MONCLER

Goran Marby,
ICANN President and CEO
goran.marby@icann.org
gdpr@icann.org

Milan, February 26, 2018

RE: WHOIS and the implementation of the EU General Data Protection Regulation

Dear Mr Marby

We are writing to raise our deep concerns about the impact of the decision of ICANN to remove electronic contact data from the public WHOIS.

It is clear from the input ICANN has already received and shared via the website that many businesses such as ours 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 and the UK National Crime Agency, amongst many others, have 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. 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.

Legitimate purposes under the regulation could include the community defense mechanism that the current WHOIS represents. A searchable dataset of contact emails is vital for this purpose.

Yours sincerely

Silvia Bertulli
General Counsel
Moncler SpA