

5 March 2018

To: Article 29 Working Party,  
European Commission  
Email: [JUST-ARTICLE29WP-SEC@ec.europa.eu](mailto:JUST-ARTICLE29WP-SEC@ec.europa.eu)

cc: Vice President Andrus Ansip, European Commission (Digital Single Market)  
Commissioner Dimitris Avramopoulos (Migration, Home Affairs and Citizenship), European Commission  
Commissioner Vera Jourova (Justice, Consumers and Gender Equality), European Commission  
Commissioner Sir Julian King (Security Union), European Commission  
Commissioner Mariya Gabriel (Digital Economy and Society), European Commission  
Commissioner Elzbieta Bienkowska (Internal Market, Industry, Entrepreneurship and SMEs), European Commission

Dear Gentlemen and Ladies:

This letter is written on behalf of a diverse group of over 50 national and international organizations, trade associations, companies and non-profit entities<sup>1</sup> that are concerned with the security, safety and legality of the online environment. The interests represented by the signing entities include child welfare, consumer safety, brand protection, protection against illegal pharmacies, protection against fraud in the online ad space, content protection, journalism, broadcasting, literature, publishing, visual arts, music, movies, video games and other creative industries. They represent interests in Europe and around the globe.

All of us are concerned about the direction ICANN is heading in terms of modifying the WHOIS/domain registrant directory in response to the pending implementation of the EU General Data Protection Regulation (“GDPR”). While we appreciate that ICANN has received guidance from the Article 29 Data Protection Working Party in a letter dated December 11, 2017 that *“the unlimited publication of personal data of individual domain name holders raises serious concerns regarding the lawfulness of such practice,”* it currently appears that ICANN is on a course to over-correct for that issue and disregard appropriate considerations involving proportionality, accountability and transparency. On February 28, 2018 ICANN published a proposed interim WHOIS model to comply with the GDPR.<sup>2</sup> We strongly assert that this model does not properly account for the critical public and legitimate interests served by maintaining a sufficient amount of data publicly available while respecting privacy interests of registrants by instituting a tiered or layered access system for the vast majority of personal data as defined by the GDPR.

We are particularly concerned about two critical aspects of such over-correction and the apparent failure to balance the public interests and legitimate third-party interests at stake with the privacy interest of domain name registrants. **First**, under ICANN’s proposed model no personal data whatsoever of a domain name registrant would be made publicly available without appropriate consideration or balancing of the countervailing interests in public disclosure of a limited amount of

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<sup>1</sup> The organizations are listed in Annex A and described in Annex B.

<sup>2</sup> <https://www.icann.org/news/blog/data-protection-privacy-update-seeking-input-on-proposed-interim-model-for-gdpr-compliance#.WpgEFV3Z7GY.linkedin>. See <https://www.icann.org/en/system/files/files/proposed-interim-model-gdpr-compliance-summary-description-28feb18-en.pdf> for summary description of ICANN proposed model.

such data. **Second**, ICANN is making no distinction between domain name registrants that are natural persons versus those that are legal entities and has indicated that it will treat all registrants as if their data is subject to the GDPR, despite the fact that the GDPR explicitly by its terms applies only to data “relating to an identified or identifiable natural person” (emphasis added; See Article 4 of GDPR).

This approach will have significant adverse implications for the rule of law in the online environment, including with regard to enforcement against online criminal activity, cybersecurity, intellectual property theft and the continued ability to use the internet to safely communicate and transact.

As further explained below, we strongly urge that European government authorities, including the Article 29 Data Protection Working Party and national Data Protection Authorities, provide appropriate guidance to ICANN as follows:

1. Assuming that the public and legitimate third-party interests and purposes are clearly articulated and communicated when personal data is collected from a domain name registrant, the continued inclusion of a natural person registrant’s e-mail address in a publicly accessible WHOIS directory does not run afoul of the GDPR; and
2. A distinction should be made between natural persons and legal entities with respect to domain name registrants, and the data of legal entities should remain publicly available unless a particular data element, other than the registrant’s e-mail address (which per 1. above should always be publicly accessible), contains data or information relating to an identified or identifiable natural person. While registrars and registries may wish, for the sake of convenience, to adopt a uniform approach that treats all registrant information the same way, the reduction of perceived administrative burdens on these services does not justify the resultant risk to the public interest that will follow if public access to WHOIS information is suppressed beyond what the GDPR requires.<sup>3</sup>

### **Registrant E-mail Address**

ICANN is proposing a WHOIS model intended to comply with the GDPR in which only the province/state and country of a domain name registrant would continue to be made publicly accessible. In the discussions and correspondence about ICANN’s impending plans to modify the WHOIS system, an array of public and private parties have gone to great lengths to emphasize the importance of publicly accessible WHOIS data for purposes such as finding the source of cyber-attacks, assisting law enforcement investigations, countering intellectual property infringements, and protecting consumers. Indeed, in its January 29, 2018 letter to Goran Marby, CEO & President of ICANN, the European Commission noted, “*We would like to underline the importance of these objectives and the corresponding need to preserve WHOIS functionality and access to its information.*”<sup>4</sup> Similarly, the Government Advisory Committee of ICANN, which represents 174 national governments and distinct economies recognized in international fora (including the European Commission and all EU Member States), advised ICANN of its consensus view that in considering how to comply with the GDPR, ICANN should be:

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<sup>3</sup> There are a number of approaches to explore that could assist in reducing burdens to registrars and registries, while still maintaining WHOIS, such as recognizing the ability of registrants to self-certify their status as natural or legal persons.

