

January 29, 2018

Mr. Cherine Chalaby  
Chairman of the Board  
ICANN

Mr. Goran Marby  
CEO  
ICANN

Dear Messrs. Chalaby and Marby:

We write to you on behalf of a coalition of over 25 national and international trade associations that represent photographers, film makers, game makers, newspapers, book and journal publishers, magazines, songwriters, recording artists, music publishers, record labels, studio professionals, performing rights societies, toy and games companies, designers, visual artists and brand owners around the world.<sup>1</sup> The coalition members represent the people that create, manufacture, own, distribute and/or license much of the world's media, music, games and entertainment as well as substantial quantities of design, branded products, artworks, educational content, toys and games that are developed, displayed, distributed, streamed, experienced and sold over the Internet.

We write to you about our concerns regarding the threat to the continued availability of the WHOIS / domain registrant database. As you know, there is an overriding public interest in ensuring the continued availability and transparency of this data, as evidenced in communications to ICANN from the governmental advisory committee, law enforcement, IP and security professionals, and others. In fact, the concept of an accurate and transparent domain name registrant database is an obligation in several free trade agreements, further evidencing its importance.

For this coalition specifically, the accuracy and accessibility of the data is vital to our efforts to investigate and enforce against infringements of our creations, as well as to protect against fraud and other malfeasance involving our works or our trademarks and designs. The losses incurred from online illegal and abusive activity—both monetary and human—are enormous and growing.<sup>2</sup> Collection and processing of WHOIS data, including accessing and processing such data by third-parties such as IP rights holders and law enforcement agencies, are critical to the fight against online illegal and abusive activity.

Given this, we strongly urge you to ensure the WHOIS / domain registrant database remains as public and transparent as possible, and that access to any non-public WHOIS data is provided expeditiously and without undue hindrance. To that end, we strongly support the comments to the three interim models submitted by the Intellectual Property Constituency, and hope you will consider those comments in developing an interim model for the WHOIS database that complies

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<sup>1</sup> See Annex A for a description of each association.

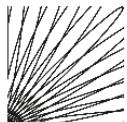
<sup>2</sup> *The Economic Impacts of Counterfeiting and Piracy* (report prepared for BASCAP and INTA published by Frontier Economics) (available at <https://cdn.iccwbo.org/content/uploads/sites/3/2017/02/ICC-BASCAP-Frontier-report-2016.pdf>); *IP Crime and Enforcement Report 2016/17* (published by U.K. Intellectual Property Office, available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642324/IP\\_Crime\\_Report\\_2016\\_-\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642324/IP_Crime_Report_2016_-_2017.pdf)); *2016 FBI Internet Crime Report* (available at [https://pdf.ic3.gov/2016\\_IC3Report.pdf](https://pdf.ic3.gov/2016_IC3Report.pdf)); *2017 Phishing Trends and Intelligence Report* (available at: [https://pages.phishlabs.com/rs/130-BFB-942/images/2017%20PhishLabs%20Phishing%20and%20Threat%20Intelligence%20Report.pdf?mkt\\_tok=eyJpIjoiTldNNE1EQXhPVE0zTkRkbSIsInQiOjXMUpjQ210cERcL3FVaVB0VXJmbUQ0YzRic2lUdkFYTUhlZkp4RkRcl0x5NUJKdGVNb2NtWk03b1d5RWJCRTVYY1NQM3JtVUd5d25ndkVHzjA2SGdud283SDFZRWLmeEpFaFpaRnFVdG1mdW1JV2pcl3YzcjmJVdzIWSDJYU1E3WDc5cyJ9](https://pages.phishlabs.com/rs/130-BFB-942/images/2017%20PhishLabs%20Phishing%20and%20Threat%20Intelligence%20Report.pdf?mkt_tok=eyJpIjoiTldNNE1EQXhPVE0zTkRkbSIsInQiOjXMUpjQ210cERcL3FVaVB0VXJmbUQ0YzRic2lUdkFYTUhlZkp4RkRcl0x5NUJKdGVNb2NtWk03b1d5RWJCRTVYY1NQM3JtVUd5d25ndkVHzjA2SGdud283SDFZRWLmeEpFaFpaRnFVdG1mdW1JV2pcl3YzcjmJVdzIWSDJYU1E3WDc5cyJ9)); Steve Morgan, *The Top 5 Cybersecurity Facts, Figures and Statistics for 2018*, CSO Jan. 23, 2018 (available at <https://www.csionline.com/article/3153707/security/top-5-cybersecurity-facts-figures-and-statistics.html>)

