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PUBLIC COMMENTS OF GENERAL ELECTRIC REGARDING THE DRAFT WHOIS MISUSE STUDY

General Electric ("GE") appreciates the opportunity to comment on the Draft Whois Misuse Study, conducted by Carnegie Mellon University's Cylab and posted for public comment by ICANN on November 27, 2013.

GE commends both ICANN and Carnegie Mellon for studying this important issue. This Study is an important step in evaluating potential impacts stemming from efforts to create a "Thick Whois," a "Verified Whois," or "Next Generation Directory Services." It is important to know the extent and severity of misuse of Whois information when considering the best way to implement critical security steps to ensure proper protection for consumers and brand owners.

While this Study is not intended to be balanced against the essential need for accurate and reliable Whois information, we believe it is instructive as to how Whois may be improved safely and with minimal annoyance. Deceptive and/or illegal activity emanating from or through domains with incomplete, false, or hidden Whois information is both prevalent and dangerous. We believe directionally that making Whois more rigorous should in fact help address the most severe forms of abuse while not increasing registrants' annoyance. An increase in potential for annoyance should not be used as a reason to defeat attempts to solve these more pressing issues.

Requiring rigorous and valid Whois information mirrors in many ways the example of a business registration. Few would claim that the public should not know the identity of a business owner who is protected from liability through a registered entity, and in the U.S. we uniformly require business owners to register appropriately to provide recourse to the public. Business owners,

much like registrants, may also get unsolicited sales calls or mail. Our goal should be to reduce these annoyances by treating the problem.

The draft Study's conclusions are straightforward. The Study found statistically significant amounts of spam emails being sent to the email addresses used in the study and to registrants who responded to the survey conducted by the authors. This is an unsurprising result. Spam is an endemic problem on the Internet and any person or entity with an email address published or used anywhere will eventually get spam emails. Even private citizens who have never registered a domain name may receive dozens or even hundreds of spam e-mails a day.

The Study found statistically significant amounts of unsolicited phone calls made to phone numbers used in Whois listings. Again, this is not surprising, however we note this is similarly common. Finally, the Study was unclear as to whether a statistically significant amount of junk mail was generated by use of addresses in Whois listings – the experimental addresses did not seem to generate much junk mail, while respondents to the survey perceived that they did receive junk mail at their postal mail addresses.

Spam, unsolicited phone calls, and junk mail can be annoying to the recipients. But these are common and relatively minor annoyances regardless of whether someone has registered a domain name and we believe this is insufficient justification to hide this vital information. It would be equally valid (and equally absurd) to suggest that all email addresses, phone numbers and postal addresses should be removed anywhere throughout the Internet.

We suggest that cooperation with the U.S. Federal Trade Commission as well as other bodies internationally dedicated to substantially the same mission may prove fruitful in developing ways to deal with spam and other issues more directly. For instance, the U.S. Federal Trade Commission has established "do not call" lists that have had early success in limiting unsolicited phone calls. Ironically, spam (and, therefore, the challenge of eliminating it) often emanates from accounts that use inaccurate, incomplete, missing or hidden Whois information. Thus, it becomes harder for law enforcement, among others, to shut down spam operations. We believe more accurate information is a critical part of solving the problem of spam. Thus, if spam is the major problem identified by the Study, the solution should actually be more accurate, complete and verifiable Whois information.

While the Study does not propose or urge any particular actions as a result of the Study (other than perhaps the use of "anti-harvesting" technology), GE would support this conclusion and urges ICANN to continue its pursuit of better Whois information in order to reduce misuse of all personal information (whether found through Whois or otherwise).

Importantly, spam, unsolicited calls, and junk mail were the only significant types of "misuse" identified by the Study. We would call to attention that other and more malicious forms of misuse, such as abuse of personal data; intellectual property theft; loss of reputation or identity theft; loss of data; phishing and other cybercrime related exploits; harassment; stalking; or other activity with negative personal or economic consequences, did not occur in any significant way, if at all. This study did not appear to demonstrate a reasonable likelihood that publicly available Whois information is leading to cybercrimes in any significant manner. Again, as with spam, accurate publicly available Whois information is a critical tool to control and address cybercrimes.

GE does not take the issue of spam, unsolicited calls, or mailings lightly, and we recognize that dealing with spam email is a significant annoyance that can reduce personal and professional productivity. GE expends significant effort and capital on "anti-spam" software and related infrastructure and personnel. Limiting Whois information will make these efforts more difficult.