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ICANN

Internet Corporation for Assigned Names
and Numbers

Mr. Goran MARBY

President and CEO

Milano, March 12, 2018

Only by email: goran.marby@icann.org

c.c. gdpr@icann.org

Re: **WHOIS and the implementation of the EU General Data Protection Regulation**

Dear Mr Marby,

We would like to express our deep concerns regarding the matter of the publication of WHOIS data, further to the implementation of the EU General Data Protection Regulation.

ICANN has already received and shared via the website some concerns from many companies, like us, that rely on WHOIS but that are not engaged in ICANN policy making, since we are only just becoming aware that WHOIS may change, thus creating consequences in our activity.

We request that a final decision is taken after ICANN61 in Puerto Rico, in order to enable the widest possible engagement from all stakeholders.

We note that the EU Commission itself highlights the need of a balanced approach, limited to data covered by the regulation rather than all data. This is of course in line with both the input from the GAC, and ICANN's own mission of openness and is consistent with an interim solution, that does not usurp the existing policy development processes.

The EU Commission, amongst many other actors, has highlighted that WHOIS data, that can be cross-checked, are an essential resource that help us in identifying and

fighting frauds such as: - phishing, spam, counterfeiting, piracy or other crimes and that the private sector is a proactive part of this fight against cybercrimes.

In order to enable both private and public actors continuing their/our activity against online counterfeit and fight against cybercrimes, we need to be part of a chosen model, as set out in the letter to you from COA dated 16 February, and the letter to WP29 from the IPC and BC dated 8 February.

We insist on the fact that it is crucial that right-holders keep their prerogative to have a direct access to all WHOIS detailed information.

Should ICANN not agree with, we echo the GAC's request, as emphasized in their Feedback on Proposed Interim Models for Compliance, for careful consideration of the practical details of layered access to non-public data and their consequences on all parties involved prior to settling on a model.

Yours sincerely,

BARZANO' & ZANARDO