# Policies

## Affirmation of Commitments and the WHOIS Policy Review

# In 2009, ICANN and the US Department of Commerce signed the [Affirmation of Commitments](http://www.icann.org/en/documents/affirmation-of-commitments-30sep09-en.htm) (AoC), which contains the following obligation regarding WHOIS:

# “9.3.1 ICANN additionally commits to enforcing its existing policy relating to WHOIS, subject to applicable laws. Such existing policy requires that ICANN implement measures to maintain timely, unrestricted and public access to accurate and complete WHOIS information, including registrant, technical, billing, and administrative contact information.”

# ICANN also agreed to form a global Review Team to assess specific WHOIS issues every three years:

# “… ICANN will organize a review of WHOIS policy and its implementation to assess the extent to which WHOIS policy is effective and its implementation meets the legitimate needs of law enforcement and promotes consumer trust.”

After the first review of the WHOIS policy, ICANN launched a comprehensive effort to improve the effectiveness of the WHOIS policy and its implementation, in line with the [WHOIS Review Team’s Final Report](http://www.icann.org/en/about/aoc-review/whois/final-report-11may12-en.pdf). In its acceptance of this Report, the [ICANN Board recognized](http://www.icann.org/en/groups/board/documents/resolutions-08nov12-en.htm) that the policy and management of WHOIS is a strategic priority for ICANN. ICANN also committed to fully enforce existing consensus policy and contractual conditions relating to the collection, access and accuracy gTLD WHOIS data, and increase efforts to communicate, conduct outreach on, and ensure compliance with existing policy and conditions relating to WHOIS, as detailed in an [Action Plan](http://www.icann.org/en/about/aoc-review/whois/implementation-action-05sep13-en.pdf).

ICANN is in the midst of implementing the [Action Plan](http://www.icann.org/en/about/aoc-review/whois/implementation-action-05sep13-en.pdf), and provides periodic reports to the community regarding its progress. The Implementation Status Report <link to Aug 30 Report> contains the latest information on this key initiative for ICANN.

**Location of the WHOIS Policy**

Current WHOIS policy is derived from a series of commitments under ICANN’s agreements with its registries and registrars, as supplemented by “consensus policies” adopted by ICANN in response to recommendations from the Generic Names Supporting Organization (GNSO). As a result, there is no one document that describes the entire WHOIS policy, although the excerpts of the relevant policy and contractual terms are available [here](http://www.icann.org/en/resources/registrars/whois-policies-provisions). A summary of the WHOIS policy requirements is currently under development to facilitate understanding of this complex policy.

ICANN's agreements with accredited registrars and with gTLD registry operators require compliance with various specifically stated procedures and also with "consensus policies" that are adopted from time to time. Since ICANN's creation, the Generic Names Supporting Organization (GNSO) has recommended three WHOIS consensus policies aimed at improving the accuracy of WHOIS data and combating its abuse.

## Current consensus policies regarding WHOIS are:

## 1. An annual WHOIS Data Reminder Policy designed to improve Whois accuracy (effective October 31, 2003)

## 2. A Restored Names Accuracy Policy that applies when names have been deleted on the basis of submission of false contact data or non-response to registrar inquires (effective November 12, 2004)

## 3. A WHOIS Marketing Restriction Policy prohibiting bulk access to Whois information for marketing purposes (effective November 12, 2004), and also

## 4. prohibiting resale or redistribution of bulk WHOIS data by data users (effective November 12, 2004).

## 5. Procedure for “Handling WHOIS conflicts with Privacy Law” (effective January 2008) which details how ICANN will respond to a situation where a registrar or registry indicates it is legally prevented by local/national privacy laws or regulations from complying with the provisions of its ICANN contract regarding the collection, display and distribution of personal data via WHOIS.

## Contractual Obligations

Registry and Registrar Agreements are the infrastructural tools to start the contracting process with ICANN. Within those agreements are contractual obligations related to WHOIS. Follow these links for a detailed list of Registry Agreements and Registrar Agreements.

The WHOIS Policy for ICANNs current Registries is largely set out in their contracts with ICANN. Currently, each Registry negotiates its own contracts with ICANN, and ICANN sets out requirements for the WHOIS service and WHOIS data. Generally, the “WHOIS Specification” can be found in the appendices of the Registry Agreements, all posted individually on the ICANN website.

In contrast, contracts for ICANNs 900 Registrars are not individually negotiated. Currently, they are signed onto one of three contracts: the 2001 Registrar Accreditation Agreement (RAA), the 2009 RAA or the 2013 RAA. Each of these contracts contain numerous provisions regarding WHOIS service and data, and set out requirements for the access and accuracy of WHOIS data. Follow these links for the 2001 RAA:

<http://www.icann.org/en/registrars/ra-agreement-17may01.htm> , the 2009 RAA: [www.icann.org/en/registrars/ra-agreement-21may09-en.htm](http://www.icann.org/en/registrars/ra-agreement-21may09-en.htm) and the 2013 RAA: . <http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm>.

The WHOIS provisions of the 2001 RAA and 2009 RAA are very close in their language, intent and goals. The 2013 RAA, which is now required for registrars wishing to renew their RAA or sell new gTLDs, represents a dramatic expansion of obligations related to WHOIS, in an effort to improve the accuracy and overall effectiveness of ICANN’s WHOIS system. The 2013 RAA introduces obligations related to the validation and verification of certain WHOIS data elements, as well as obligations applicable to privacy and proxy services offered by the registrars and their affiliates. Some of these new WHOIS obligations will be in effect beginning January, 2014.

## Registrar Advisories

From time to time, ICANN publishes advisories to clarify existing contractual terms or consensus policies, some of which address the WHOIS policy. Follow this link to see the current list of Registrar advisories. [Link to page]

## ICANN Procedure For Handling WHOIS Conflicts with Privacy Law

This procedure details how ICANN will respond to a situation where a registrar/registry indicates that it is legally prevented by local/national privacy laws or regulations from complying with the provisions of its ICANN contract regarding the collection, display and distribution of personal data via WHOIS. [Read more](http://whois.webchef2.com/en/icann-procedure-handling-whois-conflicts-privacy-law)

### ICANN Procedure For Handling WHOIS Conflicts with Privacy Law

## WHOIS Data Reminder Policy (WDRP) - 2003

At least once a year, registrars must email all registrants and remind them to review and update their WHOIS data; for example, in case of a new cell phone number or changed business address.

[Read more](http://whois.webchef2.com/en/whois-data-reminder-policy-wdrp)

### WHOIS Data Reminder Policy (WDRP) - 2003

## The Restored Name Accuracy Policy (RNAP) - 2004

If a domain name is deleted because it contained incorrect contact data, or there was no response to requests for information, the name must remain on hold until the registrant provides updated and accurate WHOIS data. [Read more](http://whois.webchef2.com/en/whois-data-reminder-policy-wdrp)

### The Restored Name Accuracy Policy (RNAP) - 2004

## WHOIS Marketing Restriction Policy (WMRP) - 2004

This policy creates two changes to the Registrar Accreditation Agreement to try to bar use of the WHOIS data for marketing and re-use. Registrars must require third parties to “to agree not to use the WHOIS data to allow, enable, or otherwise support any marketing activities,” and “not to sell or redistribute the WHOIS data” (with some exceptions). [Read more](http://whois.webchef2.com/en/whois-data-reminder-policy-wdrp)

### WHOIS Marketing Restriction Policy (WMRP) - 2004