

Objective 4: Consumer Trust

1.1 Topic

Subgroup 4 - Consumer Trust was tasked with investigating, analyzing, and drafting recommendations (if needed) to address the following Review objective:

Consistent with ICANN's mission and Bylaws, Section 4.6(e)(ii), the review team will assess the extent to which the implementation of today's WHOIS (the current gTLD RDS) promotes consumer trust in gTLD domain names by

(a) agreeing upon a working definition of "consumer" and "consumer trust" used in this review,

(b) identifying the approach used to determine the extent to which consumer trust needs are met,

(c) identifying high-priority gaps (if any) in meeting those needs, and

(d) recommending specific measurable steps (if any) the team believes are important to fill gaps.

Questions the subgroup attempted to answer when assessing this objective include:

1. Is the term 'trustworthiness' used in past documents the best and only option in determining consumer trust in the gTLD environment as mentioned in the relevant RDS (WHOIS) report(s)?
2. Is the increase in alternative identities (for example FB) an indication that the current use of gTLDs is not sufficiently advocating consumer trust?
3. A key high priority gap in understanding the consumer trust environment is the lack of sufficient data, as mentioned in the various RDS (WHOIS) report(s). Question: Are there new developments that need to be considered?
4. Security and transparency play a major role in defining a trustful Internet environment. Did the current RDS (WHOIS) system achieve this?
5. Are regulations like the European General Data Protection Regulation (GDPR) increasing consumer trust if major information are missing in the publicly available RDS (WHOIS) data?

1.2 Analysis and Findings

After reviewing available documents, the subgroup finds that the only document which specifically explores the relationship between RDS (WHOIS) and "Consumer Trust" is the WHOIS1 Final Report from May 11, 2012. In this document, the topic of Consumer Trust is mentioned in various key context environments. Excerpts are provided below for subgroup analysis. (See Section 6.3.1, below.)

Furthermore, two other documents are referenced in this section because these documents are significant in judging the relevance of consumer trust in the broader context of ICANN's consumer and public interest value system: see Section 6.3.2, Phase 2 Global Consumer Research Survey, and Section 6.3.3, ICANN Bylaws.

1.2.1 WHOIS1 Final Report

The following excerpts from the WHOIS1 Review Final Report are relevant to the relationship between RDS (WHOIS) and "Consumer Trust."

[Consumer Trust - Principles from Affirmation of Commitments - page 21/22](#)

"Additional principles from the Affirmation further guided the review team work. While each review team member hails from a particular community within or outside of ICANN, the Team agreed to conduct its work pursuant to the broad public interest principles set out the Affirmation, including:

"decisions made related to the global technical coordination of the DNS are made in the public interest and are accountable and transparent" Section 3(a);

should "promote competition, consumer trust, and consumer choice in the DNS marketplace" Section 3(c)"; and

should "reflect the public interest...and not just the interests of a particular set of stakeholders" (paragraph 4).

[Consumer Trust - Definition - page 23 -](#)

"The review team found two potential classes of consumers: • All Internet users, including natural persons, commercial and non-commercial entities, governments and academic entities, and registrants, registries and registrars. • The individuals and organizations who purchase the domain name and provide data for inclusion in the WHOIS. The review team found the definition of Consumer Trust, something the ICANN Community is also exploring in the context of its policy-making processes, to be particularly challenging. Consumer Trust can be narrowly construed to mean the level of trust Internet users have in available WHOIS data; or more broadly as the level of trust consumers have in Internet information and transactions in general. The review team focused its "consumer trust" research on the WHOIS issues, and reached outside the ICANN community to engage third party researchers for multi-country research. This research and its results are covered in chapter 6, with full research material in the appendices."

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"Part of the WHOIS Review Team's scope was to evaluate the extent to which ICANN's current WHOIS policy and implementation "promotes

consumer trust”. Having struggled with what “consumer” means in the context of WHOIS, and aware of the Affirmation of Commitments’ observation that there are key stakeholders who do not engage in the ICANN environment, the WHOIS Review Team commissioned consumer research. This found that drivers of consumer trust include knowing the entity with whom they are 10 dealing, and being able to find reliable contact information. The vast majority of consumers were unaware of the existence of the WHOIS service, and many struggled to understand the format of WHOIS outputs. This led us to conclude that the current implementation of WHOIS services does not help to build consumer trust, and more could be done to raise awareness of the service, and to improve its user-friendliness”

Recommendation 3 - Outreach

“ICANN should ensure that WHOIS policy issues are accompanied by cross-community outreach, including outreach to the communities outside of ICANN with a specific interest in the issues, and an ongoing program for consumer awareness.”

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“E. Consumer Study Introduction The review team decided to undertake an independent research study to gain a better understanding of consumer trust as it relates to the use of WHOIS. The premise for this decision was based on the AOC, Paragraph 4 which states: “A private coordinating process, the outcomes of which reflect the public interest, is best able to flexibly meet the changing needs of the Internet and of Internet users. ICANN and DOC recognize that there is a group of participants that engage in ICANN’s processes to a greater extent than Internet users generally.”

As a summary of their findings, the WHOIS1 Review found that to a large extent, users are not aware of WHOIS, and those that are generally do not find it useful. They often find it overly complex, with data stored variable with registrars and registries (a distinction they often do not understand) and the frequent use of proxy services and the presence of data inaccuracies minimize usefulness. To the extent that these issues can be addressed at all, they are already covered in this report in the sections on Outreach and Data Accuracy.

1.2.2 Third Party Use

Despite users not using or appreciating RDS (WHOIS), the data repository does significantly impact users, although indirectly. Over the years, the data has been used by those involved with cybersecurity who compile SPAM reduction lists and those who use the data as an aid to building “reputation services” which give a measure of how safe a particular website is. The SPAM-related lists are widely used by ISPs and email providers, and virtually all browsers use reputation services to warn users that a web site may not be safe (such as site that is known to support malware distribution or phishing).

As a result the vast majority of SPAM messages are caught before they are seen by end users, and web surfing is a far safer experience. That directly benefits the 4 billion Internet users despite virtually none of them understanding RDS (WHOIS) or even knowing that it exists.

1.2.3 Registrants as Users

Registrants are a very special class of users and although their numbers are far less than 4 billion, they are a crucial part of the DNS ecosystem. The largest intersections of registrants and WHOIS is related to awareness, already covered in the section on Outreach, and privacy, addressed in the section on Safeguarding data.

1.3 Problem/Issue

As noted in earlier sections, many issues associated with RDS (WHOIS) and Consumer Trust are already covered in other sections of this report.

1.4 Recommendations

The review team does not believe any recommendations are necessary to address the above-noted issues at this time.

1.5 Possible Impact of GDPR and Other Applicable Laws

Key aspects of Consumer Trust identified will be affected in some way by GDPR and other applicable privacy laws. Privacy will clearly be improved, benefitting registrants. The ability of those addressing cybersecurity issues benefitting from the previous public access will clearly be impacted, although we do not yet understand the extent to which that will impact users. GDPR is just one factor in an international legal RDS (WHOIS) environment that is increasingly being determined by a complex web of legal and regulatory factors that - to some degree - are impacted by Consumer issues.