<sup>4</sup> <https://www.icann.org/en/system/files/correspondence/avramopoulos-et-al-to-marby-29jan18-en.pdf>

*“1. Keeping WHOIS quickly accessible for security and stability purposes, for consumer protection and law enforcement investigations, and for crime prevention efforts, through user-friendly and easy access to comprehensive information to facilitate timely action.*

*2. Keeping WHOIS quickly **accessible to the public** (including businesses and other organizations) for legitimate purposes, including to combat fraud and deceptive conduct, to combat infringement and misuse of intellectual property, and to engage in due diligence for online transactions and communications.”*(emphasis added) (See GAC Communique of November 1, 2017, pp. 11-13)<sup>5</sup>

We recognize that a tiered or layered access approach to some of the personal data currently contained in publicly accessible WHOIS directories will be appropriate to achieve full GDPR compliance. Nevertheless, we strongly believe that the continued public availability of the registrant’s e-mail address—specifically the e-mail address that the registrant supplies to the registrar at the time the domain name is purchased and which e-mail address the registrar is required to validate—is critical for several reasons. First, it is the data element that is typically the most important to have readily available for law enforcement, consumer protection, particularly child protection, intellectual property enforcement and cybersecurity/anti-malware purposes. Second, the public accessibility of the registrant’s e-mail address permits a broad array of threats and illegal activities to be addressed quickly and the damage from such threats mitigated and contained in a timely manner, particularly where the abusive/illegal activity may be spawned from a variety of different domain names on different generic Top Level Domains. Finally, because a variety of abusive activity, such as phishing and the publication of child abuse images, is performed via compromised domains, having the registrant’s e-mail address publicly available allows for the registrant to be contacted quickly in order to make the registrant aware that his or her domain name has been hijacked for nefarious purposes. For a more thorough explanation as to the critical importance of keeping the registrant’s e-mail address publicly accessible, please see the memo submitted by the Coalition for Online Accountability to ICANN dated February 16, 2018 and available at <https://www.icann.org/en/system/files/files/gdpr-comments-coa-icann-proposed-compliance-models-16feb18-en.pdf>. For a description of the various important and legitimate purposes served by the ready accessibility of WHOIS data, please see ICANN’s Intellectual Property and Business Constituencies’ memo to the Article 29 Working Party dated February 1, 2018 available at <https://www.icann.org/en/system/files/files/gdpr-comments-ipc-bc-article-29-wp-whois-01feb18-en.pdf>

In addition to these specific factual reasons, keeping the registrant’s e-mail address publicly accessible comports with the transparency and consumer confidence imperatives enshrined in the E-Commerce Directive (“ECD”). Indeed, the GDPR specifically states in Recital 21 that it is without prejudice to the application of the ECD and Article 5 ECD embodies the elementary principle of both physical commerce and e-commerce that service providers should identify themselves. More specifically, Art. 5.1(c) ECD, prescribes that service providers shall render easily, directly and permanently accessible *“the details of the service provider, including his electronic mail address, which allow him to be contacted rapidly and communicated with in a direct and effective manner.”* (emphasis added) While WHOIS data is not the only means by which websites can disclose the information required by Article 5 ECD, in practice, it is typically the only way to identify service providers of websites that engage in significant infringing or other illegal behavior. In any event, since

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<sup>5</sup> <https://gac.icann.org/advice/itemized/2017-11-01-gdpr-whois>

email addresses of website operators have to be public in light of Article 5.1(c) ECD, there is no legitimate justification to discontinue public availability of the registrant's e-mail address in the WHOIS directory and especially not in light of other legitimate purposes (see next paragraph).

As the European Commission noted in its recent Technical input on proposed WHOIS Models on behalf of the European Union of February 7, 2018 *"the Article 29 Working Party . . . does not exclude a possible publication of some personal data, as long as this is justified in light of the legitimate purposes pursued with the WHOIS directory[.]"*<sup>6</sup> The undersigned organizations represent a diverse and wide range of legitimate purposes, for example and as already mentioned, child protection, consumer safety, preventing the distribution of illegal drugs and online fraud, intellectual property enforcement, cybersecurity etc., for which access to WHOIS information is vital. Unfortunately, removing registrant data from publicly accessible WHOIS directories renders the removal of illegal content and discovering the people responsible for making such content available online in the first place much more difficult, cumbersome, slow and inefficient. That isn't just an inconvenience; it creates a significant risk to public safety. We, therefore, all urge that the appropriate and proportional balance between these important purposes and the privacy interests of natural person registrants under the GDPR result in the continued public availability of the registrant's e-mail address.

### **Distinction between Natural Person and Legal Person Registrants**

The European Commission has made clear that "the GDPR only applies to personal data of natural persons and therefore does not regulate the processing of the data of legal persons (unless such data also relates to an identified or identifiable natural person)." Thus, the Commission explicitly stated that it "welcomes the distinction between personal data and other data (about legal persons)."<sup>7</sup> Given that ICANN's stated goal in modifying the WHOIS system is to ensure compliance with the GDPR while maintaining access to WHOIS data to the greatest extent possible, the failure to make distinctions between natural person and legal person registrants thwarts the stated goal and furthermore is neither necessary nor warranted for purposes of GDPR compliance. Moreover, it is imperative that the EU Data Protection Authorities recognize that, especially when a domain name is used for selling illicit products or services such as falsified medicines, counterfeit products or fraudulent gambling services (to provide a few examples), even though the registrant is acting as a legal person by using the domain name to sell products and services, they often only register the domain name as a natural person. Consequently, the test for differentiating between a legal and natural person should not merely be the legal status of the registrant, but also whether the registrant is, in fact, acting as a legal or natural person *vis a vis* the use of the domain name.

