



CADNA Comments on the WHOIS Review Team Final (Draft) Report

The Coalition Against Domain Name Abuse (CADNA) appreciates the opportunity to comment on the "WHOIS Review Team Final (Draft) Report." Although CADNA's members represent brand-owners from a diverse array of industries, all agree on the importance of protecting and enforcing trademarks and intellectual property rights, as well as ensuring a safe online environment for all Internet users. CADNA has found that inadequate WHOIS requirements and enforcement handicap efforts to curb cybersquatting and facilitate deceptive and fraudulent behavior. CADNA is glad to see that ICANN is attempting to address this issue through the WHOIS Review Team and we are appreciative of the effort and candor that the Team as exhibited in its Final Report.

The Report's evaluation that the current WHOIS system "is broken and needs to be repaired," is consistent with the experiences of CADNA's members. While CADNA understands the need to maintain registrant privacy in the WHOIS system, we are also well aware of how the current inaccuracies, inconsistencies, and lack of enforcement within the system threaten intellectual property protection. CADNA concurs with the Review Team's recommendation that, at the very least, ICANN needs to create and document a single WHOIS policy applicable to all Registry and Registrar agreements. In order to accomplish this goal, CADNA believes it will be necessary for ICANN to accept another of the Team's recommendations, to make WHOIS policy issues a strategic priority going forward.

Many of the Report's other recommendations are astute, including the recommendations that ICANN develop clear privacy services policies, require registrars to disclose their relationships with Affiliated Retail proxy service providers, establish best-practice guidelines to govern proxy services, and make registration data accuracy and availability accessible in local languages. While the careful implementation of these recommendations would improve WHOIS enforcement, CADNA would like to see the more elaboration and specifics regarding how ICANN would enforce a revised WHOIS policy and, similarly, guidelines for how registrars should work with law enforcement and handle abuse complaints.

The Report presented two alternatives for the handling of "thick" WHOIS data. CADNA believes that the second of these options, a centralized, unrestricted, multilingual database of *all* "accurate and complete WHOIS information" would be more beneficial to the ICANN community in general. Aside from greatly increasing the accessibility, consistency, and enforcement of accuracy of WHOIS data, such an interface would send an important message to the community that ICANN values WHOIS information and has made it a priority.

CADNA shares the concerns articulated in comments submitted by other parties to question the Report's 18th recommendation. The 18th recommendation states that the Internationalized Domain Name Working Group should give "global access" to available internationalized registrant data, "across the gTLD and—on a voluntary basis—the ccTLD



space." Cybersquatting and malicious activities that are aggravated by a weak WHOIS policy occur across the top-level domain landscape. ICANN should take whatever steps it can to promote accurate WHOIS records in ccTLDs.

CADNA and its members value the hard work of the WHOIS Review Team. We believe that a new, uniform WHOIS policy will be critically important in the fight against cybersquatting and other illegal behaviors that threaten the entire Internet user community, including trademark holders. We urge ICANN to take the recommendations of this report under serious consideration and look forward to continuing to participate in this discussion.