

# INTERNET PIRACY & COMPUTER CRIMES UPDATE

This Update is published by our Internet Piracy & Computer Crimes Section. Please feel free to contact any of our authors for more information.

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## Privacy Concerns Cause Domain Name Regulator, ICANN, to Consider Changes to Its Rules on Publishing Registrant Contact Information in the WHOIS Database

In a move that will likely end years of debate over this issue, the Internet Corporation for Assigned Names and Numbers, known as ICANN, will soon announce what contact information it will require from Web site owners that will be published in the public “WHOIS” database.

ICANN is a non-profit regulatory body that is responsible for managing and coordinating the domain name system. Currently, ICANN requires that all domain name registration information be made available on a public database known as “WHOIS.” Therefore, if you register a domain name through an ICANN-accredited registrar or reseller, then your contact information, including your name, mailing address, e-mail address and phone number, appears in the WHOIS database.

For years, privacy concerns and the questionable wisdom of exposing the contact information of Web site owners to datamining on the WHOIS database have been topics of concern to the registrants. These Web site owners argue that the publication interferes with their right to privacy and that the “WHOIS” database can be mined for their personal contact information making them targets of spamming and other invasions of their privacy.

Balanced against these privacy concerns is the desire to have immediate access to the identities of the owners of Web sites when technical or operational difficulties are encountered or, significantly, when the Web sites are engaged in unscrupulous and illegal activities. Companies and individuals who are likely to be affected by such technical matters or improper conduct firmly believe that direct access to the identities of the registrants is critical. They argue that the changes under consideration by ICANN would make it more difficult for them to track down owners of Web sites to alert them to technical or operational issues or to stop them from engaging in illicit activities, such as trademark infringement, copyright infringement and cyber squatting.

Recent concerns have also been raised that the privacy laws of the European Union countries – which are more strict than the privacy laws in the United States – place severe restrictions on the dissemination of an individual’s contact information through any public database. The concerns over the impact of these EU restrictions have fueled this debate over ICANN’s publication requirements, adding to the need for ICANN to reassess its current policies immediately.

The ICANN Task Force’s work on this project is nearing completion, and ICANN is expected to announce later this Spring whether, and if so, how, it will change its requirements concerning the collection of registrant contact information and its publication of that information in the WHOIS database.

Look for further updates on this topic at this site as this matter develops.