

Dr Vinton G Cerf
Chairman of the Board of Directors
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Rey
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USA

20 June 2006

Dear Dr Cerf,

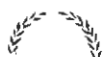
Proposed change to narrow purpose definition of publicly accessible Whois databases

The Office of Fair Trading (OFT) is the United Kingdom's consumer and competition authority. The mission of the OFT is to make markets work well for consumers. The Internet has brought about one of the greatest revolutions in how consumers can access goods and services from around the world. It has given consumers additional choices and has been a significant driver in forging dynamic, competitive markets, which benefit us all. However, activities such as the sending of spam and related problems such as fraud, identity theft and online scams pose a threat to the continued success and growth of electronic commerce and Internet shopping. Spam in particular costs legitimate business billions of pounds and reduces consumer confidence in the on-line marketplace. Our aim at the OFT is to ensure that consumers have superb confidence in the electronic market place and the regulation of online malpractices is extremely important for us in trying to achieve this aim.

It has been brought to our attention that a decision on the adoption of a narrow purpose definition for publicly accessible Whois databases may be taken at your meeting later this month in Marrakech. We are concerned that such a decision may have an adverse, and unintended consequence, of reducing access to important information by law enforcement agencies, whose purpose includes regulating conduct on the Internet. Over the medium term, this could have serious negative effects on consumer and public confidence in the Internet.

In our experience Spammers and scammers are increasingly using websites in order to deceive and defraud consumers. Whois databases offer us a speedy way to access information on people behind such websites and the linked Spam emails. A Whois check is often the starting point for any internet-based investigation and if access to available information is limited to technical contact information, Spam enforcement and Internet-based investigations may be seriously hampered, particularly in relation to cross-border investigations.

We understand that the discussion on Whois data started as a result of concerns raised by privacy lobbyists within ICANN. The OFT appreciates these concerns and understands the value of privacy protection. However, we are in close contact with the UK Office of the Information Commissioner, who is charged with enforcing privacy



legislation in the United Kingdom, who has expressed the opinion that there is no contradiction between open access to information and privacy law with regards to Whois in the UK. In fact it holds up the UK Whois model as an excellent example of a system that manages to balance the privacy of individuals with swift, reliable access to pertinent information by law enforcement agencies and others.

We believe that the deliberations up to now may not have paid sufficient attention to the requirement of enforcement agencies to maintain swift access to reliable information on Whois databases. Clearly enforcement and the cessation of rogue traders operating online will continue to be beneficial to the success of the Internet and all those with an interest in good governance of the Internet. I therefore urge you to give due regard to the issues of access posed by enforcement agencies, such as the OFT, when considering adoption of a narrow purpose definition of access to Whois database information.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'John Fingleton', written in a cursive style.

**John Fingleton
Chief Executive**