Because greater public accessibility of WHOIS data serves a broad range of public and private legitimate third-party interests and purposes, we believe that failing to make a distinction between natural person and legal person registrants undermines these interests and purposes while doing nothing to advance the privacy interests defined in and protected by the GDPR. We therefore urge that ICANN be given appropriate guidance as to the importance of maintaining a distinction between

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<sup>6</sup> <https://www.icann.org/en/system/files/files/gdpr-comments-european-commission-union-icann-proposed-compliance-models-07feb18-en.pdf> pp. 3-4

<sup>7</sup> <https://www.icann.org/en/system/files/files/gdpr-comments-european-commission-union-icann-proposed-compliance-models-07feb18-en.pdf> p. 3

natural person and legal person registrants and keeping as much data about legal person domain name registrants as publicly accessible as possible.

Sincerely,



CHIS



RettighedsAlliancen



Church Music Publishers Association



Centre of the Picture Industry

GOSPEL MUSIC ASSOCIATION



Association of Commercial Television in Europe







Stowarzyszenie Dziennikarzy i Wydawców  
**REPROPOL**

**AAP** } ASSOCIATION  
OF AMERICAN  
PUBLISHERS

union des  
fabricants **unifab**  
POUR LA PROTECTION INTERNATIONALE DE LA PROPRIÉTÉ INTELLECTUELLE



**ELOKUVA** FINNISH FILM PRODUCERS  
**TUOTTAJAT**



**RadioMedia**

**TEOSTO**



Musiikkikustantajat  
**MPA Finland**

TEKIJÄNOIKEUDEN TIEDOTUS- JA VALVONTAKESKUS RY  
COPYRIGHT INFORMATION AND ANTI-PIRACY CENTRE



S U O M E N  
MUSIIKIN  
TEKIJÄT

**KOPIOSTO**  
TEKIJÄNOIKEUSJÄRJESTÖ



-TOUS-  
POUR LA  
MUSIQUE



**ASOP** | ALLIANCE FOR SAFE  
GLOBAL | ONLINE PHARMACIES

**Additional signatories as of March 16, 2018**



**EMPOWERING  
CHILDREN  
FOUNDATION**



**NABP**  
NATIONAL ASSOCIATION OF  
BOARDS OF PHARMACY

**moige**  
proteggiamo i nostri figli

## Annex A – List of Signatories

Alliance for Safe Online Pharmacies (ASOP Global)  
ALPA  
Asociace Producentu v audiovizi (APA)  
Association for the Protection of Sports Programmes (APPS)  
Association of American Publishers  
Association of Commercial Television  
Audiovisual Anti-Piracy Alliance (AAPA)  
Av-tuottajien tekijänoikeusyhdistys Tuotos ry - Collective Society for Audiovisual Producers in Finland (Tuotos)  
BREIN  
Central Union for Child Welfare.  
CEPI  
CEPIC  
Children's Charities' Coalition on Internet Safety  
Christian Music Trade Association  
Church Music Publishers' Association  
Copyright Alliance  
Danish Rights Alliance (RettghedsAlliancen)  
DCP Digital Content Protection SRL  
Elokuvatuottajat ry - Finnish Film Producers  
Esittävien taiteilijoiden ja äänitteiden tuottajien tekijänoikeusyhdistys Gramex ry Copyright Society of Performing Artists and Phonogram Producers in Finland (Gramex)  
FAMA  
Federation of European Publishers  
FPM Federazione Contro La Pirateria Musicale e Multimediale  
Gospel Music Association  
ICMP  
IFPI  
IFSE  
IMPALA  
International AntiCounterfeiting Coalition Inc.  
International Federation of Film Producers' Association (FIAPF)  
International Union of Cinemas  
International Video Federation  
Izba Wydawców Prasy (Polish Chamber of Press Publishers)  
Kirjallisuuden tekijänoikeusjärjestö Sanasto ry - Society of Literary Copyright Holders (Sanasto)  
LegitScript  
MEDIAPRO  
Motion Picture Association of America  
MTV Oy - Media Company MTV  
Orion Oyj  
Pact



Premier League  
RadioMedia ry - RadioMedia  
Recording Industry Association of America  
Save the Children Finland  
Säveltäjain Tekijänoikeustoimisto Teosto ry - Finnish Composers' Copyright Society (Teosto)  
Stowarzyszenie Dziennikarzy i Wydawców REPROPOL (Association of Journalists and Press Publishers)  
Suomen Anti-piratismiyhdistys ry - Finnish Anti-Counterfeiting Group FACG  
Suomen elokuvateatteriliitto - SEOL ry - Finnish Cinema Exhibitors' Association SEOL  
Suomen Filmikamari ry - Finnish Chamber of Films  
Suomen Musiikintekijät ry - The Finnish Society of Composers and Lyricists  
Suomen Musiikkikustantajat ry - The Finnish Music Publishers Association  
Suomen muusikkojen liitto SML ry - The Finnish Musicians' Union (SML)  
Tekijänoikeuden tiedotus- ja valvontakeskus ry - Copyright Information and Anti-Piracy Centre  
Tekijänoikeusjärjestö Kopiosto ry - Joint Copyright Organization (Kopiosto)  
Tous Pour La Musique  
Trustworthy Accountability Group  
Unifab  
VAP  
Visuaalisen alan taiteilijoiden tekijänoikeusyhdistys Kuvasto ry - Visual Arts' Copyright Society Kuvasto  
WIN  
Yleisradio Oy - Finnish Broadcasting Company

***Additional Signatories as of March 16, 2018***

Abac-Baan  
ANEC (Associazione Nazionale Esercenti Cinema)  
ANEM (Associazione Nazionale Esercenti Multiplex)  
ANICA (Associazione Nazionale Industrie Cinematografiche Audiovisive e Multimediali)  
APT (Associazione Produttori Televisivi)  
Child Focus  
Defense for the Children International – The Netherlands.  
ECPAT Austria  
ECPAT France  
Empowering Children Foundation (Fundacja Dajemy Dzieciom Siłę)  
EOKM  
EU Kids Online  
FAPAV (Federazione per la Tutela dei Contenuti Audiovisivi e Multimediali)  
Federación para la Protección de la Propiedad Intelectual (FAP)  
MOIGE  
The National Association of Boards of Pharmacy (NAPB)  
Union Videografica Española (UVE)  
UNIVIDEO (Unione Italiana Editoria Audiovisiva Media Digitali Online)