with the twin goals of being GDPR compliant and preserving as much access and transparency to WHOIS as possible.

Regards,



Victoria Sheckler  
on behalf of the following coalition of associations:



**ALLIANCE**  
FOR INTELLECTUAL PROPERTY



**AAP}** ASSOCIATION  
OF AMERICAN  
PUBLISHERS



**CMTA**  
CHRISTIAN MUSIC TRADE ASSOCIATION



Church Music Publishers Association

*Founded 1920*



SERVING AUTHORS WORLDWIDE  
AU SERVICE DES AUTEURS DANS LE MONDE  
AL SERVICIO DE LOS AUTORES EN EL MUNDO

Coalition for  
Online Accountability



EPC European  
Publishers  
Council



FEDERATION OF EUROPEAN PUBLISHERS  
FÉDÉRATION DES ÉDITEURS EUROPÉENS



**GMA**  
GOSPEL MUSIC ASSOCIATION

**IACC**  
INTERNATIONAL ANTI-COUNTERFEITING COALITION

THE GLOBAL VOICE  
OF MUSIC  
PUBLISHING

**ifpi**  
representing the  
recording industry  
worldwide

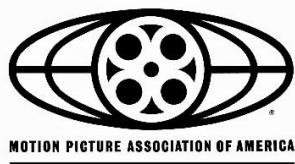
**IMPALA**  
INDEPENDENT MUSIC COMPANIES ASSOCIATION

**INDICAM**

Istituto di Centromarca  
per la lotta alla contraffazione



THE LIVING LEGENDS  
FOUNDATION



**RIAA**  
REPRESENTING  
MUSIC

*"Preserving America's Soul"*  
**RHYTHM & BLUES**  
FOUNDATION



**SAG-AFTRA**

**SIIA**  
**win**

worldwide  
independent  
network

## Annex A – Associations

Alliance for Intellectual Property. Established in 1998, the Alliance for Intellectual Property (IP) is a UK-based coalition of 20 associations and enforcement organisations with an interest in ensuring intellectual property rights receive the protection they need and deserve. Members include representatives of the audiovisual, music, video games, business software, sports, toys and games, branded manufactured goods, publishing and retail sectors including authors, creators and designers.

American Association of Independent Music (A2IM). A2IM is a 501(c)(6) not-for-profit trade organization headquartered in New York City that exists to support and strengthen the independent recorded music sector. Membership currently includes a broad coalition of more than 500 independently-owned American music labels. A2IM represents these independently owned small and medium-sized enterprises' (SMEs) interests in the marketplace, in the media, on Capitol Hill, and as part of the global music community. In doing so, it supports a key segment of America's creative class that represents America's diverse musical cultural heritage. Billboard Magazine identified the Independent music label sector as 37.32 percent of the music industry's U.S. recorded music sales market in 2016 based on copyright ownership, making Independent labels collectively the largest music industry sector.

American Federation of Musicians. 80,000 musicians comprise the American Federation of Musicians of the United States and Canada (AFM). We perform in orchestras, backup bands, festivals, clubs and theaters—both on Broadway and on tour. AFM members also make music for films, TV, commercials and sound recordings. As the largest union of musicians in the world, we have the power to make the music industry work for musicians.

