

WHOIS and Consumer Protection

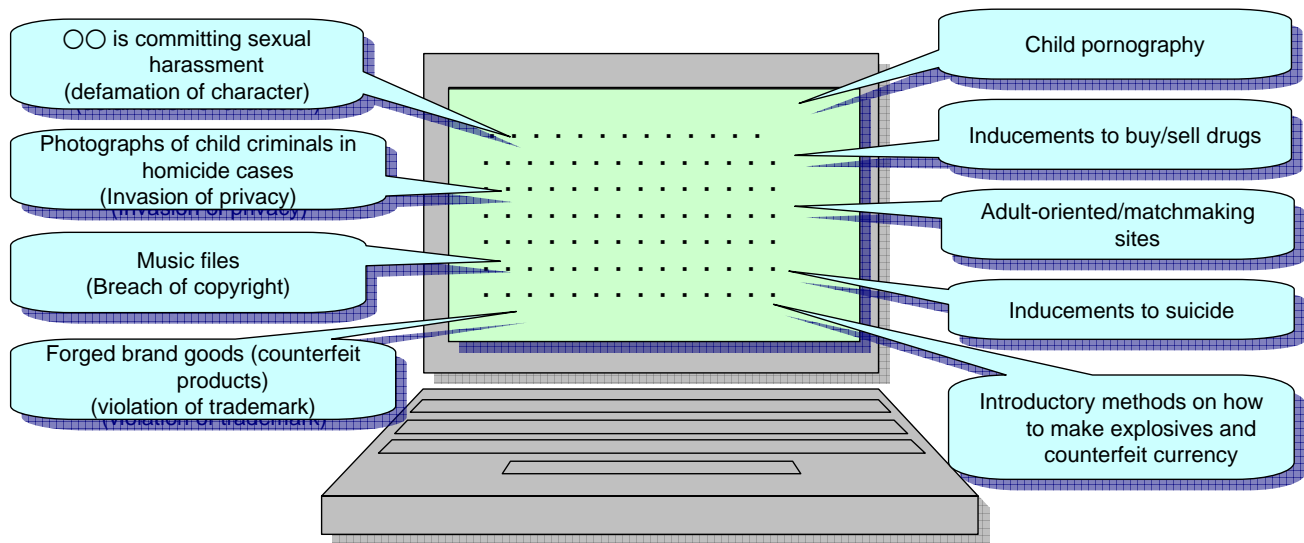
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What I'll talk about today...

- Japan's scheme to protect consumers from infringement of their rights on the Internet
- How the scheme works and what WHOIS has to do with it
- How important WHOIS is in terms of consumer protection on the Internet

Distribution of Illegal and Harmful Information on the Internet



As distribution of information on the Internet is rapidly increasing, the number of cases such as infringement on others' rights is also increasing.

Problems of Illegal and Harmful Information on the Internet

■ Freedom of expression on the Internet

If ISPs opt to delete any or all of an Internet message, they could be held liable by the sender.

■ Secrecy of communications

If ISPs opt to disclose the identity of a sender, they could be held liable by the sender.

■ Recourse for victims

Victims are able to request for erasure of information and sender identification for compensation lawsuits.

