



International Trademark Association
Representing the Trademark Community since 1878

Via Electronic Mail
vint@google.com

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Vinton G. Cerf, Ph.D.
Chairman, Internet Corporation for Assigned Names and Numbers (ICANN)
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601

Dear Dr. Cerf:

The International Trademark Association (INTA) is extremely concerned about the April vote of the Generic Names Supporting Organization (GNSO) Council to recommend limiting the purpose of the Whois only to “resolve issues related to the configuration of records associated with the domain name within a DNS nameserver.” INTA (<http://www.inta.org>) is a not-for-profit membership association of more than 4,900 trademark owners and professionals, from more than 180 countries, dedicated to the support and advancement of trademarks and related intellectual property as elements of fair and effective national and international commerce. As the ICANN Board monitors the ongoing policy development process regarding Whois, we respectfully request that it resolve to preserve access to registrant contact data in Whois and to improve the accuracy of that data so that violations of law and threats to the health and safety of the public may be addressed in an efficient manner.

Whois serves a vital role in remedying fraud on the Internet. Its uses include: law enforcement, consumer protection, and the protection of intellectual property rights. Trademark owners value Whois data in order to resolve domain name disputes (*e.g.*, cybersquatting) and learn the contact details for owners of websites offering dangerous counterfeit products. Only with access to accurate and up-to-date Whois data can the Internet be a safe environment that can be relied on with confidence.

Whois not only facilitates the investigation of legal violations on the Internet, but serves a basic function in making the rule of law apply to the Internet by providing information necessary to serve notice and institute legal action against violators. Similarly, the ICANN Uniform Dispute Resolution Policy, an anticybersquatting tool and one of ICANN’s great successes, requires that complainants and dispute resolution providers serve notice of complaints upon domain name owners, using information found in the Whois database.

All these important uses would be impeded were the narrow formulation of the purpose of Whois to be implemented. Under that formulation, individuals and companies who have suffered legal injury from another's conduct on the Internet would be forced to commence court proceedings merely to find out the name of their alleged wrongdoer. This would result in unnecessary and expensive litigation and would not only impede a business whose trademark has been infringed or impermissibly incorporated into a domain name, but would also, for example, hamper a consumer fleeced by a faceless and unscrupulous merchant. The pace of Internet fraud and crime makes it crucial to obtain basic identifying information about the owner of a domain name. The GNSO Council's recommendation fails take into account the public interest in seeing online fraud, piracy, and crime investigated and remedied.

Investigation and remediation of domain name disputes would be facilitated not only by accessibility to Whois data, but by ensuring the accuracy of that data. We recognize and are grateful for ICANN's efforts in this area, including the Whois Data Reminder Policy, but note that our membership continues to advise us of blatantly false or missing Whois data that is not being corrected by registration authorities. Accordingly, as part of the overall consideration of Whois policy we ask that the Board implement additional tools to ensure Whois accuracy.

INTA is grateful for your attention to this crucial issue, and looks forward to assisting ICANN in the development of sound policy in this area. If you or another member of the ICANN Board has any questions concerning our position on Whois matters, please contact INTA External Relations Manager Michael Heltzer at mheltzer@inta.org.

Sincerely,



Paul W. Reidl
President

cc: Steve Metalitz, Esq., President, ICANN Intellectual Property Constituency
Lucy Nichols, Esq., ICANN Intellectual Property Constituency GNSO Council
Representative
Ellen Shankman, Esq., Chair, INTA Internet Committee
Sarah Deutsch, Esq., Vice Chair, INTA Internet Committee