## Annex B – Description of Signatories

Alliance for Safe Online Pharmacies Global (ASOP Global). Headquartered in Washington, D.C., the Alliance for Safe Online Pharmacies (ASOP Global) is an international non-profit organization – with strategic focuses in the United States, Canada, Europe, Asia, India and Latin America – dedicated to combatting illegal online pharmacies and counterfeit medicines and making the Internet safe for consumers worldwide through advocacy, research, collaboration and education.

ALPA. ALPA is an association under French law whose purpose is to fight against any form of piracy affecting its members. ALPA members are composed of the National Center for Cinematography (CNC), film and audiovisual professionals, federations and professional unions, as well as a rights collecting societies.

Asociace Producentu v audiovizi (APA). The Audiovisual Producers' Association (APA) was founded in 1994. It associates producers and production companies in the field of feature films, film services, commercials, documentaries, animated films and tv projects. The main activity of the Association is the protection and promotion of the interests of the producers, dealing with professional associations, with protective authors' organizations or with bodies of the state administration. The Association also co-operates in solving legal and tax issues related to film production and is involved in creating legislative norms in this field.

Association for the Protection of Sports Programmes (APPS). Launched on 23 January 2018, the Association for the Protection of Sports Programmes (APPS) brings together the main sports leagues and federations as well as several TV channels broadcasting sports competitions. Convinced that the fight against piracy must become a priority for all actors in the value chain and lead to innovative solutions, the APPS members join forces to find effective ways to protect sports audiovisual content. The association is intended primarily to combat piracy of sports audiovisual programmes by giving a concrete impact to the provisions of Article 24 of the Ethics of Sport Act of March 2017. This article provides the possibility for stakeholders to conclude professional agreements establishing their respective commitments in the fight against the online piracy of sports audiovisual content.

Association of American Publishers. The Association of American Publishers is the principal national trade association of the U.S. book publishing industry, with some 300 member companies and organizations that include most major commercial educational, professional, scholarly, and consumer/general interest publishers of books, textbooks, digital content – including interactive instructional materials – journals, and other text-based and multimedia products in the United States. AAP members also include many small and non-profit publishers, university presses and scholarly societies. AAP members publish state-of-the-art content in both print and digital formats, as well as content integrated into learning platforms and tools for use by students and their parents and instructors.

Association of Commercial Television. The Association of Commercial Television in Europe (ACT) represents the interests of leading commercial broadcasters across the European Union. ACT member companies finance, produce, promote and distribute content and services benefiting millions of Europeans across all platforms. ACT believes that a healthy and sustainable commercial broadcasting

sector plays an important role for Europe's economy, society and culture. Find out more by visiting [www.acte.be](http://www.acte.be).

Audiovisual Anti-Piracy Alliance (AAPA). The Audiovisual Anti-Piracy Alliance (AAPA- [www.aapa.eu](http://www.aapa.eu)) represents rights holders and companies involved in the provision of protected audiovisual services, security technology for such services, and the manufacturing of products which facilitate the delivery of such services. AAPA's mission is to enable the fight against piracy where this involves the circumvention of technological protection measures resulting in the unauthorised use of protected audiovisual content, by co-ordinating intelligence and action supported by effective legislation and its implementation.

Audiovisual Anti-Piracy Alliance. AAPA represents companies involved in the provision of protected audiovisual services, security technology for such services, and the manufacturing of products which facilitate the delivery of such services. AAPA's mission is to enable the fight against piracy where this involves the development, promotion, distribution, application or use of technologies resulting in the unauthorised use of protected audiovisual content, by co-ordinating intelligence and action supported by effective legislation and its implementation.

Av-tuottajien tekijänoikeusyhdistys Tuotos ry - Collective Society for Audiovisual Producers in Finland (Tuotos). A collective society for audiovisual producers in Finland, founded in 1998 to improve the administration of film producers' copyrights.

BREIN. The Dutch BREIN foundation represents authors, performing artists, publishers, producers and distributors of music, films, series, book, images and games, providing collective enforcement against structural infringement of copyright and neighbouring rights.

Central Union for Child Welfare. Central Union for Child Welfare, founded in 1937, is a central organisation that works as an active and uniting force in matters relating to children's rights on a national and European level. The CUCW aims for a situation where children's needs are a priority in decision-making and children's rights are implemented in full. The mission of the CUCW is to develop child welfare and to promote cooperation between non-governmental organisations, municipalities and state authorities. The CUCW has 93 organisational members and 38 municipal members.

CEPI. The European Coordination of Independent Producers (CEPI) was founded in 1990 to organise and represent the interests of independent cinema and television producers in Europe. Today the Coordination represents approximately 8000 independent production companies in Europe. Our members create a wide range of diverse film and television content, from standalone documentaries and special event programming to game shows, animation, light entertainment and high-cost drama series. They provide some of the most creative, innovative, popular and challenging film and television content in Europe today. Together, our members supply over 16000 hours of new programming each year to broadcasters in Europe.

CEPIC. As the Center of the Picture Industry, CEPIC federates 600 picture agencies and photo libraries in 20 countries across Europe, both within and outside the European Union. It has affiliates in North America and Asia. CEPIC's membership includes large and smaller stock photo libraries, major photo news agencies, art galleries and museums, video companies. CEPIC has among its members the big global players such as Getty, Shutterstock or Reuters. Through this membership, CEPIC represents more than 250.000 authors in direct licensing. The annual CEPIC Congress extends CEPIC's network

on all five continents. It is the largest global gathering of the international photo community representing 90% of the market worldwide.

