

PUBLICROOT REPRESENTATIVE NOTICE

VALIDATION OF KFC TLD FAILED

September 27, 2007

This is a public notice to the Inclusive Name Space community and other interested third parties. Distribution of this notice is encouraged and unlimited. This notice shall be distributed to the Directors of the Top Level Domain Association, INAIC (Internet Names Authorization & Information Center), the Federal Trade Commission, Yum! Brands Inc. and various community lists. A permanent copy of this notice shall be posted to the PublicRoot Consortium web site.

Investigation and findings:

The PublicRoot Representative conducted an investigation and audit into the creation and publication of the INS (Inclusive Name Space) TLD (Top-Level Domain) label "**KFC**". INAIC published this TLD to the INS on August 29, 2007. The TLD is active for a term of ten years and expires on August 29, 2017. The whois records at INAIC show **Yum Brands, Inc.**, a multinational company based in Louisville, Kentucky, United States, as the official registrant of this TLD.

The PublicRoot Representative contacted Yum Brands, Inc. on September 4, 2007 to validate the TLD. The PublicRoot Representative attempted to contact the administrative representative responsible for the TLDs as per the published whois records at INAIC.

This record shows the registrant and administrative contact to be a **David C. Novak of Yum Brands, Inc.**, and the mailing address is given as **1441 Gardiner Lane, Louisville, Kentucky, 40213** in the **United States**. Mr. David C. Novak is the Chairman of the Board, President and Chief Executive Officer of Yum Brands, Inc.

The PublicRoot Representative was referred to Ms. Jyll Heiden at Yum Brands, Inc. who investigated the claim by INAIC. On September 26, 2007 the PublicRoot Representative received an email from Mr. Philip Davison, Trademark Counsel at YUM! Brands, Inc. Mr. Davison wrote that "**neither KFC nor YUM Brands ever requested or authorized INAIC to register KFC as a corporate TLD**". A copy of this email is attached to this notice as an exhibit.

Mr. Philip Davison sent an urgent e-mail to INAIC on September 26, 2007 demanding they withdraw and cancel the "KFC" TLD and similarly that they take any and all reference to YUM off their registry or register.

The PublicRoot Representative herein acknowledges that Yum Brands Inc. **DID NOT AUTHORIZE** the creation and publication of the INS TLD label "KFC" with either INAIC.com or any agent of INAIC. The PublicRoot Representative therefore finds that the INAIC whois record for "KFC" is a bogus INS TLD record. The current whois records for "KFC" is attached to this notice as an exhibit.

The PublicRoot Representative issued a verbal request to Martijn Burger, chairman of the INAIC society and foundation, that Herman Xennt, operator of INAIC.com, immediately remove all references to TLD label "KFC" from the public DNS infrastructure and whois service. The PublicRoot Representative warns INAIC.com that the continued display of trademarks and brands names as TLDs without authorization is a fraudulent act. Furthermore the use of the name David C. Novak is considered impersonation and therefore also fraudulent.

On September 21, 2007 the PublicRoot Representative asked Burger to have Herman Xennt provide supporting evidence of the TLD registration, including accounting records of any payment made for the "KFC" TLD label.

Herman Xennt made a change to the whois record this September 23 2007. However the TLD label was not removed from the DNS and whois. The record was amended to reflect the TLD is now a PRIVATE REGISTRATION. This effectively removed the contact details from the record but continues to advertise the Yum Brands, Inc. trademark and brand names. A copy of the amended whois record is attached to this notice as an exhibit.

On September 23, 2007 the PublicRoot Representative contacted Burger to confirm Herman Xennt had changed the record to a PRIVATE REGISTRATION. Mr. Burger was advised this was not acceptable as the trademarks and brand name of Yum Brands, Inc. were still being used. Mr. Burger agreed to pursue the matter with Herman Xennt.

Legal Concerns:

The mission of the PublicRoot Representative is to ensure the integrity of the data and claims made in the INS. The system must at all times be operated in an honest, open, transparent fashion. It must be inclusive, representative & accountable to community stakeholders in particular and in general to the Internet community at large.

The PublicRoot Representative expresses concern that INAIC, a body claiming to be an INS provider and wrongly claiming to be the central INS authority, is engaged in an unfair and deceptive business act or practice. INAIC has used Yum Brands, Inc. trademarks and brand names to further the sale of INS TLDs through INAIC.com and it's agents.

