNET's declared intent, then its tenure within the NCUC (if accepted for membership) would be of very limited duration.

Times change. There is a long time that an MoU with ICANN represents no interest for the Internet users. However, if they make half their BoD elected by @large members, we might reconsider.

11. Even if we were to accept the proposition that INTLNET is an organization, it would be incumbent upon us to know that the organization consisted of more than a single member.

Please show the requirement. But do not worry and learn the French law. A French association requires at least two Members. However, if you read our Statutes we are purposely designed for network governance (what we explained on our site you did not read) as a kernel structure. We are a secretariat to ourselves and to relational spaces, R&D and governance actions.

The website's home page displays a “Main Discussion List” that is described as the “main list of all its members”. Its archives¹⁵ through February 2005 show no legitimate messages whatsoever. Membership appears to be null.

It is just that the list has no public archives! As consultants we are obviously subject to non disclosure and professional discretion obligations. The list you quote (from a old site) has never been used that way.

12. On 12 July 2002 Jefsey Morfin registered the domain dot-root.com whose website contains a charter¹⁶ that states in part: “The ULD Managers will form an association named Intlnet to represent them and to share common services and efforts.” If in fact Intlnet was a legitimate association that had already been in existence since 1978, then there would have been no need in 2002 to “form an association named Intlnet”. We are offered no evidence on this website or elsewhere that Intlnet was actually legally formed as an association in 2002 or thereafter.

The dot-root project was an interesting project supported by Intlnet, addressing ICANN ICP-3 request. Thank you to underline a typo of the translator. The text should obviously read "will form an Intlnet association named dot-root .." what has been done. An 'intlnet association' is the special kind of organization we have validated over the years. It permits us to provide a free turn-key incorporated association, with banking account, corporate address, legal

¹⁴ <http://web.archive.org/web/20030629152830/http://intlnet.org/>

¹⁵ http://web.archive.org/web/20061111004832/http://intlnet.org/pipermail/intl-discuss_intlnet.org/

¹⁶ <http://dot-root.com/charter.sht>

representative, accountant, web site, mailing list, etc. in less than 48 hours sponsored by the world@wide foundation we created to this end.

13. The NCUC Charter specifically excludes from membership associations for the benefit of commercial entities (even if they are non-profit in form). As such we must ask if INTLNET is a non-profit association that functions for the direct benefit of another commercial entity.

We said we are not.

14. A website exists at utel.net – this website was registered on 13 February 1998 by UTELNET that coincidentally shares exactly the same registrant address as the earlier-mentioned dot-root.com that was registered by Jefsey.

What a discovery! This is one of our missions! Though W@W we offer free domain names to civil society and lobbying action.

This website presents itself as the “Universal Telephone Operators consortium of Internet Services” and as “an INTLNET presented project”. When one clicks on ‘initial information’, the hyperlink takes you to a document marked “Confidential / 30 June 2005” that bears the caption: “INTLNET Secrétariat International pour les Applications de la Téléinformatique Association loi de 1901, créée en 1978 <http://intl.net.org>”.

Yes. This is a long term project under development that we assist.

Jefsey has described UTEL as his “business”¹⁷, and has previously joined ICANN’s Business Constituency (BC) as the UTEL designated representative.

When one runs an inquiry one crosschecks before committing. You confuse UTEL Inc. which was my former sole proprietary business. It transferred the domain name and some low cost purchase agreements to the French non-profit association supporting the UTEL.NET project.

Jefsey has stated¹⁸:

1. “I am involved in many aspects of the Internet, through my own small business practice (UTEL)”
2. “I am the smallest Member of the DNSO/BC.”
3. “As a business I own 2000 DNs for local sites chains and I own 2 TM in the on-line class.”

Yes. Then? That was some times ago. I am no more a member of the BC.

15. If INTLNET (purportedly a non-profit) is (as indicated) the sponsor of UTEL, a for-profit business entity, then INTLNET is necessarily ineligible for membership within the NCUC.

INTLNET is a non-profit information, consulting, and support organisation. It mostly supports non-profit small actions and network governances (this is specific role in the civil society IGF and WSIS).

My understanding is that ISOC gathers commercial Members and has several direct or indirect deals and MoU with ICANN (.org agreement, IANA MoU

¹⁷ <http://www.icannatlarge.com/morfin.html> “Business: project engineering and management, Internet area (<http://utel.net>)”

¹⁸ <http://wwtld.nic.mx/mailarchive/cctld-discuss/vol02/0328.html>

between its affiliate IETF and ICANN). It site states: "Our organization members include corporations, non-profit, trade and professional organizations, foundations, educational institutions, government agencies and other international organizations with varied interests.". This necessarily make ISOC and its Chapters ineligible for membership within the NCUC.

My assessment is that we are looking at what one might call "smoke and mirrors", a type of deception, at an "organization" akin to Jeff Williams' INEG that exists only in the mind of its creator without any other participants as members.

