



« A Joint Effort of the [INTERNET MULTICASTING SERVICE](#) and [INTERNET SOFTWARE CONSORTIUM](#) »

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# Statement of Requested Confidential Treatment of Materials Submitted

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## 1. Procedure for Confidential Treatment of Materials Submitted

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ICANN intends to evaluate applications to become the successor operator for the .org top-level domain in as open and transparent a manner as is reasonably feasible. At the same time, however, ICANN recognizes that to encourage applicants to provide all documents and information relevant to the application, it is appropriate to afford applicants the opportunity to submit legitimate trade-secret information with a request for confidential handling by ICANN.

Except to the extent that it expressly agrees otherwise in writing, ICANN will be free to disclose and use information submitted in connection with an application in any manner and to anyone it deems appropriate. If the applicant wishes ICANN to accord confidential treatment to any material in its application or otherwise submitted in connection with the application, the applicant must expressly request confidential treatment of that material in this statement and mark the material with the legend "CONFIDENTIAL." Applicants are strongly encouraged to avoid, or at least to minimize, requests for confidential treatment of material in applications or submitted in connection with applications.

Any request for confidential handling will be reviewed for confidentiality by ICANN staff before further consideration of the material to which the request relates. ICANN will promptly notify the applicant of the extent to which ICANN is willing to agree to treat the designated material in a as confidential and the manner in which ICANN is willing to handle that material, requesting a response from the applicant within two business days. If ICANN is not willing to agree to the applicant's request for confidential handling in its entirety, ICANN and the applicant will discuss the matter in an effort to reach a written agreement on confidential treatment of materials. Only a written agreement, signed by ICANN's President or Vice-President, will be binding on ICANN.

In the event the applicant requests confidential treatment of materials and ICANN and the applicant do not agree on provisions for confidential treatment within a period designated by ICANN, ICANN will, to the extent of the disagreement, delete all material submitted by applicant that is subject to applicant's request for confidentiality. The deleted information will then cease to be part of the applicant's application and will not be considered by ICANN in reviewing the application, nor will the deleted information be disclosed or otherwise used by ICANN. After being

advised of what has been deleted, the applicant will be offered (for two business days) the opportunity to withdraw the application and obtain a refund of the US\$35,000 interim evaluation fee. ICANN intends to use reasonable efforts to meet the timing and related requirements of this section I, but shall not be liable for failing to meet them.

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## 2. Applicant's Request for Confidential Treatment

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**E1.** The applicant's full legal name is:

Internet Multicasting Service, Inc.  
P.O. Box 217  
Stewarts Point, CA 95480  
United States  
Phone: +1.707.847.3720  
Facsimile: [+1.415.680.1556](tel:+1.415.680.1556)  
URI: <http://not.invisible.net/>

Our partner in this application is:

Internet Software Consortium, Inc.  
950 Charter Street  
Redwood City, CA 94063  
United States  
Facsimile: [+1.650.779.7055](tel:+1.650.779.7055)  
Phone: +1.650.779.7000  
URI: <http://www.isc.org>

**E2.** Does the applicant request confidential treatment of any portion of the application or any material submitted in connection with the application?

**NO**

**E3.** If the response to item E2 is yes, please provide, on sheets of paper attached to this Statement of Requested Confidential Treatment of Materials Submitted, the following information for each set of material as to which the applicant requests confidential treatment:

**E3.1.** Clearly identify exactly what material is subject to the request for confidential treatment. The identification should state the general nature of the material (e.g., "Economic Terms of Prior Agreement Submitted to Demonstrate Operational Capabilities") and precisely and clearly state every place in the application or material submitted where the material appears (e.g., "the first full paragraph on page 24 of the '.org Proposal'").

**E3.2.** State precisely what restrictions on disclosure, use, and handling of the material is requested.

**E3.3.** Provide a justification for why the material should be treated confidentially and why the restrictions on disclosure, use, and handling are appropriate.

By signing this Statement of Requested Confidential Treatment of Materials Submitted, the undersigned certifies that he or she has authority to do so on behalf the applicant. The undersigned agrees on behalf of himself or herself and the applicant to the procedure described in [section I](#) of this statement and that there is no claim to confidential treatment for any material submitted by applicant not clearly identified in response to item E3.1 and marked "CONFIDENTIAL."

The undersigned agrees, on his or her own behalf and on behalf of the applicant and each of its officers, directors, employees, consultants, attorneys, agents, partners, and joint venturers, that neither ICANN, nor any of its officers, directors, employees, consultants, attorneys, and agents, shall have any monetary liability for disclosure or use of submitted materials contrary to the procedure described in [section I](#) of this statement, except where that disclosure or use is done to maliciously harm applicant.

/Carl Malamud/  
Signed

Carl Malamud  
Chairman  
Internet Multicasting Service

## Authors' Addresses

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Internet Multicasting Service  
P.O. Box 217  
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Fax: +1.650.779.7055  
URI: <http://www.isc.org/>

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## Appendix A. Document Formats

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This document is available in the following formats:

- [\[html\]](#) This document.
- [\[htm\]](#) ICANN original form.
- [\[xml\]](#) XML
- [\[txt\]](#) ASCII
- [\[nroff\]](#) NROFF
- [\[word\]](#) Word
- [\[pdf\]](#) PDF