1. **Appendix**
2. **Methodology (content owner: Kathy Kleiman)**

In executing its scope of work, the WRT produced four steps to divide the requirements of the scope into four distinct tasks. The tasks performed by teams of WRT experts and members were:

* To Assess ICANN's Whois Policy requirements as set out in the Affirmation;
* To Determine ICANN's current Whois Policy as published and implemented;
* To Evaluate the effectiveness of ICANN's Whois Policy by methods including a compliance review; and
* To Measure ICANN's Whois Policy relative to the specific goals established by the
* Affirmation in 2009, via a gap analysis.

Each step involved WRT engagement in research, consultation, data collection, public comment and review of responses and incorporation of appropriate changes. Additionally, each step required varying approaches specific to the task.

*To* *assess ICANN's Whois Policy requirements as set out in the Affirmation* *,*the WRT sought to clearly understand the wording of the Affirmation, and the goals and standards that it sets. Specifically, Affirmation section 9.3.1, states enforcement of Whois policy is “subject to applicable law,” and implementation of the Whois policy must meet “legitimate needs of law enforcement and promotes consumer trust.”

Key terms within this section, the WRT determined, were broad and subject to multiple interpretations, including: applicable law, law enforcement and consumer trust. To clearly define these terms, WRT members researched them, consulted with experts and asked questions of the Affirmation drafters and signatories.

The WRT defined these terms in its document published for public comment on March 4, 2011 (Section 4) <http://www.icann.org/en/announcements/announcement-04mar11-en.htm>(translations available).

Chapter 5 of this Report, *Definitions – What to the Terms contained in the AoC and our Scope Mean?* , presents the definitions of these terms adopted by the WRT, and additional work performed on this subject.

*To determine ICANN's current Whois Policy as published and implemented* , WRT subteams investigated ICANN’s Whois policy in public documents, contractual materials and GNSO consensus policy statements. ICANN Policy staff assisted in this process, as did experts on the WRT and members of the ICANN Community.

In its public comment of June 9, 2011, called the “Discussion Paper,” The WRT team published key questions of Whois policy, and its clarity, to the Community. <http://www.icann.org/en/public-comment/whoisrt-discussion-paper-09jun11-en.htm>(translations available).

Extensive discussion took place at the ICANN meeting in Singapore, including at the Public Forum on June 22, 2011, including a special meeting with representatives of the Registries and Registrars, the two parties specifically bound under ICANN contracts to collect, maintain and provide Whois data.

Full discussion of this issue is set out in “Chapter 6: Identification and Inventory of Existing WHOIS Policy.”

*To Evaluate the effectiveness of ICANN's Whois Policy by methods including a compliance review,*the WRT reviewed ICANN Whois Policy compliance efforts closely. The WRT met in lengthy meetings with ICANN Compliance staff to fully understand ICANN compliance activities, time-frames, reporting and results.

In its June 2011 Discussion Paper, the WRT requested public comment on the expectations of stakeholders regarding compliance, the effectiveness of ICANN compliance efforts, and whether parties subject to the compliance efforts feel the work is being carried out in a fair and balanced manner.

These questions led to robust discussions with numerous parties in at ICANN meeting in Singapore, including:

* Public Forum, 6/22/2011
* Intellectual Property Constituency (GNSO), by teleconference, at its request, prior to the Singapore meeting,
* Security & Stability Advisory Committee (SSAC), 6/21/2011
* Noncommercial Users Constituency (GNSO), 6/21/2011
* Commercial Stakeholder Group (GNSO), 6/21/2011
* Registries Stakeholder Group (GNSO), 6/21/2011
* At-Large Advisory Committee (ALAC), 6/21/2011
* Joint meeting with Registrar and Registry representatives (GNSO), 6/22/2011
* Government Advisory Committee (GAC), 6/22/2011

Based on this research, and public comments, WRT members wrote additional questions for ICANN’s Compliance team, and followed-up with a detailed compliance review assessment at the Marina del Ray offices on [date].

Full discussion of this Compliance Review is set out in “Chapter 7: Identification and Inventory of ICANN’s Implementation.”

The fourth task was *To Measure ICANN's Whois Policy relative to the specific goals established by the Affirmation in 2009, via a gap analysis.*This step required incorporating sections of all prior WRT work, including its research of ICANN Policy, review of ICANN Compliance, and assessment of the definitions of key terms in the Affirmation to review whether “subject to applicable laws,” ICANN is implementing its Whois policy in a manner that protects the “legitimate needs of law enforcement and promotes consumer trust.”