This has been addressed by Milton Muller: "Just to be fair, I want to say that your assessment here goes too far: "My assessment is that we are looking at what one might call "smoke and mirrors", a type of deception, at an "organization" akin to Jeff Williams' INEG that exists only in the mind of its creator without any other participants as members." Jeff Williams is a phantom who never physically appears, frequently changes his identity to avoid detection and responsibility. Morfin is a real person, with real technical knowledge and background in internet and technology. He appears to organize as an individual business person and I see no attempt to invent or deceive here, just an inappropriate match between our eligibilty criteria and his status.

I have no issue with ad-hoc coalitions as potential NCUC members as long as such coalitions actually come into fruition with a readily demonstrated and identifiable membership. Unfortunately, I have found no indications that INTLNET has any current members other than Jefsey Morfin.

I have no issue against the NCUCop. Unfortunately, he tried a difficult and perilous task and probably went far too fast, not professionally crosschecking enough, and lacking experience. The result is that he only brought attention on his own case: is his organisation matching the NCUC eligibility criteria.

If elucidating clarifications are not forthcoming, on the basis of the NCUC Charter guidelines I would recommend rejecting this particular membership application.

The only regret I have with this work is that I never received a copy. I would have not known that "elucidating clarification" were expected and our organization would have been denied its right to the detriment of the civil society various actions it serves.

However, I copied the document around on our various lists. This already lead to some suggestions on the way to revamp our site we do not have much time to update, to present some our services, to present the support carried by some of our Members. Obviously most of our actions are subject to professional discretion, this is the essence of our R&D assistance, lobbying intelligence and advocacy services, but we some of our secretarial assistance could be documented as we document our technical information services.

Remark: I am a kind person and I never judge people, only what they do or say. And I have been trained by life and ICANN community mailing lists to accept much. This is also a privilege of being on the the pioneers of the International Network, my past speaks for me. Others could be more touchy. I suggest that the Charter prohibits this kind of public defamation, privacy investigation. This should be limited to the Membership Committee.

Here is the mail I had sent to Milton Mueller when I learned his comment on Danny's data-mining.

Dear Milton,

From what I understand Danny has posted comments by his own concerning the application of INTLNET to the NCDHC, but did not copied INTLNET - at least until now. I understand from your comments that they are incorrect about INTLNET, hurting and most probably wrong as far as I am concerned.

I certainly thank you for calling Danny to order. I usually consider Danny's as a perfect contributor. In this case it seems he made an erroneous report. This may happen to every one..

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As long as I do not know what Danny may have written, I cannot correct it. All I can say is:

- the application is for INTLNET, the world oldest user support and defense organisation, but not a user organisation. INTLNET did, still does, and intends in the future to support organisations which could qualify in ccNSO and ALAC, but it is neither a ccTLD Manager, nor an @large organisation.

The same as the IETF (RFC 3935) INTLNET is not value-neutral. We embrace human rights, respect of the person, privacy, culture, and environment. We resonate to some technic-societal values such as: acknowledgment of the digital ecosystem ecology; distributed control and information; user global empowerment; national sovereignty and regalian duties and services; local, national, international subsidiarity; equal linguistic opportunity and multilingualisation; multi layered, multimodal, multitechnology, multilateral user centric vision of the digital ecosystem and of the basic, value-added, and extended services; concerted consensus, experimentation, maintained documentation, and interoperability. These concepts have little to do with the kind of services we can provide, and much to do with who we chose to serve.

- I certainly understand that Danny may personally or commercially oppose some or all of these concepts, but they belong to this constituency.
- I do not understand the insistence on my person in your comments. I am no business man: I am an applied researcher and a consultant by my own. I am only the President of INTLNET, I created and chaired most of its life. We are engaged into the support of intelligence or/and strategic actions (our job is information) - sometimes successfully opposing leading commercial and technical interests. One of our services is "rod lightning" - a domain where I gained some expertise and successes - protecting their governance from ad-hominem attacks, like Danny's rudeness. We never had a request from any member or stakeholder to publish their name. The IGF Athens meeting will change that as we found that some of our Members could be very useful to some civil society actions.
- I only know the NCDNHC charter. It says:

Eligible organizations. Organizations meeting the following criteria are eligible for membership in the Constituency:

- Organizations incorporated as a non-commercial entity (in countries that have such a provision in their commercial code)

INTLNET is.

- Be the exclusive user of at least one domain name.

We are. Since 13 March, 2002. You can access our site.

- Are engaged in activities that are primarily non-commercial, including, e.g., political advocacy, educational, religious, charitable, scientific and artistic.

We are.

- we have no bank account in use. All our needs are supported by sponsors.
- we are engaged in governance policy advocacy, scientific R&D, and educational support, with strong charitable (our own "RD Lab" R&D, development, and standardisation are open use/source) and human rights motivation;

Ineligible organizations. The membership of the NCUC specifically excludes:

1. Political organizations whose primary purpose is to hold government office and/or elect government officials

We are not.

2. commercial organizations and associations of or for the benefit of commercial entities (even if they are non-profit in form)

We are not, however we may defend the collective rights of an industries or of communities.

3. Organizations that provide services under contract or MoU with ICANN, or are represented in ICANN through another Supporting Organization

We are not.

All the best.
jfc