Association of American Publishers. The Association of American Publishers is the principal national trade association of the U.S. book publishing industry, with some 300 member companies and organizations that include most major commercial educational, professional, scholarly, and consumer/general interest publishers of books, textbooks, digital content – including interactive instructional materials – journals, and other text-based and multimedia products in the United States. AAP members also include many small and non-profit publishers, university presses and scholarly societies. AAP members publish state-of-the-art content in both print and digital formats, as well as content integrated into learning platforms and tools for use by students and their parents and instructors.

BMI. Celebrating over 77 years of service to songwriters, composers, music publishers and businesses, Broadcast Music, Inc.® (BMI®) is a global leader in music rights management, serving as an advocate for the value of music. BMI represents the public performance rights in nearly 13 million musical works created and owned by more than 800,000 songwriters, composers, and music publishers. The Company negotiates music license agreements and distributes the fees it generates as royalties to its affiliated writers and publishers when their songs are performed in public. In 1939, BMI created a groundbreaking open-door policy becoming the only performing rights organization to welcome and represent the creators of blues, jazz, country, and American roots music. Today, the musical compositions in BMI's repertoire, from chart toppers to perennial favorites, span all genres of music and are consistently among the most-performed hits of the year.

Christian Music Trade Association. The Christian Music Trade Association is a non-profit organization that exists to build community and cooperation among Christian & Gospel music

industry leadership in order to address mutual issues and to maximize Christian/Gospel music's impact on culture. The CMTA supports and promotes all styles of gospel music including pop, black gospel, hip hop, rock, country, southern gospel and more.

**Church Music Publishers' Association.** The Church Music Publishers Association is an organization of publishers of Christian music which has a strong spiritual dimension who come together to share mutual areas of concern regarding copyright information, education, administration, and protection, facilitating public and industry awareness in these areas, and to develop continuing personal and professional relationships.

**CISAC.** CISAC – the International Confederation of Societies of Authors and Composers – is the world's leading network of authors' societies. With 239 member societies in 121 countries, CISAC represents more than 4 million creators from all geographic areas and all artistic repertoires; music, audiovisual, drama, literature and visual arts. CISAC protects the rights and promotes the interests of creators worldwide, and enables collective management organisations to seamlessly represent creators across the globe and ensure that royalties flow to authors for the use of their works anywhere in the world.

**Coalition for Online Accountability.** The Coalition for Online Accountability (COA) consists of seven leading copyright industry companies, trade associations and member organizations of copyright owners. COA's goal is to enhance and strengthen online transparency and accountability by working to ensure that domain name and IP address Whois databases remain publicly accessible, accurate, and reliable, as key tools against online infringement of copyright, as well as to combat trademark infringement, cybersquatting, phishing, and other fraudulent or criminal acts online.

**European Publishers Council.** The EPC represents Chairmen and CEOs of Europe's leading media groups which own hundreds of innovative companies with trusted brands and household names in news media and entertainment. Our companies are delivering a diverse range of quality, independent content across all platforms and devices bringing print and digital newspapers, magazines, journals, eLearning solutions, books and broadcasting to citizens across the EU and globally.

**FACT.** FACT is the UK's leading intellectual property protection organisation. Established for over 30 years, FACT is at the forefront of the fight against intellectual property crime in the UK and internationally, specialising in protecting both physical and digital content.

**Federation of European Publishers.** The Federation of European Publishers (FEP) represents 27 national associations of book publishers of the European Union and of the European Economic Area. FEP is the voice of the great majority of publishers in Europe.

**FIM.** The International Federation of Musicians (FIM), founded in 1948, is the only body representing musicians' unions globally, with members in about 65 countries covering all regions of the world. FIM is recognised as an NGO by diverse international authorities such as WIPO (World Intellectual Property Organisation), UNESCO, the ILO (International Labour Office), the European Commission, the European Parliament or the Council of Europe.

**Gospel Music Association.** The mission of the Gospel Music Association is to foster interest among the general public in gospel and Christian music, to build community cooperation among industry

leadership in order to address mutual business issues to maximize sales of Christian music and to promote public awareness of Christian music in our culture.