Children's Charities' Coalition on Internet Safety. CHIS promotes safe and equal access to the internet and associated digital technologies for all children and young people. **Its** members are: Action for Children, BAAF, Barnardo's, Children England, Children's Society, ECPAT UK, Kidscape, NCB, NSPCC, and Stop It Now! CHIS tends to work at a strategic level pressing for improvements in public policy. Typically CHIS interfaces with the internet industry, Government, Parliamentarians, the media, law enforcement and the wide range of stakeholders engaged in the work of child protection.

Christian Music Trade Association. The Christian Music Trade Association is a non-profit organization that exists to build community and cooperation among Christian & Gospel music industry leadership in order to address mutual issues and to maximize Christian/Gospel music's impact on culture. The CMTA supports and promotes all styles of gospel music including pop, black gospel, hip hop, rock, country, southern gospel and more.

Church Music Publishers' Association. The Church Music Publishers Association is an organization of publishers of Christian music which has a strong spiritual dimension who come together to share mutual areas of concern regarding copyright information, education, administration, and protection, facilitating public and industry awareness in these areas, and to develop continuing personal and professional relationships.

Copyright Alliance. The Copyright Alliance represents the interests of authors, photographers, performers, artists, software developers, musicians, journalists, directors, songwriters, game designers and many other individual creators. The Copyright Alliance also represents the interests of book publishers, motion picture studios, software companies, music publishers, sound recording companies, sports leagues, broadcasters, guilds, unions, newspaper and magazine publishers, and many more organizations. The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright, and to protecting the rights of creators and innovators.

Danish Rights Alliance (RettghedsAlliancen). The Danish Rights Alliance is an interest organization working to enforce infringements of our members' intellectual property rights online. The members of the Danish Rights Alliance are companies and organizations working within the creative industries including the film, television, music, literature and design industries. We represent more than 100,000 creative.

DCP Digital Content Protection SRL. DCP was born from twenty years of experience of FPM in the field of intellectual and industrial property rights. Divided into three main divisions: Tech, Lab and Track, DcP offers highly technical, professional services for the protection of copyright, brand rights, and individual rights.

Elokuvatuottajat ry - Finnish Film Producers. Finnish Film Producers (Elokuvatuottajat ry) is a trade association representing the interests of Finnish film producers.

Esittävien taiteilijoiden ja äänitteiden tuottajien tekijänoikeusyhdistys Gramex ry Copyright Society of Performing Artists and Phonogram Producers in Finland (Gramex). Gramex is a copyright society which promotes and administers the rights, prescribed in the Copyright Act, of performing artists whose performances have been recorded on phonograms and of producers of phonograms.

FAMA. As the official statutory body, Film and Music Austria (FAMA) represents the interests of all business members of the trade association in the areas of film and music.

Federation of European Publishers. The Federation of European Publishers (FEP) represents 27 national associations of book publishers of the European Union and of the European Economic Area. FEP is the voice of the great majority of publishers in Europe.

FPM Federazione Contro La Pirateria Musicale e Multimediale. FPM is responsible for monitoring the market by identifying cases of piracy, reporting them to law enforcement agencies and the Magistrates, collaborating on a technical level throughout the national territory and giving adequate visibility to anti-piracy operations. To these activities, FPM associates a series of communication initiatives aimed at the distribution channel and the consumer to inform about the risks and dangers of the illegal product.

Gospel Music Association. The mission of the Gospel Music Association is to foster interest among the general public in gospel and Christian music, to build community cooperation among industry leadership in order to address mutual business issues to maximize sales of Christian music and to promote public awareness of Christian music in our culture.

ICMP. ICMP is the world trade association representing the interests of the music publishing community internationally. The constituent members of ICMP are music publishers' associations from Europe, Middle East, North and South America, Africa and Asia-Pacific. Included are the leading multinational and international companies as well as regional and national music publishers, mainly SMEs, throughout the world.

IFPI. IFPI is the voice of the recording industry worldwide. IFPI represents the interests of 1,300 record companies and has affiliated industry associations in 59 countries. IFPI has over eighty years of experience in assisting governments worldwide in ensuring that their copyright laws and accompanying enforcement laws and procedures are fit for purpose in supporting investment in artists and music production and the development of thriving creative economies, which are now largely online.

ISFE. The Interactive Software Federation of Europe (ISFE) was established in 1998 to represent the interests of the video game sector towards the EU and international institutions. Initially founded by the national interactive software trade associations in the United Kingdom, France and Germany, ISFE expanded in 2002 to include any company representing the industry within the 27 Member States plus Norway, Iceland, Switzerland and Liechtenstein. Today, ISFE membership comprises 13 major publishers of interactive software and trade associations in 18 countries throughout Europe.

IMPALA. Formed in 2000 by prominent independent labels and national trade associations, IMPALA has over 4,000 members. IMPALA is a non-profit making organisation with a scientific and artistic purpose, dedicated to cultural SMEs, the key to growth and jobs in Europe. IMPALA's mission is to grow the independent music sector, return more value to artists, promote cultural diversity and entrepreneurship, improve political access and modernise perceptions of the music sector.

International AntiCounterfeiting Coalition Inc. The International AntiCounterfeiting Coalition Inc. (IACC) is a Washington, D.C.-based non-profit organization devoted solely to combating product counterfeiting and piracy. Founded in 1979, the IACC represents many of the world's best known brands across all industry sectors.