This WRT evaluation included additional methods of outreach:

* A WRT questionnaire for Law Enforcement circulated by Susan Lemon, WRT Law Enforcement Representative, and Peter Nettlefold, GAC Representative, to law enforcement and government agencies, and
* A WRT-commissioned survey of Internet users and domain name registrants (consumers) on their expectations regarding Whois data and its access conducted by a professional survey organization.

In addition, the WRT raised with the community a number of sensitive issues regarding the tension between two values with the Affirmation: privacy of registrant data and public access to it. The Discussion Paper requested country code TLDs (ccTLDs) to share information regarding if they have responded to domestic laws and whether they have modified their ccTLD Whois policies.

It also requested input on the use of privacy/proxy services and “their impact on the accuracy and availability” of Whois data. <http://www.icann.org/en/announcements/announcement-09jun11-en.htm>(translations available).

This important assessment and culmination of WRT work is found in Chapter 8 “Gap Analysis” as well as numerous recommendations and appendices.

WRT *Recommendations*provide the result of the WRT's extensive evaluation and present its conclusions. These recommendations are designed to guide future work within ICANN, and the ICANN Board is required to take action within six months of receipt.

Overall

The WRT devoted thousands of hours to its work. It met widely with members of the ICANN Community and those in government and law enforcement bodies outside of ICANN. The Team met bi-weekly by phone, conducted extensive two-day planning meetings in January and September 2011 and held full day meetings at each ICANN meetings in San Francisco, Singapore and Senegal (planned).

In response to requests for public comment, the WRT received dozens of written comments and hundreds of oral comments at its Public Forums and meetings with advisory committees and supporting organizations. The WRT appreciates these valuable and thoughtful contributions, and thanks everyone who participated in its processes.

1. **Public comments (content owner: Sharon Lemon)**
2. **Received comments on definitions in full**