Furthermore consumers who find the multinational company Yum Brands, Inc. associated with an INS TLD assume falsely that INAIC.com or its agents are credible. TLD Holders who have purchased TLDs under this false assumption are victims of a scam by INAIC.com. Yum Brands, Inc. has also been a victim in this scam as their trademarks and brand names continue to be used without authorization to further the sale of TLDs.

Furthermore the act of listing bogus TLD labels in the whois and DNS by INAIC is considered by the PublicRoot Representative to be Internet fraud. This act causes harm to the reputation and credibility of the INS community at large.

Furthermore from a technical point of view the PublicRoot Representative is concerned that this labels use the INAIC.com web proxy to effect resolution for INS users. This represents a potential security issue known as a man in the middle attack. Web users connecting to unauthorized INS TLD labels can have their personal information compromised.

Actions Taken and Requested:

The PublicRoot Representative requests that INAIC.com remove all references to the "KFC" TLD label from their web sites, whois databases and DNS records.

The PublicRoot Representative further requests that the Directors of the Top Level Domain Association investigate this breach of trust by INAIC.com and it's agents. The PublicRoot Representative hereby submits this notice as a complaint to the Top Level Domain Association.

The PublicRoot Representative further requests that the Federal Trade Commission (FTC) Bureau of Consumer Protection file this notice as a fraud-related complaint and that the complaint be entered into the Consumer Sentinel online databases available to civil and criminal law enforcement agencies worldwide.

This notice, complaint and any requests made in this document are on behalf of the PublicRoot Representative who assumes full responsibility for this publication. Yum Brands, Inc. did not participate in its publication except to provide the PublicRoot Representative with evidence on the INS TLD registrations claimed by INAIC.

PublicRoot Representative Notice
Submitted by Joe Baptista

<Signature>

PublicRoot Representative
5921 Agean Drive
Mississauga, Ontario L5M 6Y3, Canada

Tel: +1 (360) 526-6077 / +1 (202) 517-1593
Fax: +1 (509) 479-0084
Email: baptista@publicroot.org

Subject: FW: KFC TLD authorization at INAIC.
From: "Davison, Philip" <Philip.Davison@Yum.Com>
Date: Wed, 26 Sep 2007 16:42:39 -0500
To: <baptista@publicroot.org>
X-Account-Key: account7
X-UIDL: rjpbrfit2kq8yzlr
X-Mozilla-Status: 1003
X-Mozilla-Status2: 00000000
Received: from [168.182.19.190] by mx3.memor.net with SMTP (EHLO mx1smtp.yum.com) (ArGoSoft Mail Server Pro for WinNT/2000/XP, Version 1.8 (1.8.8.9)); Wed, 26 Sep 2007 23:43:26 +0200
Received: from Techxch24.us.tgr.net ([172.21.8.132]) by mx1smtp.yum.com with Microsoft SMTPSVC(6.0.3790.1830); Wed, 26 Sep 2007 17:42:40 -0400
Importance: normal
Priority: normal
Received: from Techxch02.us.tgr.net ([172.21.8.64]) by Techxch24.us.tgr.net with Microsoft SMTPSVC(6.0.3790.1830); Wed, 26 Sep 2007 17:42:41 -0400
Received: from abdxch132.us.tgr.net ([172.23.2.79]) by Techxch02.us.tgr.net with Microsoft SMTPSVC(6.0.3790.1830); Wed, 26 Sep 2007 17:42:41 -0400
Received: from abdxch131.us.tgr.net ([172.23.2.131]) by abdxch132.us.tgr.net with Microsoft SMTPSVC(6.0.3790.1830); Wed, 26 Sep 2007 17:42:40 -0400
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.3790.2929
Content-Class: urn:content-classes:message
MIME-Version: 1.0
Content-Type: text/plain; charset="us-ascii"
Content-Transfer-Encoding: quoted-printable
Message-ID: <75C3724628DE3C4EB0321DCAC2C9B9C801810962@abdxch131.us.tgr.net>
Thread-Topic: KFC TLD authorization at INAIC.
thread-index: Acf7l/MHJ7IEPl/ISJONSM5RmxA/NQAEYRXQASrzHbAAC9ZtMA==
Return-Path: <Philip.Davison@Yum.Com>
X-OriginalArrivalTime: 26 Sep 2007 21:42:40.0556 (UTC) FILETIME=[29B75EC0:01C80086]

Dear Mr. Baptista,

Your below e-mail was forwarded to me.

