

February 8, 2006

To: ICANN Whois Task Force (whois-comments@icann.org)

Re: Comments to The Preliminary Task Force Report on the purpose of Whois and Whois Contacts (the "Report")

Dear Task Force Members:

Upon reviewing the two formulations of the purpose of Whois proposed by the Report, the companies identified below strongly support the purpose described in Formulation II:

"The purpose of the gTLD Whois service is to provide information sufficient to contact a responsible party or parties for a particular gTLD domain name who can resolve, or reliably pass on data to a party who can resolve, technical, legal or other issues related to the registration or use of a domain name."

Formulation II correctly recognizes the importance of using data currently accessible through Whois to help to remedy intellectual property infringement, fraud, and criminal activity (such as phishing), as well as to support domain name management and transfer needs. Owners of worldwide brands depend on WHOIS information in order to (i) identify and take enforcement activity against those who have illegally targeted their brands and consumers, and (ii) manage their domain name portfolio. In many instances, Whois provides the only readily available method of identifying the persons behind such illegal conduct. Such identification is critical—it helps parties communicate and resolve disputes without legal action, and when such action is necessary, enables service of process, without which the legitimate rule of law cannot provide a safe environment for consumers and businesses on the Internet. In short, businesses rely upon Whois data for a host of legitimate uses that extend far beyond technical matters involved with the configuration of records within a DNS nameserver. These uses contribute materially to the security and stability of the Internet.

The adoption of Formulation I would mark a significant departure from current ICANN policy and a significant restriction on long-established uses of WHOIS. Formulation I unduly limits the purpose of WHOIS to resolving technical issues, which, while important, is far too narrow to reflect the realities of the role Whois has long played in a

range of business uses of the Internet. ICANN should not adopt it. Instead, we urge ICANN to continue to recognize and adopt policies consistent with Formulation II.

Please note that we expect to hear from other companies in support of this position. Accordingly, we intend to supplement this response and would appreciate your consideration of these additional endorsements.

Sincerely,

A handwritten signature in black ink that reads "Mark Shull". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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