|  | **Applicable Laws** | **Producers & Maintainers** | **Law Enforcement** |
| --- | --- | --- | --- |
| **Coalition Against Unsolicited Commercial Email (CAUCE)** | The definition is relevant if focus is solely on registrant privacy. Since this aspect must be balanced against the need to protect citizens, the definition should be widened to recognize the applicability of all criminal and civil laws on WHOIS policy, including laws against child exploitation and child pornography, against obtaining financial information by deceit/“phishing”, against spreading malicious software, against online sale of controlled drugs, against IPR violations, against various fraudulent schemes and against spamming activities.  | The definition of “producers and maintainers” mixes parties and roles with different perspectives and interests. A “producer” may be 1) the registrant; 2) a proxy; 3) a registrar or hosting company; or 4) a registrations service provider acting as a contractor or agent for the registrar. These roles may also change over time. The definition leads to confusion and so does the definition of “data controllers”, especially the final part of the definition. | The definition does not distinguish between sworn law enforcement officials and other entities with the mentioned obligations. Law enforcement officers should be narrowly defined as individuals: *1) who have been sworn or commissioned as a law enforcement officer by a government agency of competent authority; 2) who are charged with upholding the general criminal laws of an applicable jurisdiction, including having power to arrest; 3) typically have received specialized peace officer training* (see submission for examples); *4) who normally receive tangible official signs of their role such as police uniform or official credentials.* Adjusting this definition does not mean to exclude non-sworn officials from the scope, they just need another label. It should also be considered whether law enforcement should include national intelligence services and national/multi-national military services. |
| **European Communities Trademark Association & Marques (ECTA+M)** | The definition is narrowly focused on questions of personal data. The RT must also consider other applicable laws for the broader protection of consumers and the public at large, including laws on child exploitation, regulation of drugs and medicine, infringement of IP rights, fraud prevention and spamming. Given that the scope includes promotion of consumer trust, the RT must look beyond registrants and consider global citizens as users of Internet and buyers of goods and services. | The RT needs to remember that EU data protection rules only apply to individuals. Businesses and non-persons do not generally have any legal rights to “privacy” and this is reinforced by requirements in many countries for business to register their details in public registers. Whilst the *Producers* definition is broad, ECTA+M believe it is important for the RT to recognize the multiple players that may be involved in the registration of the domain and the scope for the provision of false or inaccurate data. *Maintainers*: ECTA+M recognize the use of language derived from EU data protection legislation, established in Europe for over 20 years with well-known meaning in the context of data protection. The RT should consider carefully how they intend to use this terminology to avoid unnecessary confusion. | The definition is very broadly drafted. Should private parties interested in enforcing civil law remedies fall within such a definition? If it is intended to refer to law enforcement in the sense of public agencies, then greater care needs to be taken in the drafting. Consideration needs to be given to the range of legitimate legal proceedings whether criminal, civil or administrative, for which access to WHOIS data or extended WHOIS data, should be available. |
| **Intellectual Property Constituency (IPC)** | This definition lacks the needed precision. The RT must focus on laws applicable to ICANN in carrying out this policy. It seems inconceivable that *any and all local […] information are applicable.* Which law is applicable to a particular registry or registrar in carrying out contractual obligations to ICANN regarding WHOIS? It is not helpful to assert that every law related to personal data applies. The RT should give consideration to the ICANN procedure adopted to implement a supermajority vote of the GNSO and unanimous vote of the ICANN Board for dealing with any situation in which contractual obligations appear to conflict with a law applicable to the operations of the registry or registrar. See <http://www.icann.org/en/processes/icann-procedure-17jan08.htm>. The policy recognizes that there will frequently be ways for registrars/registries to conform practices with applicable law in order to comply with WHOIS obligations. AoC 9.3.1 should be read in the same way. *Other relevant legal obligations* is also imprecise. ENISA has concluded that the UN guidelines are *not legally blinding, neither to natural persons, legal or countries*; see http://www.enisa.europa.eu/act/rm/cr/laws-regulation/dataprotection-privacy/un-guidelines and <http://www.un.org/documents/ga/res/45/a45r095.htm>. This falls short of establishing any legal obligation that could conflict with or override contractual obligations regarding WHOIS. The RT’s mandate in this field is narrow; the broad and imprecise definition proposed for “applicable laws” will do little to assist the RT in carrying out its assignment. Unless it identifies a particular law that has impeded or threatened to impede ICANN’s enforcement of existing WHOIS policy, it may not be necessary to reach agreement on a definition of “applicable law”.  | This definition does not refer to AoC wording and there is no explanation on why a definition of these terms is needed. IPC recommends that the RT drop this definition. | The RT reads this phrase as limited to governmental enforcement agencies but there is no evidence that the AoC drafters intended this reading. The RT should focus on whether this implementation meets the legitimate needs for the enforcement of laws, which mainly depend on the efforts of private parties. Reliable access to WHOIS data plays a significant role in advancing the legitimate needs of enforcement. |
| **Business Constituency(BC)** | The BC accepts the definition. | The BC accepts the definition. | The BC accepts the definition. |
| **Registrar Stakeholder Group (RSG)** | This definition is adequate with the exception that UN declarations and resolutions are often non-binding and as such inappropriate for the RT’s work. Non-binding resolutions do not meet the appropriate threshold for an applicable law and such references should be removed. | Support. |  |
| **Volodya** | Exclusion process should be defined: when local laws and a UN declaration conflict, which is applicable? |  | The term “law enforcement” is defined without making the scope clear: traffic wardens or NSA? The term “government” also needs to be defined. |
|  | **Lexinta** - Refine the definition as follows: *Includes any and all locally applicable laws and legislation in force that regulate and/or control use, access, and disclosure of personally identifiable information. It may also include other relevant legal requirements, including but not limited to U.N. Universal Declaration of Human Rights etc.* National is too narrow: the regulatory system may imply transnational prescriptions (e.g. treaty of law provisions that locally apply). *Legislation in force* reflects more accurately the intended reach of regulation. *Legal obligations* relate to engagement, *legal requirements* or *legal requirements and obligations* might be appropriate formulations. *Included but not limited to*: avoid any possibility of an excessively restricted interpretation. |  | **Ronald Guilmette** - Such a definition will only be useful if it has been decided that the WHOIS service will have (or does have) some special and particular intended uses unique to *Law Enforcement*. No opinion can be given until a document has been presented into which the definition fits. Should this definition grant LEA access to certain types of WHOIS then it should be drafted broadly. |

