



Federation of the European  
Sporting Goods Industry

Mr Goran MARBY  
President and CEO  
ICANN

Brussels, March 12<sup>th</sup> 2018

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

Dear Mr Marby,

We would like to share with you, on behalf of the members of the Federation of European Sporting Goods Industry (FESI), our deep concerns regarding the matter of the publication of WHOIS data further to the implementation of the EU General Data Protection Regulation.

FESI represents the interests of approximately 1,800 sporting goods manufacturers (85% of the European market) through its 11 National Sporting Goods Industry Federations and its directly affiliated member companies.

The accuracy and accessibility of WHOIS data is vital to our members' efforts to investigate and enforce against infringements of their creations. As one of the main targets for counterfeiters, FESI's members are invested in ensuring the continued availability and transparency of WHOIS data that should continue to be available both to law enforcement, IP and security professionals. To further evidence its importance, the concept of an accurate and transparent domain name registrant database is an obligation in several free trade agreements.

Moreover, concerns that not distinguishing between registrations of legal and natural persons have been raised by our members. FESI would like to point out that the **GDPR does not protect data pertaining to legal persons** and consequently the distinction is necessary, as this interpretation is an over-application of the EU Regulation.

Another point of concern regarding the Interim Draft Model is that the email of the registrar will also not be displayed and instead would only include an anonymised email address or a web form that could be forwarded to the registrant email address. FESI members' brand enforcement teams would subsequently not be able to find out where registrants that are conducting illegal activities are and their data, essential for the enforcement mechanism of our brands.

In light of this, FESI believes the **WHOIS/domain registrant database should remain as public and transparent as possible, and that access to any non-public WHOIS data should be provided expeditiously and without undue hindrance.**

We thank you in advance for your help and kind consideration.

Yours sincerely,

FESI Secretary General  
Jerome Pero