ICMP. ICMP is the world trade association representing the interests of the music publishing community internationally. The constituent members of ICMP are music publishers' associations from Europe, Middle East, North and South America, Africa and Asia-Pacific. Included are the leading multinational and international companies as well as regional and national music publishers, mainly SMEs, throughout the world.

IFPI. IFPI is the voice of the recording industry worldwide. IFPI represents the interests of 1,300 record companies and has affiliated industry associations in 59 countries. IFPI has over eighty years of experience in assisting governments worldwide in ensuring that their copyright laws and accompanying enforcement laws and procedures are fit for purpose in supporting investment in artists and music production and the development of thriving creative economies, which are now largely online.

IMPALA. Formed in 2000 by prominent independent labels and national trade associations, IMPALA has over 4,000 members. IMPALA is a non-profit making organisation with a scientific and artistic purpose, dedicated to cultural SMEs, the key to growth and jobs in Europe. IMPALA's mission is to grow the independent music sector, return more value to artists, promote cultural diversity and entrepreneurship, improve political access and modernise perceptions of the music sector.

INDICAM. INDICAM represents over 130 companies, industry associations, law and IP firms, security consultants and other organization. The mission of the association is the support to the IP, fighting against counterfeiting and illicit traffic of goods. INDICAM is active in Italy and internationally, developing the awareness and the culture of IP rights and anti-counterfeiting with lobbying activities aiming better legislation and enforcement. INDICAM is daily supporting the action of police forces, customs and other authorities providing exchange of information and the training activity for a regular update.

International AntiCounterfeiting Coalition Inc. The International AntiCounterfeiting Coalition Inc. (IACC) is a Washington, D.C.-based non-profit organization devoted solely to combating product counterfeiting and piracy. Founded in 1979, the IACC represents many of the world's best known brands across all industry sectors.

Living Legends Foundation. The LLF honors those unsung heroes whose efforts might otherwise go unnoticed. The LLF exists because of a need to recognize and promote the achievements of those members of the radio, music and entertainment industries and to help secure their place in history.

Motion Picture Association of America. The Motion Picture Association of America, Inc. (MPAA) serves as the voice and advocate of the American motion picture, home video and television industries from its offices in Los Angeles and Washington, D.C. Its members include: Walt Disney Studios Motion Pictures; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal City Studios LLC; and Warner Bros. Entertainment Inc.

Recording Industry Association of America. The Recording Industry Association of America (RIAA) is the trade association that supports and promotes the creative and financial vitality of the major music companies. Its members comprise the most vibrant record industry in the world, investing in

great artists to help them reach their potential and connect to their fans. In support of this mission, the RIAA works to protect the intellectual property and First Amendment rights of artists and music labels; conduct consumer, industry and technical research; and monitor and review state and federal laws, regulations and policies.

Rhythm & Blues Foundation. The Rhythm & Blues Foundation is the only non-profit organization solely dedicated to preserving Rhythm & Blues music and celebrating the artists who create it.

SAG-AFTRA. SAG-AFTRA represents approximately 160,000 actors, announcers, broadcast journalists, dancers, DJs, news writers, news editors, program hosts, puppeteers, recording artists, singers, stunt performers, voiceover artists and other media professionals. SAG-AFTRA members are the faces and voices that entertain and inform American and the world.

SIIA. The Software & Information Industry Association is the principal trade association for the software and digital content industry. SIIA provides global services in government relations, business development, corporate education and intellectual property protection to the leading companies that are setting the pace for the digital age.

WIN. WIN (the Worldwide Independent Network) is a representative organization exclusively for the worldwide independent music community. It was founded in July 2006 in response to business, creative and market access issues faced by the independent sector everywhere. For independent music companies and their national trade associations worldwide, WIN is a collective voice and platform. When appropriate it also acts as an advocate, instigator and facilitator for its continually growing membership. WIN is also a focal point for collecting and sharing knowledge about the indie sector at national and international levels.