1. **Full results of Law Enforcement Survey**

|  |
| --- |
| **1. Do you feel this definition is suitable in the context of this Review?** |
| Yes, but... |
| Yes this definition is suitable.  |
| Yes |
| YES |
| No |
| No |
| Yes |
| YES |
| **2. If not, do you have any suggestions/changes or additions?** |
| ...keep in mind that there are many private initiatives by private entities that are doing a lot of great work in countering abusive behaviour on the internet. These organisations also make use of public WHOIS data. |
| It should include references to the competence in criminal investigation activities, otherwise even CERT´s could be considered as LEA, and I don´t think ICANN will agree. |
| If anything I thing this is overwide and would cover just about everyone involved with Government or working in the public sector. I think this could be restricted to those bodies with Law Enforcement powers or regulatory functions. If it is as wide as this how will ICANN possibly be able to check the credentials of all government bodies.  |
| **3. Does WHOIS policy and its implementation meet your needs?** |
| **a. If so, are any aspects of the WHOIS service more important than others?** |
| The registration date in the domain WHOIS is a very useful information: “Fresh” domains are more suspicious than long established ones. Network WHOIS provides leads to physical infrastructure and is therefore, from a technical point of view, more important than domain-WHOIS. |
| In some parts yes. Serbian MoI and We think MoIs in many countries around the world have a problem with accuracy of data, some of register data are incomplete, many of them give an opportunity for anonymous registrations, some of them are not updated/data are old as example if some srevice is sold to other person etc |
|
| Yes it does, email accounts and registrar details are quite useful because they lead to payment details and connection logs. |
| **b. If not, what issues or problems have you encountered with WHOIS?** |
| Criminals use fake-WHOIS or proxy/privacy-registration (with STILL fake data behind) which makes determination of the competent jurisdiction difficult. |
| Whois does not provide the exact physical location of a computer nor does it guarantee that the information provided on entities/persons is correct. |
| It doesn’t fully meet our needs. The main problems are whois privacy (when there are no results in whois) and fake data (when details of the owner of resourse/IP range/AS appear to be fake).  |
| Some remarks: sometimes there is an information in registering data not about an end user but about a company by means of which the domain name was registered; and publication of fictitious data. |
| Lower level & free domain name and website access creates the opportunity for anonymous creation of websites with fictitious email and address details. Advertising revenue has created a situation where anyone can host anything for a given amount of time before checks are made and very often no checks are done until LEA intervention.  |
| **4. How important is WHOIS for law enforcement activities? Are there alternative data sources that you could use?** |
| WHOIS is very important. It provides first leads. If accurate, jurisdiction can be determined and criminals may be found – if inaccurate, Domain can be revoked (violation of T&C). |
| WHOIS is very important because We think that the most valuable information’s could be found there. Alternative data sources could be forums and other services that have some kind of registers like national services etc.  |
| Important for finding location of devices, identifying subjects. Others sources can be used, but the don’t fully offer the same results if we had a proper functioning WHOIS |
| Whois is, of course, of a great importance. Sometimes we can use additional sources but also based on whois info. |
| It is considered vital in cybercrime investigation due to the fact that there is no other way to obtain data about the legitimate owner of a domain or IP range. |
| WHOIS is very often used in our work. There is an alternative data source – www.centralops.net |
| "WHOIS" is an important first step in the enquiry chain but cannot be relied on, often the contact details are dated and non-responsive on a 24/7 basis.  |
| **5. What changes to WHOIS would you recommend to better meet the needs of law enforcement? Please provide reasons.**  |
| Verification of registrant or at least “plausibility-check” of entered WHOIS-data can lead to better quality of data and might prevent fraudulent domain registrations. |
| We think that accuracy of data is important, some of register data are incomplete, many of them give an opportunity for anonymous registrations, some of them are not updated/data are old as example if some srevice is sold to other person etc. We need exact data of registrants, more informations about administrative contact witch are updated and correct (as example checking of those contacts to see are they real or fictive). The real reason is that We losing a lot of time to establish who is behind some services on the Internet. That would help to prevent anonimity of cyber criminals etc.  |
| Guarantee that a full ID or company (Chamber of Commerce) check had taken place before WHOIS info is entered into database. That the above information will be checked on accuracy regularly. That the exact physical location of server(s) (IP-based, AS-number) is stored in the relevant WHOIS (or RIPE/ARIN….etc) database, possibly including GPS-coordinates. That if incorrect information is provided, that IP/Domain/AS will be revoked. This only to enforce the entry of correct data.  |
| The main change it should be introduced is an effective check policy, in order to guaranty that the information provided is real and updated. If not user can still use any data to fill in the registration forms. |
| a) By legislation down level responsibility. b) by-monthly record updates from it and administrators. c) Immediate upward facing suspension for creating or permitting anonymous or false information for site ownership and responsibility.  |
| **6. In your view, how well is ICANN performing against these requirements? Please provide reasons.** |
| ICANN just recently started to “de-accredit” registrars for non-compliance (before, there have only been cases of de-accreditation for non-payment of charges) |
| I am not very familiar with this topic |
| They appear not to be aware of LEA’s (and thus legitimate internet users) needs. |
| **7. Do you have specific examples of effective ICANN policies or implementation activities, or suggestions of how ICANN could improve its performance?** |
| ICANN should be able and willing to enforce its policies. WHOIS policy seemed long to be just a recommendation whose non-compliance didn’t have consequences for registrars. |
| If it is possible, it should be a good idea to start digital certificates as a requirement when someone tries to register a domain or IP range. |
| **8. How can ICANN balance privacy concerns with its commitment to having accurate and complete WHOIS data publicly accessible without restriction?** |
| Forbid private-registrations for commercial websites (commercial by content or by TLD – “.com” should be commercial by definition?!) or just allow private registration for private homepages. Define policy about usage of privacy/proxy-services – where it should be allowed (eg freedom of speech) and where not (commercial use). If someone wants/needs to remain anonymous, does he/she really need to register internet-resources or can they also publish content in other ways? |
