

Get

THE INTERNATIONAL

COALITION



Mr. Vinton G. Cerf
Chairman of the Board
Internet Corporation for Assigned Names and Numbers
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Dear Mr. Cerf:

On behalf of the International AntiCounterfeiting Coalition (IACC), I write to express my strong concerns about the proposal to re-define the purpose of the Whois service as limited to the resolution of technical issues. I believe this step would have a detrimental impact on accountability and transparency on the Internet, and as such would definitely be the wrong step for ICANN to take on this important matter.

The IACC is the largest multinational organization representing exclusively the interests of companies concerned with product counterfeiting and copyright piracy. Our members consist of approximately 150 corporations, trade associations, and professional firms and represent total revenues of over \$650 billion. The IP owners among our membership represent a broad cross-section of industries, and include many of the world's best known companies in the apparel, automotive, consumer goods, entertainment, pharmaceutical, personal care and other product sectors.

The IACC is committed to working with partners from government, industry, and non-governmental organizations around the world to strengthen IP protection by encouraging improvements in the law, allocation of greater political priority and resources, and raising awareness regarding the enormous—and growing—harm caused by IP violations. Current estimates place the global trade in counterfeits in excess of \$400 Billion; online counterfeiting sales are believed to account for approximately 10% of that total.

In response to the rising use of the Internet to facilitate such illegal activity, IACC members are accelerating their efforts to combat the advertising and sale of counterfeit goods online. In so doing, they rely heavily upon ready access to Whois – the database



of contact information on domain name registrants. Consulting Whois is a step taken in virtually every investigation of online counterfeiting. In some cases it is a critical step that leads rapidly to a resolution of the problem. Even where it does not, it can provide valuable information for identifying counterfeiters and conducting investigations that are ultimately turned over to law enforcement authorities.

Without unimpeded access by brand owners to Whois data, the investigation and resolution of these cases, with or without criminal prosecution, would certainly be slower, more costly and less effective than it is today.

Counterfeiting and piracy online are not “technical issues.” They are violations of private rights and of public laws that have the purpose of protecting consumers against fraud, misrepresentation and abuse. In many cases, counterfeiting threatens not only the integrity of the marketplace -- especially the online marketplace -- but also public health and safety. Restricting the data in publicly accessible Whois to the information needed to resolve technical problems would certainly set back the fight against counterfeiting and piracy that is being waged worldwide. If that were to occur, the general public would bear the brunt of the costs.

We understand that ICANN’s consideration of this issue is ongoing and that no final decision has been made. We also recognize that the status quo could be improved in many respects --- notably, with regard to the accuracy and reliability of Whois data – and welcome consideration of such improvements within ICANN. However, we believe the consequences of the adoption of the narrow formulation of the purpose of Whois would be so detrimental that we felt it necessary to bring them to the attention of the members of the ICANN’s Board as promptly as possible. We respectfully urge you and your colleagues to keep these considerations in mind as this discussion continues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nils Victor Montan', written in a cursive style.

Nils Victor Montan
President