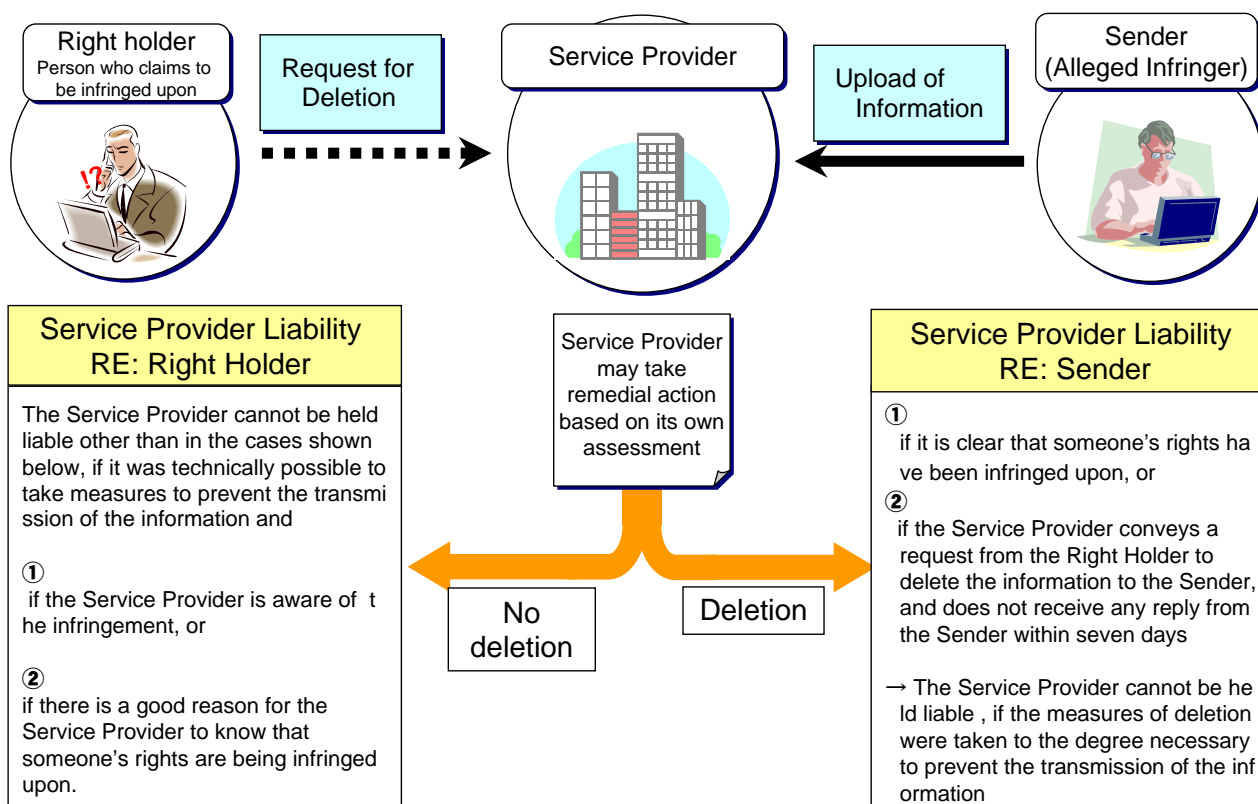
Enactment of “Provider Liability Limitation Law” (May 2002)

- In cases, where invasion of legal rights of specific individuals, such as defamation of character, invasion of privacy, breach of copyright occurs on home pages and bulletin boards

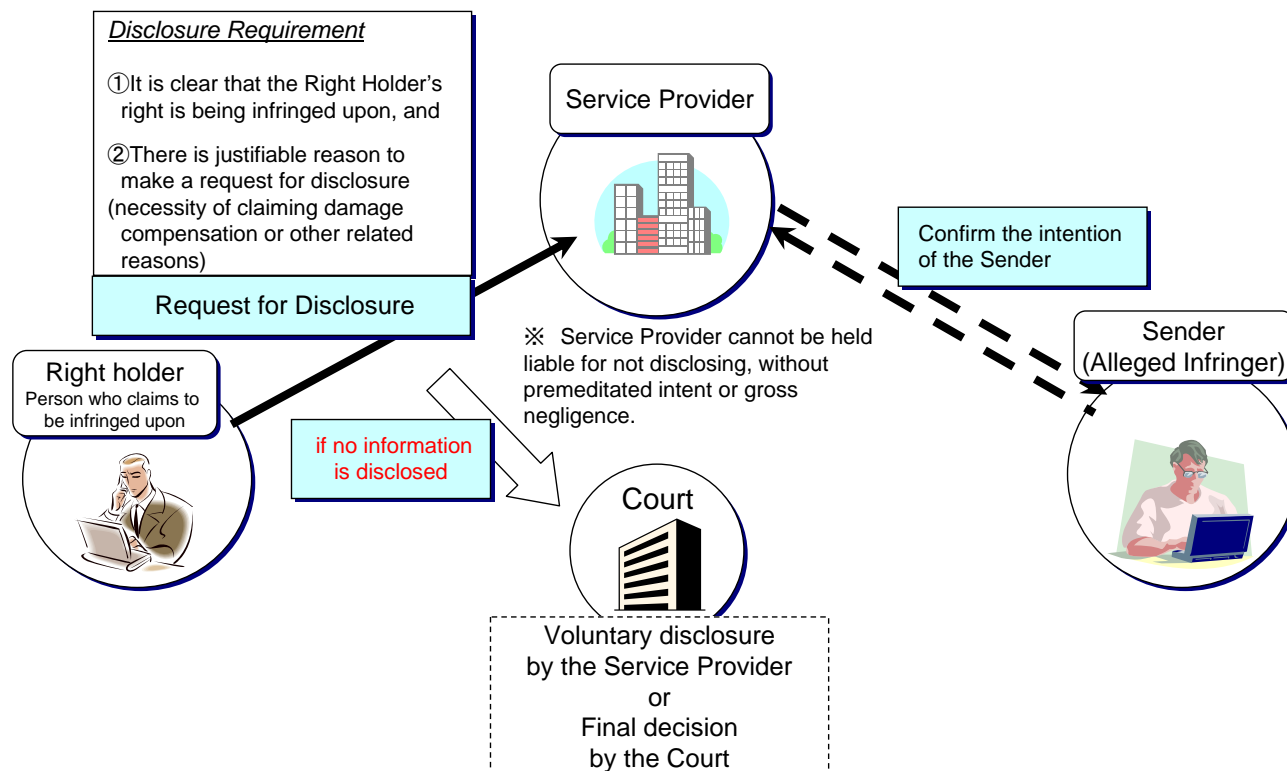
(1) Clarify under what conditions, whatever the circumstance, will the hosting providers and webmasters not be liable if they delete (or do not delete) the information.

