January 17, 2014

Reply Comments of the International AntiCounterfeiting Coalition
Study on Whois Misuse

Introduction

The International Anti-Counterfeiting Coalition (IACC) provides these reply comments on the “Study on Whois Misuse,”\(^1\) conducted by Carnegie Mellon University’s Cylab (CMU). The IACC supports the ICANN community’s ongoing initiative to ensure that Whois information is reliable, accessible and accurate. Investigating and mitigating Whois abuse is an important task in the overall examination of the current Whois, and any future gTLD Directory Service. However, the IACC encourages ICANN to reject the study, as flaws and deficiencies in the design and execution of the study call into question the probative nature of its findings.

Moreover, even assuming there is some level of Whois misuse, which this study does not accurately measure, it does not outweigh the need for reliable, accessible and accurate Whois information, which is designed to protect consumers on the internet.

Comments

This study does little to answer the specific question it was designed to address: “Does public access to Whois-published data lead to a measurable degree of misuse.”\(^2\) Problems with sample size, and failure to control for certain variables destroys any concrete causal link between the reported and examined behavior of spammers and Whois-published data.

The most glaring issue is that only fifty-seven registrants participated in the registrant portion of the study, out of 1,619 invitees.\(^3\) Out of those who participated, less than half reported abuse, and those who did self-attributed the abuse to Whois data. Causation was not established or verified by CMU.

In addition, the portion of the study in which CMU registered its own domains in order to more accurately measure abuse, was also problematic. As pointed out by others in the initial comment period, a single Registrar was responsible for eighty percent of the unsolicited emails. As a result, CMU acknowledges that “Registrars may be providing Registrant information collected during domain registration to third parties (e.g., through bulk

\(^2\) Id. at p.6.
\(^3\) Id. at p. 30.

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WHOIS access, possibly through private communication with resellers). That is a plausible conclusion, supported by the fact that the vast majority of the spam was associated with a single Registrar.

Without controlling for an important variable such as this, the conclusion (that “there is a causal relationship between the public availability of personally identifiable information in Whois and a Registrant’s experience of spam email and voicemail”) cannot be supported.

**Conclusion**

It has long been established, and this study partially acknowledges, that the cost of having an internet presence (be it an email address or a website) is to endure some level of spam and nefarious activities on the internet. The IACC recognizes that abuse on the internet should be addressed, particularly abuse that harms consumers and those engaged in legitimate commercial activity online.

To this end the IACC supports the development of measures that help mitigate abusive activities of all kind, including developing a consolidated, centralized database of Whois information as proposed by the Expert Working Group on gTLD Directory Services, and accreditation of privacy and proxy services. Relying on this survey, however, to direct or even influence the development of new Whois/Directory Service policies would be a mistake. The study should be rejected, or redone with the deficiencies pointed out by the ICANN community addressed.

The IACC thanks ICANN for its consideration in this regard.

Sincerely,

Travis D. Johnson  
Vice President – Legislative Affairs & Policy  
The International AntiCounterfeiting Coalition

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4 *Id.* at p. 66.  
5 *Id.*  