International Federation of Film Producers' Association (FIAPF). The International Federation of Film Producers' Associations (FIAPF) is a trade organisation dedicated to the defence and promotion of the legal, economic and creative interests of film producers throughout the world. FIAPF's members are

38 national producers' organisations from 31 countries across the globe from Africa, Asia-Pacific, Europe, Middle East, North and Latin America.

International Union of Cinemas. The International Union of Cinemas, is the European grouping of cinema trade associations and key operators, covering 37 territories across the region. We promote the cultural, social and economic benefits of a vibrant cinema-going culture in Europe and provide a strong and influential voice for European cinema operators on issues of shared interest.

International Video Federation. The members of the International Video Federation are associations representing businesses active in all segments of the film and audiovisual sector in Europe. Their activities include the development, production, and distribution of films and audiovisual content as well as publication of such content on digital media and in online channels.

Izba Wydawców Prasy (Polish Chamber of Press Publishers). The Chamber of Press Publishers as an organisation of economic self-government represents the interests of publishers, provides expertise on press and copyright regulations crucial for the industry and supports publishers in their activities. IWP brings together over 120 publishers of national and regional newspapers and magazines.

Kirjallisuuden tekijänoikeusjärjestö Sanasto ry - Society of Literary Copyright Holders (Sanasto). Sanasto is a Finnish literary copyright society founded in 2005. Our aim is to make it possible for authors to live off their work and to provide users of literary works licences with which the use of literature is simple and easy.

LegitScript. We help companies of all sizes keep their services legal and safe for consumers. We share our expertise about high-risk online activity to empower businesses, governments, and consumers to make changes that will result in a secure, more transparent internet. To do this, LegitScript has created the world's leading team of experts in highly-regulated and complex sectors, including pharmaceuticals, supplements, telemedicine, gambling, and transaction laundering. We help the world's leading search engines, payment providers, and e-commerce platforms do business with legitimate, legally operating entities in more than 20 countries and 15 languages around the world.

MEDIAPRO. European independent group leader in the production, distribution and rights management of sports, feature films and audiovisual contents. With a presence all over the world, the company is unique covering the whole audiovisual chain: from cinema production to film festivals awards, from live sports broadcasting to sports rights commercialization and from top engineering installations to high tech audiovisual exhibitions.

Motion Picture Association of America. The Motion Picture Association of America, Inc. (MPAA) serves as the voice and advocate of the American motion picture, home video and television industries from its offices in Los Angeles and Washington, D.C. Its members include: Walt Disney Studios Motion Pictures; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal City Studios LLC; and Warner Bros. Entertainment Inc.

MTV Oy. MTV.fi is one of the most popular online media in Finland. It offers interesting and up-to-date news content as well as entertainment, sports and lifestyle programmes.

Orion Oyj. Orion is a globally operating Finnish developer of pharmaceuticals and diagnostic tests – a builder of well-being. Orion develops, manufactures and markets human and veterinary pharmaceuticals, active pharmaceutical ingredients and diagnostic tests. It is continuously developing new drugs and treatment methods. The core therapy areas of Orion's pharmaceutical R&D are



central nervous system (CNS) disorders, oncology and respiratory for which Orion develops inhaled Easyhaler® pulmonary drugs.

Pact. Pact is the trade association representing the commercial interests of UK independent television, film, digital, children's and animation media companies. Pact supports its members with legal and business affairs advice and support, as well as a wide range of services and campaign work.

Premier League. The Premier League organises and markets the top division of English football, with the twenty member clubs at any one time in the league being the shareholders. The competition comprises 380 games in a season and attracts in excess of 360,000 fans each match weekend. Media audiences for the competition are also buoyant both in the UK and internationally, with the Premier League competition being broadcast in more than 190 territories.

RadioMedia ry – RadioMedia. RadioMedia ry is a Finnish umbrella organization for commercial radios. The organization is responsible for lobbying, research and information services and marketing in the commercial radio business. Members are 30 radio companies with a total of 12 nationwide and over 90 regional or local radio licenses. RadioMedia's membership represents almost all Finnish radio license holders.

Recording Industry Association of America. The Recording Industry Association of America (RIAA) is the trade association that supports and promotes the creative and financial vitality of the major music companies. Its members comprise the most vibrant record industry in the world, investing in great artists to help them reach their potential and connect to their fans. In support of this mission, the RIAA works to protect the intellectual property and First Amendment rights of artists and music labels; conduct consumer, industry and technical research; and monitor and review state and federal laws, regulations and policies.

Save the Children Finland. Save the Children is a specialist in foster care and adoption. In addition, we provide municipalities throughout Finland with open and social welfare support family services related to child protection. We also support municipalities and families with diverse expert services in which we have solid professional competence. Our child protection services offer municipalities the opportunity to strengthen and complement their own child protection activities with services that feature versatile content and are provided by experienced specialists.

Säveltäjien Tekijänoikeustoimisto Teosto ry - Finnish Composers' Copyright Society (Teosto). Teosto represents approximately 32,000 domestic and almost three million foreign composers, musicians, composers and music publishers in Finland.

Stowarzyszenie Dziennikarzy i Wydawców REPROPOL (Association of Journalists and Press Publishers „REPROPOL“). The association has been founded by press publishers. It acts upon a license of the Polish Minister of Culture and National Heritage as a collective rights management organisation. Its activities also involve protection of publishers' rights.

Suomen Anti-piratismiyhdistys ry - Finnish Anti-Counterfeiting Group FACG. The Finnish Anti-Counterfeiting Group (FACG) is a Finnish association campaigning against counterfeiting and piracy. FACG was founded in 1998 and joined the Global Anti-Counterfeiting Network (GACG) the same year. The members mainly consist of representatives of the Finnish industry as well as of Finnish attorneys specialized in intellectual property rights.

