

# CHANEL

By email:  
goran.marby@icann.org  
gdpr@icann.org

For the attention of :  
Goran Marby,  
ICANN President and CEO

Dear Mr Marby,

## **WHOIS and Implementation of the EU General Data Protection Regulation**

We are writing to you on behalf of the company Chanel, to raise our deep concerns about the impact of any restriction on rights holders being able readily to access WHOIS contact data. We are also sharing our concerns with the EU Commission and with national data protection authorities.

Our needs as rights holders are very clearly for legitimate purposes, including consumer protection, tracing the source of cyber-attacks, assisting law enforcement agency investigations, and countering intellectual property infringements through our own resources. The European Commission itself noted in its letter to you on 29<sup>th</sup> January 2018 that, "We would like to underline the importance of these objectives and the corresponding need to preserve WHOIS functionality and access to its information".

Similarly, the Government Advisory Committee of ICANN, which represents 174 national governments and distinct economies recognized in international fora (including the European Commission and all EU Member States), advised ICANN to keep WHOIS quickly and easily accessible for security and stability purposes, consumer protection and crime prevention efforts and also to the public (including businesses and other organizations) for legitimate purposes, including to combat fraud and deceptive conduct, to combat infringement and misuse of intellectual property, and to engage in due diligence for online transactions and communications.

We applaud ICANN's stated aim to achieve a balance, to ensure compliance with the GDPR while maintaining the existing WHOIS system to the greatest extent possible. However, we respectfully submit that the Proposed Interim Model for GDPR Compliance is over-protective, and gives insufficient weight to the legitimate interests of IPR owners. It appears to disregard other systems which provide full and unrestricted access to registrant data, such as trade mark registers and company registers. Furthermore, it would result in online pure players being treated differently from offline businesses, which could be regarded as anti-competitive, especially within the EU.

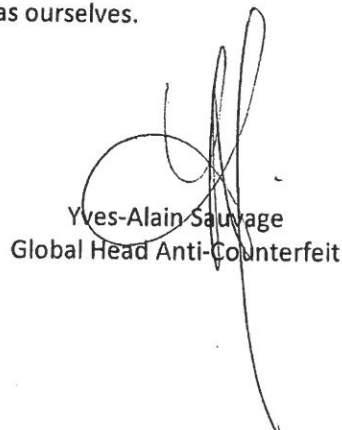
In order to safeguard its intellectual property rights, Chanel needs direct access to the name, postal address, and email address of domain name registrants. It would be unworkable for access to be available only through accredited law firms or other third parties, given the cost, complexity and delay that this would involve in simply ruling a registrant in or out of an IPR-related enquiry.

We therefore urge ICANN to adopt a final position which will result in the ready and direct availability of registrant contact data to rights holders such as ourselves.

Yours sincerely,



Jennifer Pickett  
Global Head Trade Mark Protection



Yves-Alain Sauvage  
Global Head Anti-Counterfeit