

Comment of Comcast/NBCUniversal on the Expert Working Group on Next Generation gTLD Directory Services' November 2013 Status Update Report

Comcast/NBCUniversal appreciates the opportunity to comment on the Expert Working Group's continued progress toward developing recommendations for Next Generation Directory Services. As a leading content and Internet provider, as well as a participant in the new gTLD process, Comcast/NBCUniversal continues to view 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 providing productive guidance to ensure that the final recommendations of the EWG set the stage for meaningful and lasting improvements to gTLD directory services globally.

The EWG has made impressive progress over the past several months. The November 2013 Status Update Report reflects extensive work on several critical areas including data accuracy, privacy, and technological implementation. Many questions remain, but the EWG work product to date reflects an impressive volume of work by the volunteers wrestling with this vitally important issue.

Comcast/NBCUniversal particularly appreciates the EWG's focus on strengthening data accuracy in the proposed Registration Directory Service (RDS). The proposed contact management and validation process shows significant promise for standardizing validation across gTLD registrations, and expanding on the improvements to data accuracy promised by the Registry Agreements and Registrar Accreditation Agreement. We are particularly encouraged by EWG's initial efforts to define processes for identifying and remediating inaccurate registration data. While much will depend on the details of those processes and their eventual implementation, we are encouraged that the EWG has increased its output on the issue of data accuracy.

In our comment on the EWG initial draft, we expressed concern that the work product was disproportionately weighted toward data privacy issues to the exclusion of meaningful improvements on data accuracy. The November Status report makes strides toward establishing a better balance, but continued work on data accuracy remains to ensure that the EWG work product strikes an appropriate effort between these two, equally important goals.

Past efforts to reform Whois have stumbled over the essential challenge of balancing the competing challenges of strengthening privacy for registrants, and meaningfully improving the quality and accuracy of registrant data. While the EWG has done more than any previous group to address those issues, the essential challenge remains a critical obstacle for the EWG, and members of the community engaged in the implementation of final EWG recommendations.

As we said in our first comment, we continue to believe that the EWG should consider proposing mechanisms to establish effective linkages between privacy and

accuracy improvements. A proposed solution that restricts access to data immediately, with a promise of improving data accuracy at some later date will be unacceptable to a large portion of the stakeholder community, as would the reverse.

While there is broad community consensus on the two parallel goals of Whois reform, that consensus hinges on the idea that both goals will be addressed with equal vigor, which presents a significant challenge. Many companies and organizations use Whois on a daily basis to identify sites involved with a wide range of fraud and abuse behaviors. The access restrictions contemplated in the EWG draft will have a real and immediate impact on those activities, requiring institutional users to adapt to new rules and limitations. Even under the best-case scenario – in which the EWG outlines clear and effective processes for legitimate institutional use of RDS data – there will be cost and effort associated with adjusting to new obligations.

Institutions that rely on Whois will be willing to make those adjustments with the knowledge that the underlying data in the RDS will improve dramatically. Ensuring that tradeoff occurs will be the key to ensuring effective implementation of the EWG final recommendations.

Linking accuracy and privacy improvements could be accomplished through staged adoption of RDS programmatic elements, coupled with rigorous measurement of the RDS data. As RDS data reaches pre-established accuracy/validation benchmarks, new access rules could be applied sequentially. Such an approach would also establish clear incentives for stakeholders from all sides of the discussion to stay actively engaged in the Whois improvement process, even after initial implementation.

Continued Need for Historical Data Functionality (WHOWAS)

In our last comment we urged the EWG to consider the potential impact of its recommendations on the availability of historical WHOIS information. We believe this continues to be a significant area of concern. Third party historical registration tools (WHOWAS) are particularly useful in tracking bad actor registrants who cover their trails by hopping from registrar to registrar, changing Whois data as they go.

Under the RDS proposal currently under consideration by the EWG, it is unclear whether historical Whois providers would retain the permissions and access necessary to continue offering comparable services under a new regime. The inadvertent dismantling of historical WHOIS capability would be a severely negative outcome, that we again encourage the EWG address and mitigate.

Comcast/NBCUniversal thanks the working group for its continued hard work in developing solutions for next generation directory services. The EWG has made significant strides toward addressing several of the concerns identified in the initial

report, and we are hopeful that its continued efforts will yield effective solutions to remaining issues. We look forward to following the EWG's continued effort.