

ISPCP Constituency Response

Whois Task Force 2

Survey Questionnaire for all GNSO Constituencies

What follows is the response of the ISPCP Constituency to the Survey Questionnaire from Whois Task Force 2. Rather than attempt to provide out answers in narrative format, we have used the original text of the questionnaire and simply inserted our answers inline with the questions.

This document is available from the ISPCP Constituency as both a Microsoft Word document and a document in Adobe's PDF format. In either case the text of the Task Force Questionnaire is rendered in black and the answers from the constituency are rendered in red.

If you have any questions, please feel free to contact the constituency through its Task Force 2 representative or through me.

Mark McFadden
ISPCP Constituency
mcf@uwm.edu

The GNSO's WHOIS Task Force #2 is chartered with reviewing the current ICANN whois policy regarding the collection, disclosure and transmittal of data.

One of the milestones of this Task Force is to determine whether the data which is collected and disclosed at present should be changed. To be able to arrive at a informed decision we are asking all GNSO Constituencies for guidance on their use of the current data fields.

You can find a short listing of these fields at the end of this document. Please note that this is a complete list; not every registry makes every data item listed available. A more extensive list may be found at:

<http://gns0.icann.org/issues/whois-privacy/whois-elements.pdf>

Specifically, we are requesting your feedback on the following questions:

1. For each existing data field within the Whois, please provide feedback to the task force regarding the following:
 - a) Use - How do members of your constituency make use of the data?
 - A. Generally, Whois data is used to obtain contact information when an ISP is made aware of:
 - i. Trademark, copyright, or patent infringers,

- Access to domain name registrant contact data is critical to combat the promotion of counterfeit products online (thus vicariously exposing the ISP). Sending cease and desist letter would be exponentially more difficult without access to Whois data.
- Under DMCA notice and takedown provisions, a copyright owner must notify an ISP of potentially infringing activity taking place on a site which the ISP hosts or to which it provides connectivity
- The DMCA gives the ISP strong incentive (sharply reduced exposure), if it expeditiously "takes down" or cuts off access to the site in question - - - this "take down" mechanism could not function properly without ready access to Whois information because it allows copyright owners to quickly identify the ISP to whom the DMCA notification should be directed

ii. Cybersquatters and online piracy

iii. Multiple Domains expiring at different times

- However, there is typically an entity whose specific function is to monitor such events.

iv. Fraudulent Sites Hosted by ISPs/ SPAM/ Denial of Service Attacks

- "Fraudsters" cannot be sued if not identified

B. To Support Technical Operations of ISPs or network administrators

C. To effectuate UDRP - only way to proceed is to know the registrant of the Web site.

b) Necessity - Is it necessary that this information be made available to members of your constituency? If so, why?

• YES. Whois data, despite its flaws, is the primary manner in which to contact those firms/people who are engaging in any conduct listed in (a) above.

c) Concerns - Describe any concerns your constituency may have with making this information available.

• There is little concern for ISPs in providing full and accurate information. The ISPCP is sensitive to privacy concerns, however, for smaller businesses, individual web site owners (ex: .name sites), and those with personal or political driven Web sites because of the blanket requirement to supply contact information.

2. If there are fields not presently available within Whois that would be of use to members of your constituency, please suggest what those fields may be. For each suggestion, provide feedback regarding the following:

- a) Use - How would members of your constituency make use of the data?
- b) Necessity - Is it necessary that this information be made available to members of your constituency? If so, why?

- The ISPCP would endorse a "one-stop-shop" Whois, which would enhance searchability by allowing one search to travel across all relevant registry databases on the basis of search criteria in addition to the exact domain name.

- Additionally, it would be useful to have an indicator revealing when a disputed name will be transferred, deleted, or expired. This information will allow the organizations to stay a step ahead of potential cyber pirates.

3. Please comment on any mechanisms that you are aware of to allow anonymous domain registrations, or to limit the amount of contact data made publicly available through Whois?

- Aplus.net domains - has a sister company, domainlistingagent.com, that enters its own contact information rather than owner's into the Whois database
 - Benefit of anonymity will only be revoked if owner violates the usage policy, breaks the law, or uses it to send out SPAM.
- Katz Global Anonymous Domain Trust - similar concept
- Go Daddy - has set up Domains By Proxy Inc.

Please also comment on the conditions under which the registrant's anonymity is lifted when these services are used.

Responses from constituencies are requested no later than February 16, 2003. Although these questions have been distributed to each of the GNSO constituencies, the task force would be glad to receive responses from any individuals or organizations that have a knowledge or interest regarding this matter. Responses that are not made on behalf of a constituency should include an indication of the author's affiliation and interest in Whois privacy. All responses to this questionnaire will be archived and made public, although e-mail addresses will be obfuscated in order to limit spam.

Whois Data Fields:

General Information

- Domain Status
- Domain Name ID
- Domain Name
- Registrar ID*
- Name of Registrar
- Name Server(s)
- Name Server ID*
- Creation Date
- Expiration Date
- Updated Date
- WHOIS Server*

- Referral URL
- Created by*
- Last Updated by*
- Last Transferred Date
- Last Transferred by**

Registrant

- ID
- Name
- Address
- E-Mail address
- Phone number
- Fax number

Technical Contact

- ID
- Name
- Address
- E-Mail address
- Phone number
- Fax number

Administrative Contact

- ID
- Name
- Address
- E-Mail address
- Phone number
- Fax number

Billing Contact

- ID
- Name
- Address
- E-Mail address
- Phone number
- Fax number