

Who on the EWG Specializes in Abuse of the Whois Data?

As we look down the list of the members of the EWG, we see a number of people who use the Whois data – regularly and on a daily basis. But what we ***do not see*** is people who work with ***abuse of the Whois data regularly and on a daily basis.***

Who on the EWG brings to the work the day-to-day ***abuse of the Whois data***, not only to spam, but to stalk, harass, intimidate, threaten, fight, bully and even jail or worse?

Who on the EWG knows firsthand the threats that have come from large companies, large law firms and large governments who seek to exploit their positions as competitors and dictators to intimidate, harass, disclose and threaten smaller companies, entrepreneurs, organizations and individuals? Who has seen the speakers driven off the Internet, the families threatened and the bad acts exposed – including by competitors and dictators?

We in the NCSG strongly call on the EWG to STOP its current work and return to first principles – to identify not only the uses of Whois, but the abuses as well.

We note that studies of Whois data will NOT provide this data (as we were intimately involved in drafting these studies). However, to balance the array of trademark attorneys and trademark representatives, we call on the EWG to hear about the qualitative experiences of those who have worked firsthand in Whois abuse and are easily available within the ICAN community. They include:

- Kathryn Kleiman (co-founder of the Domain Name Rights and Noncommercial Users Constituency based on her anger after massive abuses of Whois data)
- Wendy Seltzer, founder of the Chilling Effects Project, originally at the Electronic Frontier Foundation and now hosted at Harvard's Berkman Center for Internet & Society (including letters sent that go far beyond normal protocol to threaten, harass, malign, and

manipulate domain name Registrants largely exploiting the large-small imbalance and the threats that can reach Registrants and intimidate them to feel endangered in their homes)

- John Berryhill, an attorney who has represented numerous maligned and threatened Registrants in UDRP/domain name dispute proceedings and received more findings of “Reverse Domain Name Hijacking” than any other attorney (a finding that the trademark owner abuse the process of the UDRP). John Berryhill knows firsthand the abuse of the Whois data to threaten, intimidate and harass Registrants.
- Other attorneys who represent Registrants.

We call on the EWG to put together a panel to meet with it (in person or by telephone) at the meeting in Washington DC next week or at its next scheduled meeting. This is an issue that should not be further ignored.