

Comment of Comcast/NBCUniversal on the Expert Working Group on Next Generation gTLD Directory Services' Initial Report

Comcast/NBCUniversal appreciates the opportunity to comment on the Expert Working Group's report on Next Generation Directory Services. As a leading content and Internet provider, as well as a new gTLD applicant, Comcast/NBCUniversal views the long-overdue improvement of the WHOIS/directory infrastructure as a top priority for ICANN and the global Internet community. We greatly appreciate the hard work already performed by the EWG, and look forward to participating in the ongoing process to refine the recommendations of the group and make them actionable.

In general, Comcast/NBCUniversal believes the EWG's vision of a next-generation directory model defined by "purpose-driven data disclosure" could offer an effective path forward toward meaningful reform of the WHOIS. The approach carries the potential of addressing the two competing challenges of WHOIS reform: improving data accuracy and maintaining data privacy. Under the current model, many users attempt to achieve data privacy by deliberately compromising data accuracy, which greatly diminishes the usefulness of the WHOIS. To the extent that the goal of the EWG model is to provide greater data privacy by authenticating requesters and limiting the use of more sensitive data sets to specific purposes; while at the same time mandating greater data accuracy through stricter rules and more aggressive enforcement, Comcast/NBCUniversal is eager to pursue this approach.

However, our key point of concern in the EWG draft is that it focuses primarily on the access issues surrounding directory services (data privacy), and very little on rules and enforcement for registrant data (data accuracy). It is our view that these issues must be addressed simultaneously, in order to reach a satisfactory outcome of the EWG review process.

It must be noted that, even prior to recent improvements to the Registrar Accreditation Agreements (RAA), domain name registrants have always been theoretically required to provide accurate contact data when registering a new address. While the RAA establishes better guidelines for collecting and verifying registrant data, the success of those guidelines will hinge on enforcement.

The work produced by the EWG is only a true compromise if it links new access requirements to real, deliverable improvements on data accuracy. If the access approach envisioned by the EWG is put in place absent real improvements to data accuracy and enforcement, the outcome of implementing those changes would be the worst of both worlds – creating increased hurdles for accessing the same unreliable data that is currently available.

Companies that rely on the WHOIS to defend against abuse will be more willing to agree to new hurdles to obtaining that critical data if they are provided assurances that new protections will be linked to enhanced standards of data accuracy. But

building a new access regime with the expectation that data accuracy will follow naturally, or will be addressed at some later date, would not be acceptable.

Even in its current, unreliable form, WHOIS is an important tool for Comcast/NBCUniversal in identifying and mitigating abuse. Purpose-driven data disclosure will almost certainly erect new barriers to using that tool, but if those barriers mean that the underlying data set is significantly more reliable, it would still deliver a net gain for anti-abuse efforts.

Our recommendation to the EWG as it continues to develop its Purpose-Driven directory services model, is that it explores mechanisms that link changes in access requirements to meaningful improvements in data reliability. Such an approach could include developing data accuracy and enforcement metrics, and introducing elements of the EWG-proposed model as predetermined benchmarks are met. The EWG would also be within its scope to recommend data accuracy enforcement mechanisms – perhaps based on existing 2013 RAA requirements – to ensure that accuracy metrics are met in a timely fashion.

Support for Historical Data Functionality (WHOWAS)

One area that is not in the report, but which would be greatly impacted by the model proposed by the EWG, is historical WHOIS information. Bad actors routinely hop between registrars to cover their trails, and stymie efforts to mitigate abuse. Historical registration services (often called “WHOWAS”) provide a critical tool for companies and organizations to use in tracking the origins of abuse and following bad actors across multiple registrations.

Under a purpose-driven access regime as outlined by the EWG, current WHOWAS providers may lose access to the data sets necessary to compile and maintain accurate historical records of domain registrations. The inadvertent dismantling of historical WHOIS capability would be a severely negative outcome that we encourage the EWG address and mitigate. To the extent that the proposed model breaks historical data tools, it is possible that new, better historical record keeping capacity should be built into the purpose-driven system.

Comcast/NBCUniversal thanks the working group for the opportunity to comment on this critical issue, and looks forward to continued engagement with the Working Group as it executes its important charter.