



Mr. Goran MARBY
President and CEO
ICANN

Paris, March 13, 2018

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

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

Dear Mr Marby,

At SANOFI, we would like to express our deep concerns regarding the matter of the publication of WHOIS data further to the implementation of the EU General Data Protection Regulation.

It is clear from the input ICANN has already received and shared via the 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, 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.

In addition to these usages of WHOIS as a tool to fight against cybercrime, we must point out that the free access to their own data shall be granted to every Registrants, without any limitation in terms of nature of these data or cost of access to these data.

At first, a "locked" WHOIS will make impossible for Registrants to ensure the reliability and accuracy of their data in the long run, exposing them to lose their domain names when depriving them of the only tool which can help them to manage their own domain name data.



Secondly, it is not sure that the data of a given registrant belong to any other person or company than this registrant, and it would be a rather complicated and absurd situation if Registrants owning data linked to domain names should not be allowed to access their own data, and/or should pay to be granted this access.

These remarks are appropriate for any kind of Registrants, from right-owners or investors managing huge portfolios of domain names, to small or medium organizations using a few domain names vital to their online businesses. ICANN and the European Union themselves are owning and using domain names, and do not want to face the ridiculous prospect of being unable to check their domain names data and manage their own domain names portfolios.

We insist on the fact that it is crucial that right-holders, such as any kind of Registrants, 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,

A handwritten signature in black ink that reads 'Carole Tricoire'.

Carole TRICOIRE
Legal Director, Trade Marks and Domain Names
SANOFI