Suomen elokuvateatteriliitto - SEOL ry - Finnish Cinema Exhibitors' Association SEOL. The Finnish Cinema Exhibitors' Association is the trade association representing the interests of Finnish cinema operators.

Suomen Filmikamari ry - Finnish Chamber of Films. The Finnish Chamber of Films was founded in 1923. It is the central organisation of the associations in the Finnish film field.

Suomen Musiikintekijät ry - The Finnish Society of Composers and Lyricists. The Finnish Society of Composers and Lyricists is an organization for professional composers, lyricists and arrangers in Finland.

Suomen Musiikkikustantajat ry - The Finnish Music Publishers Association. The Finnish Music Publishers Association was founded in 1976 as an umbrella organisation for representing the interests of Finnish music publishers.

Suomen muusikkojen liitto SML ry - The Finnish Musicians' Union (SML). The Musicians' Union is a trade organisation for professional musicians. It has expertise in matters related to contracts, copyrights, social security and other issues that have come up during its 100 years of existence.

TAG. Trustworthy Accountability Group (TAG) is a first-of-its-kind cross-industry accountability program to create transparency in the business relationships and transactions that undergird the digital ad industry, while continuing to enable innovation. A joint marketing-media industry program, TAG was created with a focus on four core areas: eliminating fraudulent digital advertising traffic, combating malware, fighting ad-supported Internet piracy to promote brand integrity, and promoting brand safety through greater transparency. TAG was created by the American Association of Advertising Agencies (4A's), Association of National Advertisers (ANA), and Interactive Advertising Bureau (IAB) and works collaboratively with companies throughout the digital ad supply chain.

Tekijänoikeuden tiedotus- ja valvontakeskus ry - Copyright Information and Anti-Piracy Centre. The Copyright Information and Anti-Piracy Centre (CIAPC), situated in Helsinki, was established in 1979 to fight phonogram piracy. Over the years, CIAPC's operation has expanded to cover a wider range of the creative industries. In 2004, it became a registered association.

Tekijänoikeusjärjestö Kopiosto ry - Joint Copyright Organization (Kopiosto). Kopiosto is an umbrella organisation for associations representing performing artists, authors and publishers. It has 45 member organisations from the fields of culture and communications. It is a non-profit association which was established in 1978.

Tous Pour La Musique. Tous Pour La Musique is an association that represents music professionals: authors, composers, performers and musicians, publishers, producers, managers, show entrepreneurs and broadcasters, to promote musical creation in France in all its diversity, and particularly new talent.

Unifab. The Union des Fabricants (Unifab), created in 1872 and declared of public interest in 1877, is the French association of the fight against counterfeiting and the promotion of intellectual property rights. The association currently brings together over 200 companies from all sectors of activity.

VAP. VAP represents the audiovisual industry in Austria in matters of copyright protection and the development of the Digital Single Market.

Visuaalisen alan taiteilijoiden tekijänoikeusyhdistys Kuvasto ry - Visual Arts' Copyright Society Kuvasto. Kuvasto, founded in 1987, is a copyright society for artists working in the field of visual arts. We represent more than 2,300 Finnish visual artists and, through agreements with our international affiliates, around 50,000 artists from other countries.

WIN. WIN (the Worldwide Independent Network) is a representative organization exclusively for the worldwide independent music community. It was founded in July 2006 in response to business, creative and market access issues faced by the independent sector everywhere. For independent music companies and their national trade associations worldwide, WIN is a collective voice and platform. When appropriate it also acts as an advocate, instigator and facilitator for its continually growing membership. WIN is also a focal point for collecting and sharing knowledge about the indie sector at national and international levels.

Yleisradio Oy. Yle is Finland's national public-broadcasting company, founded in 1926.

### ***Additional Signatories as of March 16, 2018***

Abac-Baan. Created in May 1995 by several holders of reputed trademarks which were victims of counterfeiting in Belgium and Luxembourg, Abac-Baan's ambition is to seize as many counterfeit products as possible on the different markets and at the same time stop child labour, fight organized crime and safeguard our economy.

ANEC (Associazione Nazionale Esercenti Cinema). The National Association of Cinema Exhibitors - ANEC is an association to which companies engaged in film activities belong. They are among the primary purposes of the association, founded on January 31, 1947: the representation at national, community and international level of its members in relation to authorities, third parties and other associations of entrepreneurs and workers, for all concerns business issues; the protection of interests and the support of the economic development of the rooms, also through the creation of promotional initiatives; the provision to its members of consulting and assistance services related to the sector of belonging. The ANEC has a national character, being divided into 15 regional and interregional sections covering the entire national territory. ANEC has 2,606 screens associated in all the Regions of Italy, which represent all types of cinematic exercise, from entrepreneurial realities such as multiplexes to the monosals of the small family-run business. More specifically, 2,547 indoor screens belonging to single-screen, multiplex and multiplex cinemas, about 200 summer arenas and a dozen itinerant theaters belong to the association.

ANEM (Associazione Nazionale Esercenti Multiplex). The A.N.E.M (National Multiplex Exhibitors Association) is born in June 1999 to respond to a specific need for protection and development of the multiplex sector in Italy. The Association was founded by Carlo Bernaschi (exhibitor in Lazio, one of the first that opened multiplexes in Campania, Abruzzo, Liguria and Lazio) who is the current President. He took part to numerous initiatives to support theaters and multiplexes. Among its members there are the two main groups The Space Cinema and UCI Cinemas which are also joined by: Movieplex Avellino, Movieplex L'Aquila, Cinemars Andria, Stardust Village Rome, Starplex, Multiplex 2000 Macerata, Multiplex Super 8 of Fermo, Cinemacity of Ravenna, Cinelandia and the Stella Film group of Lucisano Media Group. The ANEM associates represent about 50% of the turnover for the Italian exhibitors for a number of screens equal to 31%.