(2) Create a right for victims of infringements to demand disclosure of sender identification.

Procedures pertaining to Deletion of Information



Procedures to Demand Disclosure of Sender Identification



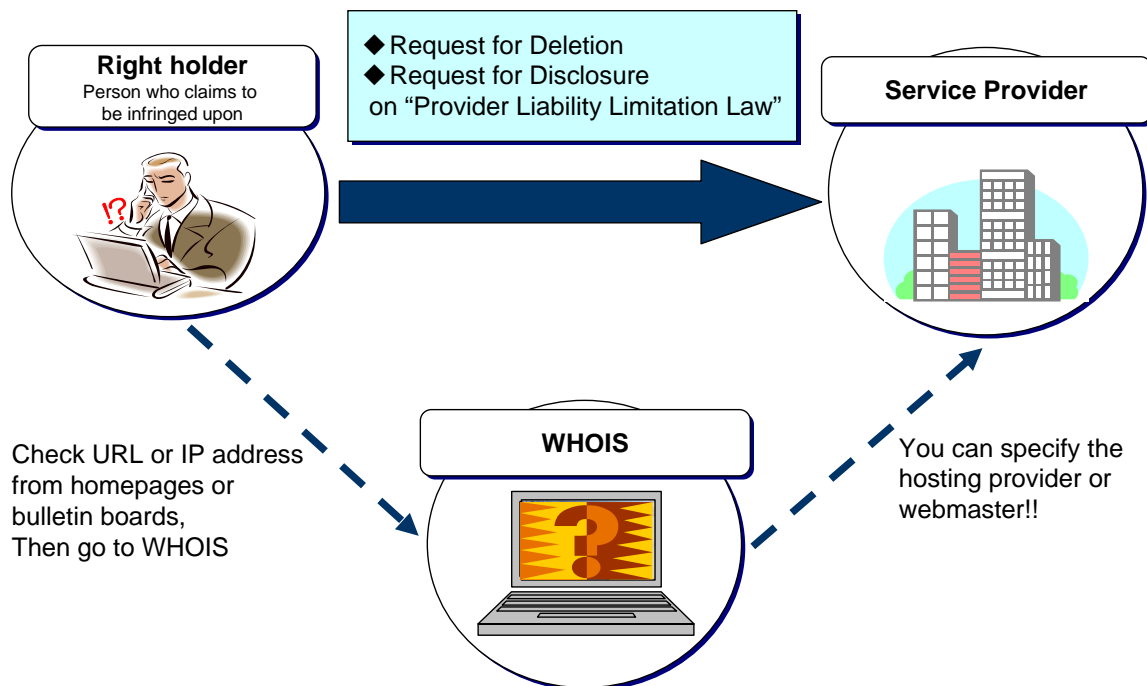
How the Scheme works ...WHOIS?

- Imagine you find your rights infringed upon, you can...
 - (1) Request the deletion of the information
 - (2) Request for sender identification in accordance with the "Provider Liability Limitation Law," only

if you can specify the hosting provider or webmaster.
- However, how can you identify them?

.....by WHOIS!!