| Some data could be given in a form that is available to wider public but it must have solution that involve some kind of protected database available only to restricted number of people who are authorised to have more details that are not available to regular users (data could be given as some protected link witch could be seen able only to people with authorization and maybe they could establish database with protected access with user name and passwords). Access should be given upon requests. It is important for the users to be aware of the scams that could be committed when clone Internet sites appears on the Internet as example in cases of phishing etc. If they are aware of this differences between real sites they use and falsh once they could give that information to police.  |
| Publicly accessible could data could show less info as LEA accessible data. This would help to keep up with local privacy issues. The problem will pop-up that foreign LEA’s won’t be able to see all data without permission of the “hosting” LEA. |
| Being stricter when somebody tries to register a domain or an IP Range. They should check that the data provided is real and corresponds to the legitimate user. Developing an effective inspection system. Obviously these inspection mechanisms should be accompanied by penalties, fines, or punishments in order to be effective. In Spain the Ministry of Industry has developed a very strict regulation about this aspects and it is working very good with .es domains. |
| I think this is difficult if not impossible to achieve, especially in relation to the EU and the EU privacy regulations and laws. We need to draw a distinction between privacy and anonymity which is why LE are not against proxy registration per se but that the accurate details of registrants needs to be obtainable by Law Enforcement swiftly and globally without the need to return to the International letter of Request route which is too cumbersome and slow to be effective. ICANN needs to implement a policy which, while respecting individuals rights to privacy allows authorised Law Enforcement (as per definition above) access to the data for the investigation and prevention of crime. Special attention needs to be paid to the “accurate and complete” part of the statement ensuring registrants details are correct. This relies upon ICANN and the TLDs (both cc and gtlds) to implement know your customer policies. A swift removal of infrastructure from any shown to have not supplied correct data is crucial to the effectiveness of the system. If there are no consequences to registering with false data, people will continue to do so.  |
| We think that it is really important to keep in mind the right of the Internet users to receive reliable data about the owners and registrants of the domain names providing services for them. Privacy protection should not infringe upon the right to receive accurate and complete WHOIS data.  |
| a) Information given to all registrants that administration information must be available to the public when a site is for unrestricted public access. b) Third party registered data controllers could be used for private or vulnerable sites (i.e. Schools, Financial Institutions etc.) c) Set levels of information similar to Companies House so that more detailed information requires at least a reason and some level of identification, email, incoming IP etc.  |
| **9. Are you aware of any efforts by country code Top Level Domain operators within your jurisdiction to find a balance with regards to WHOIS between potentially conflicting legal requirements for data protection, privacy and data disclosure?**  |
| In our jurisdiction, all data that has to be published needs to be defined by laws/bylaws. Email-addresses have been removed from the public WHOIS to counter spamming. |
| No, I am not.  |
| NL WHOIS is mainly closed for public now, only LEA is allowed access to full data. Works, but with the concern mentioned under 8. |
| .ES domains from Spain have an excellent system that has been approved by the Data Protection Agency. The information provided includes Name, address, and 4 different ways to contact the owner. It is regularly checked by the Ministry and if data is not updated a fine is issued. |
| Not within the UK to my knowledge.  |
| NO |
| **10. What is the importance of WHOIS data being publicly available without restriction?** |
| Providing contact address for issues with the relevant internet-resource. Indicating possible jurisdiction.“Know your businesspartner”: Possibility to check on registrant of domainname. |
| ICANN should rise awareness of governments in countries that are main sources of proxy services. Round checking should be one of solutions as well.  |
| Legitimate companies could use this data to improved their services to the public. |
| It is the single database in the world that can provide information about IP&domains owners. Those details are very useful because lead you to corporation that is in possession of the information that is relevant to the different cases. If WHOIS data was not public, it would be impossible to identify these corporations, so the investigation could not be carried out.  |
| It’s in direct proportion to the importance of Internet in modern world.  |
| To the general public, knowledge that it is available is sufficient but knowing that LEAs can access detailed accurate information readily and immediately is more important.  |
| **11. How should ICANN address concerns about the use of privacy/proxy services and their impact on the accuracy of the WHOIS data?** |
| Provide accreditation for privacy/proxy-services similar to registrar accreditation. |
| We think that this is a great problem because it could conceal traces and give an opportunity for anonymity and abuse of this services by criminals |
| See 5. |
| They should developed a strict regulation about the privacy services these companies can provide with, and when they are forced to disclosure that information |
| If a person goes onto the street wearing a face mask that person is likely to be detained for some purpose. Access to some buildings will be restricted for example banks. Then equally restrictions on access to and distributing information for or pertaining to the public or individuals are justified to protect the public interest.  |
| **12. What is your view on the use of privacy and proxy services by registrants?** |
| It’s a tool to remain anonymous which may be useful and justified in certain limited cases. Nowadays it’s mostly used by people who run illicit or “immoral” business and fear repression by law enforcement or private “cruisaders”. |
| No |
| See 3. |
| It turns the LEA job extremely difficult because most of these privacy companies are based in foreign countries, so it becomes quite hard to gather information about the real owners of the domains. Even somebody manages to contact them they rarely provide details about their customers. So, in fact, is like deleting the WHOIS databases |
| See previous.  |
| From the point of view of LEA the use of proxy services embarrasses the investigation. |
| a) Generally suspicious however they can serve to protect from some intrusive protocols. b) Reasons for use of proxy servers should be recorded when registering and later use without updating the Whois profile should result in punative reaction.  |
|  **13. Are there any other relevant issues that the review team should be aware of? Please provide details.** |
| This cannot be just more rhetoric and another talking shop but demands some action from the Internet community to protect their own space. Law Enforcement have been lobbying for change to the governance procedures for several years now and to my view absolutely nothing has so far changed. ISPs, Registrars appear to take the short term, fiscally rewarding routes at all times whilst ignoring the long term threat to the stability and international nature of the Internet posed by growing criminality affecting economies and business. Even small changes and steps towards a more transparent and creditable WHOIS system would be welcome. I welcome ICANN’s dialogue with Law Enforcement but t really does need to lead to something tangible, and soon.  |
| Not relevant to this questionnaire.  |

