

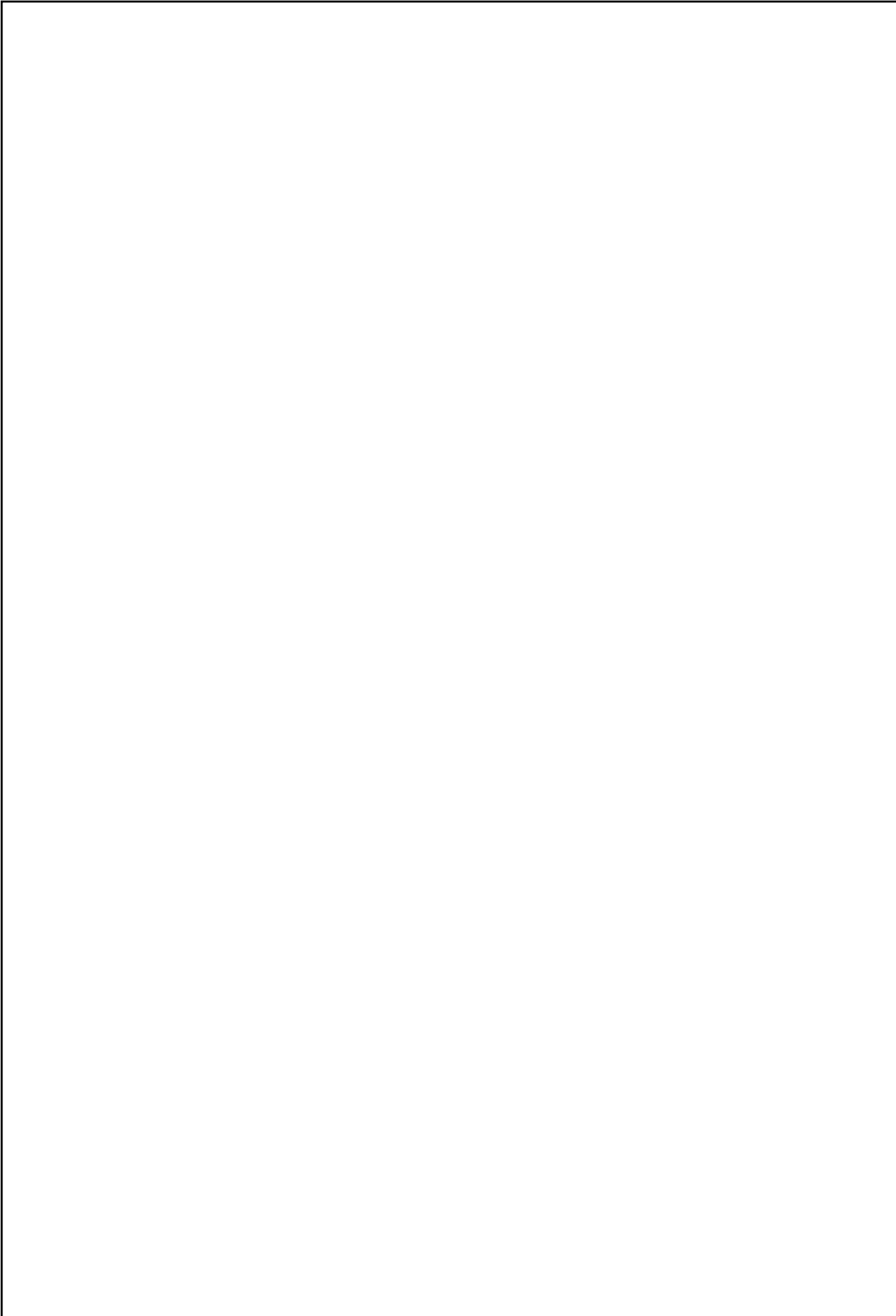
**Prepared Statement of
the Federal Trade Commission on**

French, Spanish and German.(11) Complaints from econsumer.gov can help us identify trends and fraudsters on an international level. The FTC has also signed consumer protection cooperation agreements with Canada, the U.K. and Australia, which has enhanced our cooperation with these countries.(12)

Surf Days: The Commission also coordinates law enforcement Surf Days to help identify international fraudsters. During a typical surf day, law enforcers at the federal, state, local and international levels "surf" the Internet for a specific type of claim or solicitation that is likely to violate the law. When a suspect site is identified, the page is downloaded and saved as potential evidence. Frequently, the operator of the site is sent a warning that explains the law and provides a link to educational information. Often, investigators obtain the e-mail or postal address from Whois information in order to send such warnings. A law enforcement team later revisits the previously warned sites to determine whether they have remedied their questionable claims or solicitations. Sites that continue to make unlawful claims are targeted for possible law enforcement action. Surf days achieve visible results: to date, more than 250 law enforcement agencies and consumer organizations around the world have joined the FTC in approximately 33 surf days; collectively, they have identified more than 6,000 Internet sites making dubious claims. In each of these efforts, a significant percentage of the Web site operators who received a warning came into compliance with the law, either by taking down their sites or by modifying their claims or solicitations.

our investigations against Internet companies, one of the first tools FTC investigators use to identify wrongdoers is the Whois database. We cannot easily sue fraudsters if we cannot find them. We cannot even determine which agency can best pursue them if we are unable to figure out the country in which they are located.

The pace of Internet fraud makes it necessary to obtain rapidly the basic identifying information



Agreement.(26)

enforcement authorities simply by registering under the .name TLD or by claiming registration for non-commercial purposes. It is also important in this context to consider both the question of what disclosure to the public is warranted and the question of what disclosure to law enforcement is warranted. We are continuing to work through international organizations, businesses and consumer groups to develop workable solutions that balance the privacy interests with the interests in transparency of Whois data.⁽⁴⁴⁾

VI. Conclusion

In short, our Internet fraud enforcement efforts require quick identification of problems, quick identification of perpetrators, and the ability to gather information about international entities and organizations. Accurate Whois data is essential to these efforts, and inaccurate data can significantly frustrate them. We look forward to continuing to work with this Subcommittee and all international stakeholders.

On the Mutual Enforcement Assistance in Consumer Protection Matters (July 20, 1999), www.ftc.gov/opa/2000/07/usaccc.htm;
Memorandum Of Understanding On Mutual Enforcement Assistance In Consumer Protection Matters Between The Federal Trade
Commission Of The United States of America And Her Majesty's Secretary of State for Trade And Industry And The Director

ability of a registrant who has had a domain name terminated to register new domain names.

33. See www.icann.org/cctlds for more information about ccTLDs.

34. See www.nic.uk.

35. See www.domainregistry.ie.

36. See www.cnnic.net.cn. U.S. law enforcement efforts against websites with country-code TLDs is made more difficult by the fact that it is extremely difficult, and in some cases impossible, to force a subpoena against a foreign registrar requesting additional information about a registrant.

37. See .jp ccTLD Sponsorship Agreement (April 1, 2002), at § 4.5.1, www.icann.org/cctlds/jp; see .au ccTLD Sponsorship Agreement (October 25, 2001), at § 4.5.1, www.icann.org/cctlds/au/sponsorship-agmt-25oct01.htm