



Fédération de l'industrie horlogère suisse FH  
Verband der Schweizerischen Uhrenindustrie FH  
Federation of the Swiss Watch Industry FH

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**ICANN**

President and CEO Mr. Goran MARBY

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V. Réf / Ihr Zeichen / Your Ref :

N. Réf / Unser Zeichen / Our Ref : AUTORI/INT/ICANN/12/0009

Bienne, le 7 mars 2018

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

Dear Mr. Marby, President and CEO,

The **Federation of the Swiss watch Industry FH**, based in Biel (Switzerland), would like to express its concerns regarding the matter of the publication of WHOIS data further to the implementation of the EU General Data Protection Regulation.

The FH is the main organization of the domain, with membership of around 500 companies - representing 90% of Swiss watch producers. The purpose of the FH is to contribute to the defence and development of the Swiss watch industry in Switzerland and abroad, as well as to protect the interests of its members. The sale of fake watches online is a growing phenomenon, despite many enforcement and lobbying actions for years, including on domain names.

It is clear from the input ICANN has already received and shared via its website that many businesses such as our members - that rely on WHOIS but who are not engaged in ICANN policy making- are only just becoming aware that WHOIS may change and providing input on their use cases that needs to be reflected.

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

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

The EU Commission, amongst many other actors, has highlighted that WHOIS data that can be cross-compared **is a vital resource for identifying frauds** - whether phishing, spam, counterfeiting, piracy or other crime - and that the private sector is a vital and proactive part of that effort.



In our enforcement database we have **thousands of domains names** dedicated to the sale of fake watches and without any reliable WHOIS, we cannot identify the perpetrators behind these illegal activities.

Processing for these purposes and the continuing ability of both private and public actors to conduct this work needs to be part of any 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, 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,

Jean-Daniel Pasche  
President

Carole Aubert  
Head of Internet Unit