1. **Stakeholders Key**

|  |  |  |
| --- | --- | --- |
|  | **Name** | **Background** |
| **BC** | Business Constituency | Represents both large and small commercial entity users of the Internet. |
| **CAUCE** | Coalition Against Unsolicited Commercial Email | An all-volunteer consumer advocacy group, defending the interests of the average internet user. |
| **ECTA+M** | European Communities Trademark Association & Marques | Main role as a spokesperson on problems relating to the use and protection of industrial trademarks / designs in the EU. |
| **IPC** | Intellectual Property Constituency  | Represents the views and interests of owners of intellectual property, with particular emphasis on trademark, copyright and related intellectual property rights. |
| **RSG** | Registrar Stakeholder Group | Working to ensure the interests of registrars and their customers are effectively advanced.  |
| **VOL** | Volodya | Independent person. OS search suggests he is a Moscow-based coder called Vladimir PRUS (Volodya is diminutive form of Vladimir). Volodya has posted to the ‘free net’ forums, showing an interest in privacy and freedom of expression.  |
| **LEX** | Lexinta | Intellectual Property Attorneys based in Belgium |
| **RG** | Ronald Guilmette | An anti-spam activist and frequest user of the Whois Data Problem Reporting System. He has been quoted in articles in Krebs on Security on problems with Whois Data.  |