Thank you for bringing this corporate TLD .KFC issue to our attention. It has indeed taken some time, but we have conferred with what we think are all the appropriate people within KFC Corp. and YUM! Brands and have come to the conclusion that neither KFC nor YUM Brands ever requested or authorized INAIC to register KFC as a corporate TLD.

Accordingly, today I sent an urgent e-mail to INAIC demanding they withdraw and cancel .KFC and similarly that they take any and all reference to YUM off their registry or register.

However, the only contact addresses I found for INAIC are: legal@inaic.org; legal@inaic.com; and error@inaic.com. These before-mentioned e-mail addresses is where I sent the demand letter. If

FW: KFC TLD authorization at INAIC.

you have better contact information for INAIC and the person or people who run it, please let me know.

Please direct any further questions to me.

Sincerely,

Philip Davison
Trademark Counsel
YUM! Brands, Inc.
972-338-8163

Corporate TLD (cTLD): .KFC

TLD Status: Pending on Approval
TLD Register Date: 29-08-2007
TLD Updated: 30-08-2007
TLD Expire Date: 29-08-2017
Preferred Domain Name Registry: Yum Brands, Inc. (<http://www.yum.com>)

TLD Registrant:

Name: David C. Novak
Company name: Yum Brands, Inc.
Address: 1441 Gardiner Lane
City: Louisville
State: Kentucky
Zip: 40213
Country: United States
Phone: +1 502.874.8300
Cell phone:
Fax:
Email: webadmin@yum.com

TLD Administrative contact:

Name: David C. Novak
Company name: Yum Brands, Inc.
Address: 1441 Gardiner Lane
City: Louisville
State: Kentucky
Zip: 40213
Country: United States
Phone: +1 502.874.8300
Cell phone:
Fax:
Email: webadmin@yum.com

TLD Technical contact:

Name: David C. Novak
Company name: Yum Brands, Inc.
Address: 1441 Gardiner Lane
City: Louisville
State: Kentucky
Zip: 40213
Country: United States
Phone: +1 502.874.8300
Cell phone:
Fax:
Email: webadmin@yum.com

TLD Billing contact:

Name: David C. Novak
Company name: Yum Brands, Inc.
Address: 1441 Gardiner Lane
City: Louisville
State: Kentucky
Zip: 40213
Country: United States
Phone: +1 502.874.8300
Cell phone:
Fax:
Email: webadmin@yum.com

TLD Servers:

TLD Server1: tld1.public-root.net - IPV4: 84.22.100.6
TLD Server2: tld2.public-root.net - IPV4: 84.22.106.31

By submitting a Global TLD WHOIS query you agree to use this data only for lawful purposes. Under no circumstances will you use this data to: (1) Allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or: (2) Enable high volume, automated, electronic processes against the INAIC or its data systems and networks. The compilation, repackaging, dissemination or other use of this data is expressly prohibited without the prior written consent of the INAIC. The INAIC reserves the right to revoke access to the Global TLD WHOIS Database in its sole discretion, including without limitation, for excessive querying of the Global TLD WHOIS Database or for failure to otherwise abide by this policy.

TLD Registrants are responsible for the information maintained in the directory services database. The INAIC does not guarantee the accuracy of the information maintained in the Global TLD WHOIS Database.

Corporate TLD (cTLD): .KFC
TLD Status: Pending on Approval
TLD Register Date: 29-08-2007
TLD Updated: 23-09-2007
TLD Expire Date: 29-08-2017
Preferred Domain Name Registry: Yum Brands, Inc. (<http://www.yum.com>)

*** PRIVATE REGISTRATION ***
*** PRIVATE REGISTRATION ***
*** PRIVATE REGISTRATION ***

TLD Servers:
TLD Server1: tld1.public-root.net - IPV4: 84.22.100.6
TLD Server2: tld2.public-root.net - IPV4: 84.22.106.31

By submitting a Global TLD WHOIS query you agree to use this data only for lawful purposes. Under no circumstances will you use this data to: (1) Allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or: (2) Enable high volume, automated, electronic processes against the INAIC or its data systems and networks. The compilation, repackaging, dissemination or other use of this data is expressly prohibited without the prior written consent of the INAIC. The INAIC reserves the right to revoke access to the Global TLD WHOIS Database in its sole discretion, including without limitation, for excessive querying of the Global TLD WHOIS Database or for failure to otherwise abide by this policy.

TLD Registrants are responsible for the information maintained in the directory services database. The INAIC does not guarantee the accuracy of the information maintained in the Global TLD WHOIS Database.