



13 November 2013

Re: Whois Privacy & Proxy Service Abuse Study Draft Report

We welcome the Whois Privacy & Proxy Service Abuse Study Draft Report which aims to cast light on the interplay between potentially illegal or harmful Internet activity and the use of privacy/proxy services to obscure the perpetrator's identity.

ICANN's efforts to gather empirical data on this important issue at the onset of the introduction of hundreds of new gTLDs will support anticipated improvements to the existing Whois system.

In today's Whois system, privacy/proxy services are legitimately used for a range of purposes by both non-commercial and commercial actors. These important uses include maintaining privacy for potentially sensitive or critical speech – political or otherwise, business confidentiality (e.g., in the course of pre-public M&A activity), or pending product launches.

Despite these legitimate uses, as expected, the study finds clear evidence that *“a significant percentage of the domain names used to conduct illegal or harmful Internet activities are registered via privacy or proxy services to obscure the perpetrator's identity.”* As many court and UDRP cases attest to, IP owners combatting trademark abuse know this all too well. Moreover, such identity obfuscation frustrates IP owners' efforts to avoid consumer confusion and perpetuates a general loss of confidence in a secure global digital economy.

Taken together, historical experiences with Whois and the results of this draft report support ICANN's continued conscientious focus on a privacy/proxy service accreditation system that strikes the appropriate balance between abuse prevention and positive legitimate uses.

Alongside the work of ICANN's Expert Working Group on gTLD Directory Services, this effort will enhance ICANN's obligations under the Affirmation of Commitments to stimulate accurate and complete WHOIS.

We look forward to the final version of the Whois Privacy and Proxy Service Abuse study report, and remain available to assist this longstanding ICANN effort.

Yours sincerely,

/s/

Brian Beckham
Head of Legal Policy
Valideus