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10 May 2018

By email:

correspondence@icann.org
board@icann.org
goran.marby@icann.org
cherine.chalaby@icann.org
gdpr@icann.org

Copy by air courier

Mr. Göran Marby, President and CEO
Mr. Cherine Chalaby, Chair, Board of Directors
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: WHOIS / GDPR

Dear Sirs:

On behalf of the Association of National Advertisers (ANA), whose more than 1,000 members and over 15,000 brands represent virtually every category and service sector and collectively spend over US \$400 billion in marketing and advertising, we voice our significant concern about the proposed changes to the WHOIS system in response to the European Union General Data Protection Regulation (“GDPR”).

The WHOIS system has proven to be an important tool in fighting online crime, piracy, counterfeiting, and intellectual property infringement for decades. It is essential to law enforcement, advertisers, UDRP domain name arbitration panels, and trademark owners worldwide to have a complete and accurate database of owners of domain names and their contact information, with robust online access.

Unfortunately, in a rush to develop an interim solution to comply with the requirements of the GDPR, and perhaps by a misunderstanding of what the GDPR actually mandates, many ICANN models being proposed (including the “Interim Model (May 25)”) have displayed a clear overreaction to these requirements which will unnecessarily render the WHOIS system useless, broken, and dysfunctional. If the WHOIS system is to be amended at all, it should be done to the minimum not maximum extent, and certainly not beyond what the GDPR actually requires. In no event should there be a “blackout” of WHOIS information, even temporarily.

Accordingly, the ANA advises extreme caution in changing the WHOIS system, even on an interim phase. The WHOIS system should continue to index as much information as possible,

with as much online access as possible within the parameters of the GDPR and the proposed blackout fails to further this objective.

We strongly urge ICANN and its Board to take no actions that will undermine the WHOIS program's beneficial purposes and the ability to provide all legitimate organizations including law enforcement the critical data that they need to carry out their appropriate functions.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Jaffe". The signature is fluid and cursive, with the first name "Daniel" written in a large, sweeping script, and the last name "Jaffe" written in a smaller, more compact script.

Daniel Jaffe
Group EVP, Government Relations
Association of National Advertisers