Requirements on the document: “WHOIS Study Group Report to the GNSO Council”

WHOIS - WS

[WS-D1-R1]

A need to advance the policymaking process, and contribute something to the creation of a consensus on the fundamental issue of protection of personal privacy.

[WS-D1-R2]

Need to have universal acceptance of the fundamental principle that personal privacy is a value to be protected by ICANN policy.

[WS-D1-R3]

Must have this primary barrier to resolving WHOIS/privacy issues being not lack of data, but lack of political will.

[WS-D1-R4]

Must satisfy the status quo of full published access to registrants' identifying information, that their status quo is threatened by proxy registrations.

[WS-D1-R5]

Must have a comprehensive, objective and quantifiable understanding of key factual issues regarding the gTLD Whois system will benefit future GNSO policy development efforts.

[WS-D1-R6]

A comprehensive, objective and quantifiable understanding of key factual issues regarding WHOIS will benefit future GNSO policy development efforts.

[WS-D1-R7]

Data that is compiled on who uses WHOIS data and for what purposes, and the types and extent of misuses and the harm, including economic harm, caused by different types of misuse of personal data (spam, identity theft, other data losses).

[WS-D1-R8]

The demand for studies appears to be fuelled by a realization, on the part of those previously satisfied with the status quo of full published access to registrants' identifying information, that their status quo is threatened by proxy registrations. Indeed, at this time, there is not even consensus on the status quo.

[WS-D1-R9]

A comprehensive, objective and quantifiable understanding of key factual issues regarding the gTLD Whois system will benefit future GNSO policy development efforts.

[WS-D1-R10]

A need for key factual issues and likeliest to contribute to a comprehensive, objective and quantifiable understanding of those issues in order to benefit future GNSO policy development.

[WS-D1-R11]

The following study categories were identified among the top 3 priorities by at least 3 members of the group who provided priority rankings:

Category 4: Demand and motivation for privacy services (5 mentions)

Category 3: Availability of privacy services (4 mentions)

Category 1: Misuse of Whois (3 mentions)

In addition, the following categories were named among the top 3 priorities by 2 of those who identified priorities:

Category 5: Impact of Whois policy on crime and abuse (2 mentions)

Category 6: Proxy registrar compliance (2 mentions)

[WS-D1-R12]

Category 2 (data protection laws and RAA compliance) attracted no priority support and in any case appears directed to legal analysis rather than “key factual issues.”

[WS-D1-R13]

Category 7 (WHOIS accuracy) was ranked high by two participants, but one is reviewing this ranking in light of the pendency of a study on this topic by ICANN’s contract compliance staff, while the other has urged that we review the results of the contract compliance study before specifically calling for another one, while noting that the results of that study need to be taken in context

[WS-D1-R14]

Addressing privacy services that have developed in the marketplace and that may provide an important part of any revised ICANN gTLD Whois policy. Knowing more facts about the availability, take-up and operation of these services could significantly aid the policy development process.

[WS-D1-R15]

Category 6 studies would be a logical next step to the studies in categories 3 and 4. Category 6 studies would determine the extent to which proxy service operators are revealing registrant information when presented with evidence of actionable harm, as required by the current Registrar Accreditation Agreement