

From: Domain Name Request

Date: Wednesday, January 17, 2018 at 00:32

To: gdpr@icann.org

Subject: [Ext] Feedback on the Proposed Interim Models for Compliance with ICANN Agreements and Policies in Relation to the European Union's GDPR

Dear Sir / Madam,

We have taken good note of your document titled *Proposed Interim Models for Compliance with ICANN Agreements and Policies in Relation to the European Union's General Data Protection Regulation – For Discussion*, which is available on <https://www.icann.org/en/system/files/files/interim-models-gdpr-compliance-12jan18-en.pdf>[\[icann.org\]](https://www.icann.org). We believe that Model 1 should be applied.

Our company, VANKSEN, is a Communication Agency. Our IP Department manages over 10'000 domain names for corporate customers, some of them being European and worldwide leaders on their respective markets. We also provide domain name related services such as domain name audit, surveillance or recovery. As part of our services, we daily detect new domain name registrations that exactly reproduce or include our clients' trademarks (typosquatting – cybersquatting) and provide our clients with all relevant information, including the whois records, with one specific goal: fighting against cybersquatting, which represents a huge loss for them in terms of turnover as well as notoriety. Our domain name specialists have been active in this industry for more than 15 years.

Why do we believe that Model 1 is the most appropriate? Because some ccTLD operators such as AFNIC (.fr), EURID (.eu) and SIDN (.nl) already apply a similar process, where the individual registrants' contact details are not publicly available but where any legitimate third party such as a trademark holder may obtain the complete whois data of a litigious domain name for free and very fast. To that end, the legitimate third party has to submit a signed request together with copies of its Business Registration Certificate and a proof of identification to the relevant registry. This process has been in place for years now and has been working very well, thus it makes total sense to apply a similar process to gTld domain names, provided that this process would remain either free of charge or at a very low cost.

We strongly recommend you to abandon Model 3. This Model involves legal steps in order to obtain the whois data and the legal steps would have to be repeated for every single domain name. Not only would such a process be very expensive for the trademark holders (that already have to spend a huge lot of money for protecting their brands) but it would be extremely time consuming, while some illegal situations such as phishing websites or fake CEO scams require very fast actions to be taken. There would also be no warranty that the whois data the trademark holder would eventually obtain would be accurate! **We even expect the number of cyber squatted domain name to exponentially increase, should this model be implemented.** The implementation of such a model would lead to a situation where trademark holders, not cyber squatters, would be the one to pay, which would be totally unfair and unproductive.

As for Model 2, we don't have enough information about the underlying accreditation programs in order to determine if it is an appropriate model but we are also inclined to support it if companies like ours are eligible to obtain the accreditation and if this accreditation can be obtained at a low cost.

We thank you in advance for taking this feed-back into consideration and stay at your disposal, should you have any question.

Best regards,

Steve Gobin
IP Expert
Vanksen