

May 31, 2023

National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Room 4701
Attn: Susan Chalmers
Washington, D.C. 20230

**Re: Request for Comment on Proposed Accountable Whois Gateway System
Docket No. 230412-0099; RIN No. 0660-XC05**

Dear Ms. Chalmers:

USTelecom – The Broadband Association (“USTelecom”)¹ submits these comments in response to the National Telecommunications and Information Administration’s (“NTIA’s”) Request for Comment on its proposed Accountable Whois Gateway System (“System”) to increase privacy protections for personal data belonging to registrants of .us domain names. USTelecom and its members support the efforts of NTIA and other government agencies to safeguard privacy and understand the importance of protecting sensitive information from those who would misuse it. USTelecom and its members are also at the forefront of the battle against bad actors who rely on an ever-evolving array of tactics to defraud American consumers, including impersonation-based fraud.² Effective tools to combat this fraud and those who perpetrate it are essential.

Bad actors can abuse the trademarks of established brands by creating websites with confusingly similar domains as part of phishing attacks and other schemes. They may rely on fake websites in conjunction with another scam, such as a robocall or email spam campaign, or the misleading website may be an independent effort to steal consumer information or divert consumers to non-genuine products or services. Indeed, USTelecom members themselves have been impersonated in such fraudulent schemes.³

USTelecom members take seriously their obligation to protect their customers from online frauds, cybersquatting, and domain name abuse. One significant challenge to their efforts to combat website impersonation is the lack of access to complete Whois information. Available

¹ USTelecom is the premier trade association representing service providers and suppliers for the communications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks. Its diverse membership ranges from international publicly traded corporations to local and regional companies and cooperatives, serving consumers and businesses in every corner of the country.

² See USTelecom Comments, Impersonation NPRM, FTC File No. R207000 (filed Dec. 16, 2022) (<https://www.regulations.gov/comment/FTC-2022-0064-0059>).

³ See, e.g., *Verizon’s biggest ever UDRP win reminds users of the Mechanism’s value*, IPR Daily, Aug. 24, 2022, <http://www.iprdaily.com/article/index/17054.html> (Verizon recovers more than 70 infringing domains in Uniform Domain Name Dispute Resolution Policy decision).

Whois information from most sources today either provides no information at all or points to registries and proxy services instead of the real persons or legal entities that are behind the registration of fraudulent and infringing domains. Further, domain name registrars, registries, and proxy and privacy services often are non-responsive to legitimate requests to access the underlying data, including for takedown demands, thus allowing the fraud to continue to the detriment of consumers.

The .us top-level domain (“usTLD”) has historically been a safer space than many other top-level domains because of its U.S. nexus requirement, open access policy, and its prohibition against registrants hiding behind privacy and proxy services. The proposed System therefore could undermine those protections by allowing malicious registrants to mask entirely their identity, thereby eliminating transparency regarding whether registrants were still meeting the U.S. nexus requirement. Thus, the System could create a new avenue for bad actors to register, use, and traffic in infringing domain names in the usTLD. It is critical that NTIA ensures that there is timely disclosure of accurate information to victims of website impersonation fraud upon request.

Given the challenges that impede companies’ own efforts to protect consumers, it is all the more critical for government agencies to take an active role. As NTIA moves forward with determining the appropriate privacy protections for .us domain registrants, the agency must be mindful of the need for transparent domain name registrant information to combat impersonation fraud and protect consumers.

Sincerely,

/s Joshua M. Bercu/
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Morgan E. Reeds,
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