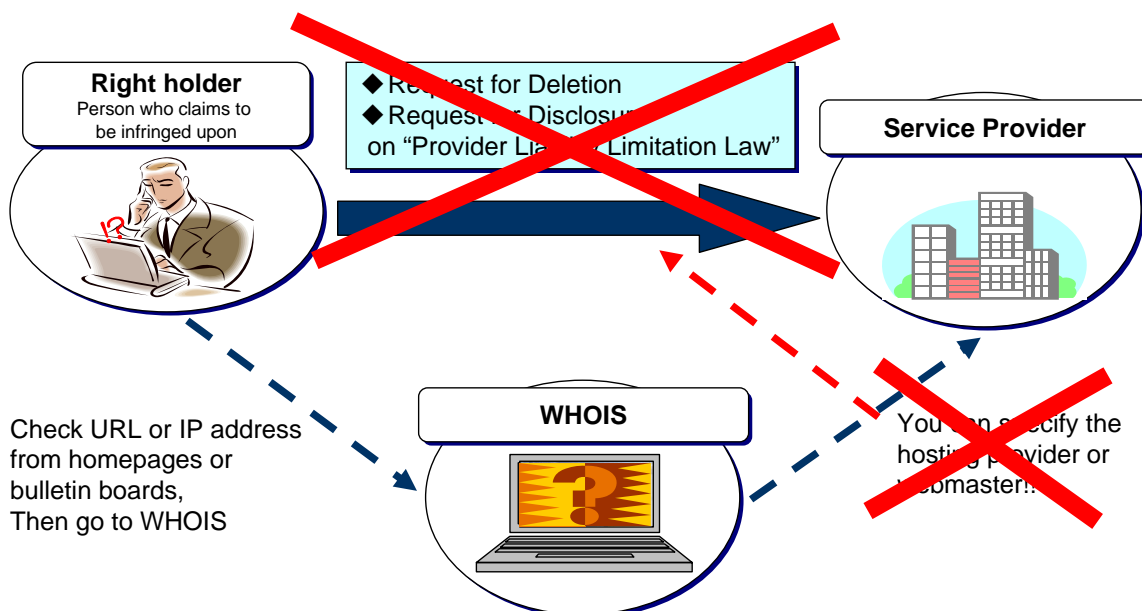
WHOIS can specify the hosting provider or webmaster!!



The Importance of WHOIS to the Scheme (1)

■ Accuracy

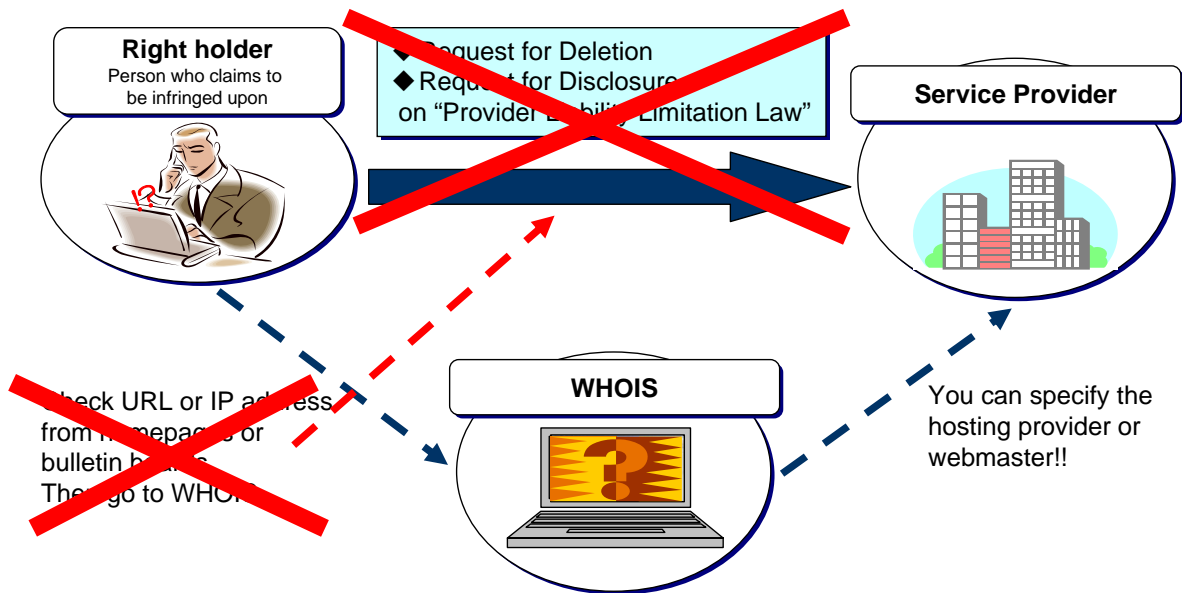
If the information on WHOIS is false...



The Importance of WHOIS to the Scheme (2)

■ Public awareness

If a right holder does not know the existence of or how to use WHOIS...



Conclusion

- The accuracy of WHOIS data
- The public awareness of WHOIS

Consumer protection
from infringement of rights on the
Internet

through the procedures on "Provider Liability Limitation Law"



Reference

- How many cases information deletion on the Internet have occurred in accordance with the law

According to JASRAC (Japanese Society for Rights of Authors, Composers and Publishers), 198,000 breaches of copyrights have been settled since October 2002.

- How many disclosures of sender identification on the Internet have occurred in accordance with the law

According to a questionnaire conducted in 2005, 33 of 60 monitor companies were requested to disclose sender identification, and 12 of these 33 monitor companies have complied.