IPC Comments on the
GNSO Translation and Transliteration of Contact Information Policy
Development Process (PDP) Recommendations for Board Consideration

The Intellectual Property Constituency (IPC) of the Generic Names Supporting Organization (GNSO) welcomes the opportunity to comment on the GNSO Translation and Transliteration of Contact Information Policy Development Process (PDP) Recommendations for Board Consideration.

Here are our comments on the GNSO Recommendations:

Recommendation #1:
"The Working Group recommends that it is not desirable to make transformation of contact information mandatory. Any parties requiring transformation are free to do so on an ad hoc basis outside Whois or any replacement system, such as the Registration Data Access Protocol (RDAP). If not undertaken voluntarily by registrar/registry (see Recommendation #5), the burden of transformation lies with the requesting party."

As stated in the IPC's provisional contribution to the Working Group's Questionnaire in March 2014, as well as in our January 23, 2015 Comments on the Working Group's Initial Report, the IPC strongly supports mandatory translation and/or transliteration (transformation) of contact information in all generic top-level domains (gTLDs).

Accordingly, we therefore disagree with the WG's majority Recommendation #1, and support the Minority Recommendation #1, as stated on page 19 of the Final Report.

Mandatory transformation of all contact information into a single script would allow for a transparent, accessible and, arguably, more easily searchable database. Although the IPC agrees that there are situations where the contact information in the local language of the registrant is the primary version, such as to identify the registrant in preparation for a *local* legal action, there are a number of situations where a global WHOIS search, providing access to data in as uniform a fashion as possible, is necessary for the data registration service achieve its goals of providing transparency and accountability in the DNS.

An internationally readable WHOIS – that is mandatory, provided by one source, using the same transcript – would benefit a number of purposes of various users, such as:

- Enable individual internet users, including consumers, to confirm that any given web site connected to a specific domain name is held by a real company

and not a fictitious one that masks its identity by using a unique script or language

- Enable brand owners to contact a registrant who is using a domain name that is being investigated for intellectual property infringement – especially when it comes to international disputes

- Facilitate identification of and response to fraudulent use of legitimate data (e.g., address) for domain names belonging to another registrant by using Reverse Query on identity-validated data

- Enable intellectual property owners to conduct historical research about a domain name registration (WhoWas) during IP infringement research

- Enable due diligence searches by various business internet users (such as brand owners and agents)

- Enable one to determine all domain names registered by a specified entity, for example, as a part of a legal search to identify all domain names registered to a recently merged company as part of merger/spinoff asset verification, or an internal search to identify domain names registered by subsidiaries, etc.

The Working Group's arguments against mandatory transformation seems to overlook the obvious need for global and transparent information for the average surfer, and mainly focus on the extra costs related to such system. Here, IPC reiterates our suggested way to solve the problem in a practical manner, without increasing the costs for registrants and/or end users, namely:

To require WHOIS information to be in the language of the registrar, *and* use translation or transliteration if the information is not in Latin characters.

Recommendation #2:
"Whilst noting that a Whois replacement system should be capable of receiving input in the form of non-ASCII script contact information, the Working Group recommends its data fields be stored and displayed in a way that allows for easy identification of what the different data entries represent and what language(s)/script(s) have been used by the registered name holder."

IPC support this Recommendation. Having the data presented in selectable text allows the user to select the text and perform a translation himself or herself, or use the text as a query in search engines, and therefore should be considered essential.

Recommendation #3:
"The Working Group recommends that the language(s) and script(s) supported for registrants to submit their contact information data may be chosen in accordance with gTLD-provider business models".

The IPC supports this recommendation.

Recommendation #4:
"The Working Group recommends that, regardless of the language(s)/script(s) used, it is assured that the data fields are consistent to standards in the Registrar Accreditation Agreement (RAA), relevant L Policy, Additional Whois Information Policy (AWIP) and any other applicable polices. Entered contact information data are validated, in accordance with the aforementioned Policies and Agreements and the language/script used must be easily identifiable".

The IPC supports this recommendation.

Recommendation #5:
"The Working Group recommends that if the transformation of contact information is performed, and if the Whois replacement system is capable of displaying more than one data set per registered name holder entry, these data should be presented as additional fields (in addition to the authoritative local script fields provided by the registrant) and that these fields be marked as transformed and their source(s) indicated".

The IPC supports this recommendation.

Recommendation #6:
"The Working Group recommends that any Whois replacement system, for example RDAP, remains flexible so that contact information in new scripts/languages can be added and expand its linguistic/script capacity for receiving, storing and displaying contact information data".

The IPC supports this recommendation.

Recommendation #7:
"The Working Group recommends that these recommendations are coordinated with other Whois modifications where necessary and are implemented and/or applied as soon as a Whois replacement system that can receive, store and display non-ASCII characters, becomes operational".

The IPC supports this recommendation.

Additional comments regarding the differences between translation and transliteration:

As previously stated, the IPC finds it counterproductive to evaluate the feasibility of data translation and transliteration together, in part because this very combination gives rise to the argument that "automated systems would not be able to know when to translate and when to transliterate."

The differences between translation and transliteration were discussed at length in the Internationalized Registration Data Working Group. The IPC's experience of that

discussion is that in the vast majority of cases, it is transliteration and not translation that is most important in enabling the registration data service (f/k/a Whois data) to fulfill its function of enhancing transparency and accountability in the DNS.

IPC notes that in the Working Group's Final Report the words translation and transliteration are sometimes described together as "transformation," thereby increasing the ambiguity regarding which system the Working Group refers to in each recommendation. IPC recommends that the use of various terms be clarified in any implementation.

Respectfully submitted,

Intellectual Property Constituency (IPC)