ANICA (Associazione Nazionale Industrie Cinematografiche Audiovisive e Multimediali). Founded in 1944, ANICA (National Association of Film and Audiovisual Industry) is the association which represents Italian film and audiovisual multimedia industries when dealing with political and union institutions; while also establishing relations with all the key players in the promotion of films and communication products in Italy and abroad. ANICA is member of Confindustria (the Italian Industry Confederation), actively representing the film industry.

APT (Associazione Produttori Televisivi). Founded in 1994, the Association of Television Producers (APT) is the trade association representing Italian independent television producers, operating on fiction, entertainment, cartoon and documentary, with regard to Institutions and broadcasters, and promoting them through legal and business affairs advice and the stipulation of union agreements for their industrial growth and interests. APT is a member of Confindustria (Italian Industry Confederation) and CEPI (European Coordination of Independent Producers in Brussels) fulfilling its Vice Presidency. It represents ISAN (International Standard Audiovisual Number) in Italy. The Association is constantly committed to boosting the International exposure of the sector by encouraging the participation to major international fairs and events, such as MIPTV and MIPCOM in Cannes. In close partnership with ICE (Italian Foreign Trade Institute), APT also coordinates the Italian participation to the European Film Market, the HotDocs, the L.A. Screenings, the American Film Market and the C21 events, co-organizing several international meetings focused on coproduction. APT is also the creator of the RomaFictionFest in 2007 and the International Doc&Factual Agora in 2014. In 2015, it launched MIA - International Audiovisual Market of Rome, in partnership with ANICA (Association of Film Producers and Distributors).

Child Focus. Child Focus is the Belgian Safer Internet Centre. Seven days a week and 24 hours a day, the organization makes every effort to find missing children and prevent their sexual exploitation, offline and online.

Defense for the Children – The Netherlands. Defense for Children is an international organization that stands up for the rights of children. Defense for Children promotes children's rights in the Netherlands and abroad on the basis of the UN Convention on the Rights of the Child.

ECPAT Austria. ECPAT Austria was founded in November 2003 as a specialized agency against any form of commercial sexual exploitation of children. The working group is a nationwide platform of twelve non-governmental organizations working in the field of children's rights and development cooperation.

ECPAT France. Consistent with ECPAT International's vision, the vision of ECPAT France seeks to ensure that children everywhere enjoy their fundamental rights free and secure from all forms of commercial sexual exploitation.

Empowering Children Foundation (Fundacja Dajemy Dzieciom Się). Empowering Children Foundations strives to ensure that all children have a safe childhood and are treated with respect for their dignity. We protect children against abuse and help those who have experienced violence to know their rights, believe in themselves and enjoy life.

EOKM. EOKM is an independent foundation that works for the safety of all children. Our mission: *Preventing and combating (online) sexual child abuse and sexual exploitation of children*. The EOKM originated from the Meldpunt Kinderporno (Internet Trafficking Center) on the Internet,

which was established in 1995. The agency is affiliated with INHOPE , the international network of internet hotlines (hotlines) throughout the world.

EU Kids Online. EU Kids Online is a multinational research network. It seeks to enhance knowledge of European children's online opportunities, risks and safety. It uses multiple methods to map children's and parents' experience of the internet, in dialogue with national and European policy stakeholders.

FAPAV (Federazione per la Tutela dei Contenuti Audiovisivi e Multimediali). FAPAV was founded in 1988 as a no-profit association for the protection of Intellectual Property, copyright and related rights and to contrast all the forms of illegal copying of movies and audiovisual contents in order to protect its own members and the entire audiovisual sector. FAPAV's permanent members are: ANEC, ANEM, ANICA, MPA and UNIVIDEO. Some of the most important Italian companies of TV production and distribution of audiovisual and cinematographic works are FAPAV's members.

Federación para la Protección de la Propiedad Intelectual (FAP). The Federation for the Protection of Intellectual Property (FAP) is a private non-profit organization created in 1984 with the mission of publicly raising awareness among authorities and society about the serious consequences of infringements against intellectual property, promoting appropriate legislation for the protection of audiovisual works, favoring the application of said laws and seeking forms of collaboration with the other agents involved. With the incorporation of AEVI in 1998, FAP extends its activity to the videogame sector.

MOIGE. MOIGE - Movimento Italiano Genitori - was founded 20 years ago thanks to a group of parents. Today it is present in 35 Italian provinces involving more than 80,000 parents. Not affiliated with any specific religion or political party, Moige performs actions in several aspects of life (social, economic, cultural and environmental) to promote and protect parents and children rights.

NABP. The National Association of Boards of Pharmacy (NABP; [www.NABP.pharmacy](http://www.NABP.pharmacy)) is a 501(c)(3) nonprofit association that protects public health by assisting its member boards of pharmacy and offers programs that promote safe pharmacy practices for the benefit of consumers. Founded in 1904, the National Association of Boards of Pharmacy (NABP) aims to ensure the public's health and safety through its pharmacist license transfer and pharmacist competence assessment programs, as well as through its VIPPS, VAWD, and DMEPOS accreditation programs. NABP's member boards of pharmacy are grouped into eight districts that include all 50 United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, Australia, Bahamas, and 10 Canadian provinces.

Union Videografica Española (UVE). UVE is the Spanish video distributors association, representing 90% of the film home entertainment market, including digital rights: EST and VOD.

UNIVIDEO (Unione Italiana Editoria Audiovisiva Media Digitali Online). UNIVIDEO is the Italian trade association representing the Audiovisual Publishers on digital media (DVD, Blu-ray etc.) and online (VOD platforms). Currently there are 34 and represent about 95% of the entire audiovisual sector in Italy; a market of 368,000,000 euros in terms of spending on Italian households in home entertainment.

