**Summary of ATRT2 Assessment of the Implementation of WHOIS Review Team Recommendations**

**Board Adoption of RT Recommendations**

Although a detailed review of the wording of the Board action indicates that they did indeed approve implementation of the bulk of the WHOIS RT recommendations, it is very easy to understand why that was not the impression left on many community members. The wording of the Board motion specifically identified three areas to be addressed (communications, outreach and compliance) but did not explicitly approve the recommendations that fell outside of those areas, and the details of the proposed implementation were embedded in a staff briefing paper. Moreover, the creation of the EWG based on the recommendation of the SSAC, which used terminology such as do the [EWG] work before anything else, and doing this as the first action of the Board before addressing the RT report reinforced this prioritization.

**ATRT Review Timing**

The ATRT2 notes that the review of the WHOIS implementation recommendations is taking place between 6 and 12 months after Board action on the WHOIS report, so it is not unexpected that the work is ongoing and in a few cases just starting.

**Implementability**

To a large extent, the RT recommendations have proven to be implementable. In several cases, the initial staff position was that they either could not readily be implemented, or the problem would need to be addressed using different methodology. However, as work is progressing, it appears that most of the recommendations are being followed reasonably closely, indicating that they were for the most part implementable.

**Progress**

As few aspects of the implementation have been completed, it is not possible to judge the final outcome. It is clear that the time-frame for implementation has far exceeded that proposed by the RT. This can be attributed to a number of different reasons (not in order of relevance):

* The time-frame proposed by the RT was not reasonable given the complexity of the issue and the requirement to put plans and in some cases community working groups in place.
* The timing of the Board action coinciding with the culmination of the Registrar Accreditation Agreement negotiation and implementation put heavy pressures on the small group overseeing both closely related activities.
* Some of the activities were focused on areas of ICANN which were experiencing heavy staff turnover and it took time for the new staff to be able to address the issues.
* Not all parts of the implementation were completely under the control of ICANN staff, and in particular have required GNSO action, which itself has experienced heavy workload in 2013.

Allowing for these delays, there is progress being made. Much of it has not been visible to the community, but in a number of critical cases, work has now progressed to the stage where this progress will soon be visible to the community.

There are three areas which are worthy of particular note.

1. The overall plan for approaching the WHOIS recommendations (Recommendation 15) has not been presented in a clear and understandable way so that the community could track implementation. That is not to say that there is not much information available, but it was not sufficiently well organized and clear as to be useful. In fact, for this reason, the ATRT2 had great difficulty in carrying out this assessment.
2. Although a wider problem than just WHOIS, there is still a lack of faith in the community that Contractual Compliance is being sufficiently well addressed as to meet ICANN’s needs. With regard to WHOIS accuracy, partly because the tools to address it are still in the process of being developed, there is a particular lack of information. The new provisions in the RAA do create some hope.
3. Progress on the handling of WHOIS information for internationalized domain name registrations (that is, for those registration where the information collected is in non-ASCII representations) is problematic. Work has been slow to start, and is not expected to complete for close to two years. That leaves registrars and registries with the requirement to populate WHOIS records, which exist purely in 7-bit ASCII, with no guidelines or rules as to how to do this.

**Conclusion**

Implementation of the WHOIS RT Recommendations is progressing and the expectation is that ultimately most will be reasonably carried out. The Recommendations call for annual reports on implementation and the deadline for the first such report coincides with the publication of this ATRT2 draft report. Hopefully when this annual report is available, the overall implementation plan and its status will be clearly presented so that the community in general can directly assess the progress.