

## MarkMonitor Response to NTIA Notice of Inquiry

MarkMonitor is the leading enterprise brand protection solution, providing advanced technology and expertise that protects the revenues and reputations of the world's leading brands, including all 10 of the top 10 most-trafficked websites. We offer solutions to combat the entire spectrum of online threats, including counterfeit, trademark infringement, and piracy. An ICANN-accredited registrar since 2000, MarkMonitor is active in ICANN governance, and is happy to submit this response to the NTIA Notice of Inquiry as a vocal proponent of the multistakeholder model of internet governance.

### I. The Free Flow of Information and Jurisdiction

**MarkMonitor Response:** The U.S. Government should continue to advocate through NTIA's role in the Governmental Advisory Committee, part of ICANN's multistakeholder governance model. To reinforce U.S. views on the free flow of information online and the appropriate role of government in internet governance, NTIA can and should show leadership by visibly committing to, and actively participating in, the multistakeholder model.

### II. Multistakeholder Approach to Internet Governance

**MarkMonitor Response:** The multistakeholder approach continues to foster a growing, successful internet. The current multistakeholder model has proven successful at coordinating the global Domain Name System (DNS), including the root zone management of the DNS, in a secure, stable environment where the interests of governments, ICANN-contracted parties, intellectual property rights owners, and the at-large internet community are all represented. ICANN has committed to accountability, and redoubled this commitment with the IANA Stewardship Transition, building this commitment into its structure and bylaws. The IANA Stewardship Transition cannot be undone, and the U.S. should not attempt to do so at the risk of eroding global trust in internet governance and irreparably fracturing the internet.

### III. Privacy and Security

**MarkMonitor Response:** Cybersecurity is of paramount importance in today's internet-enabled economy. Data breaches and website outages cost companies millions of dollars per incident, and experts estimate the odds of experiencing a data breach are now more than 25%. All 50 U.S. States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands have enacted legislation requiring notification of individuals when security breaches expose their personally identifiable information, and the European Union has enacted the General Data Protection Regulation (GDPR) to protect the personal data of European citizens. However, it is important that privacy legislation is not overextended to provide a safe haven in online

anonymity to those who would commit crimes and/or infringe intellectual property rights online. Accordingly, law enforcement and intellectual property protection interests require that access to tools such as WHOIS remain fully accessible to those with a legitimate need for this information, notwithstanding personal data privacy interests.

#### **IV. Emerging Technologies and Trends**

**MarkMonitor Response:** International policy development should continue to focus on ensuring the security and stability of the internet, protecting intellectual property rights in new technologies, and ensuring public safety. Emerging technologies including growing applications of blockchain technology, artificial intelligence, and the increasingly-connected Internet of Things (IOT) all present both risk and opportunity in the future security and stability of the internet, intellectual property protection, and public safety, and these technologies should be at the forefront of current and future international policy discussions.

Respectfully submitted,



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