



29 June 2018

Fiona Alexander  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Avenue NW, Room 4706  
Washington, D.C. 20230

VIA EMAIL: FALEXANDER@NTIA.DOC.GOV

**Re: Request for Comments on International Internet Policy  
Priorities**

Dear Ms. Alexander:

Intellectual Property Owners Association (IPO) appreciates the opportunity to respond to the National Telecommunications and Information Administration's (NTIA) request for comments on "International Internet Policy Priorities," particularly as related to the multistakeholder approach to Internet governance and privacy and security concerns.

IPO is an international trade association representing companies and individuals in all industries and fields of technology who own, or are interested in, intellectual property rights. IPO's membership includes about 200 companies and more than 12,000 individuals who are involved in the association either through their companies or as inventor, author, law firm, or attorney members. IPO membership spans over 30 countries.

IPO advocates for effective and affordable IP ownership rights and offers a wide array of services, including supporting member interests relating to legislative and international issues; analyzing current IP issues; providing information and educational services; and disseminating information to the public on the importance of IP rights.

We write to you today with concern for the recent redaction of critical identifying information from the WHOIS database. We urge NTIA, the U.S. Department of Commerce, and the U.S. Government to make reinstatement of meaningful, searchable WHOIS information by trademark and copyright owners an international Internet policy priority for 2018 and beyond.

The aptly named "WHOIS" data includes the ownership and contact information for registered domain name holders. Such data is an invaluable tool for brand and content owners, as well as law enforcement, to quickly and accurately identify domain name registrants, facilitating the reduction of intellectual property abuse,

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counterfeiting, and fraud in the Internet marketplace. On 25 May 2018, the European Union's General Data Protection Regulation (GDPR) went into effect, which has resulted in significant redaction of WHOIS data. Such information is essential for trademark and copyright owners to adequately police their intellectual property, which not only protects valuable U.S. brands, but also protects the U.S. public from counterfeit goods and malware. This information is also important for certain corporate transactions that rely on accurate confirmation of ownership assessments.

The privacy goals of the GDPR are laudable, but consumer protection and brand protection must also be policy priorities. We urge the U.S. Government to work with its international partners to ensure that trademark and copyright owners have easy access to WHOIS information and that access is timely and at no-cost or low-cost, as it was prior to the enactment of the GDPR.

If a tiered system is developed where certain WHOIS information is only visible for entities with a legitimate business interest, we urge that such a system be developed to give trademark and copyright owners easy access to WHOIS data. For example, legitimate intellectual property owners should only be required to qualify for access once, not every time, a request for WHOIS data is made, and this should be at no or little cost.

Moreover, the time required to search a WHOIS database must be short. Consumers are best protected when brand owners promptly act to police their marks — and overly burdensome administrative requirements could significantly inhibit U.S. trademark and copyright owners' ability to timely determine ownership, to the detriment of U.S. consumers.

We again thank NTIA for permitting IPO to provide comments. We would welcome any further dialogue with the Agency directly or the opportunity to provide additional information, especially in advance of future ICANN Government Advisory Committee meetings in which NTIA will participate on behalf of the United States.

Sincerely,



Mark Lauroesch  
Executive Director