1. **User Insight Study**

**PLACEHOLDER**

1. **Input on ccTLDs**
2. **General Observations**

*This set of general observations emerges from the Review Team’s consultations with the ICANN Community as well as from the public comments received on its discussion paper.*

National laws may prohibit mandatory contact data in public WHOIS but not voluntary data. Registrars selling domains in these ccTLDs can communicate why not publishing voluntary data will result in no trust for, e.g., anti-spam applications.

Most ccTLDs provide the entire Whois record at the registry level, while some provide the entire record only to certain groups such as law enforcement agencies, certification authorities, and registrars that need access for administrative purposes. The extent of information that is shared is generally determined by local law. DENIC publishes all contact information, and German law requires the contact information to be placed on the website if engaged in business. France has a similar requirement. Where there is a need to balance local privacy laws with access to full Whois, mechanisms to improve transparency can be considered, as in the Netherlands. A thick Whois model has been employed in many new gTLDs for years without legal problems or objections from national authorities on privacy grounds. ICANN has a procedure, that a registry can invoke when facing a conflict between its Whois obligations and national privacy laws (see, http://www.icann.org/en/announcements/announcement-18dec07.htm ). To date, this procedure has never been invoked.

Many European ccTLDs offer a public WHOIS service with limited non-technical information, while law enforcement can access full details. A distinction is made between personal and business domain registrations, for example in .IE. In both cases no personal data is available in WHOIS. In .CO.UK, the WHOIS output shows if a registrant has "opted out", but a company would not have that option. While a business domain does have more data published in WHOIS there is no email address or phone number. Under .EU, WHOIS is limited to technical details and shows more information about a business domain, while a personal one's output is limited to an image of the email address, not accessible to bots. The only gTLD that has followed a similar model is .TEL, where registrants can opt out in a way similar to .CO.UK and the WHOIS output is minimal, while a business registration is more detailed. See submission for multiple and detailed examples.

ccTLDs are in a very different situation because they’re normally within a single jurisdiction actually and they have a much more direct relationship and they have clear, applicable law; whereas, if I understand correctly, we’re talking about gTLDs here and their global operators and it’s the old conundrum actually and therefore internet governance people about how you try and deal with global operators acting across a number of different jurisdictions, potentially conflicting applicable law. The situations are very different, the challenges are very different for developing WHOIS policy at the national level for ccTLD, compared to a body like ICANN trying to develop WHOIS policies at the global level effectively.

Certain ccTLDs have gone to a contactability standard.

On .fr – Comment made by Michele Neylon (.ie)[[1]](#footnote-1)

.fr has the option as well for a private individual to be opted out. And that is actually provided by the registry. And they provide an [atanom].fr.

On .eu – Comment made by Michele Neylon (.ie)[[2]](#footnote-2)

Michele Neylon: “The .eu registries do the same. So they don’t, they’re able to go

along and kind of validate stuff and make sure that there aren’t kind of weird inconsistencies like people registering as Mickey Mouse. .eu again, there’s very little data available in standard WHOIS and if you want to get more data you have to go to a

webpage, you have to go past a capture. And they also have taken measures to protect the email addresses. So they’re rendered as a jpeg or a png or something like that so you can’t scrape the data off there.”

On .co.uk – Comment made by Michele Neylon (.ie)[[3]](#footnote-3)

For .co.uk you’ve got the opt-out. And again, if they’re a legal organization and they try to opt out, as part of the WHOIS review stuff that Nominet would do, they get opted back in.

1. **Implementation by specific ccTLDs**
2. **The Netherlands (.nl)**

As submitted by SIDN[[4]](#footnote-4):

“As a ccTLD manager based in Europe SIDN is not subject to any obligation to provide any whois services on the .nl-domain at all. We do however still provide such services. Historically probably just because everyone did it and currently because it is in the interest of our local internet community.The whois, what information we show and how you may obtain the information therein has been subject to extensive discussion with and within our local internet community. Until 12 January 2010 SIDN offered a full and open whois service, comparable to the gTLD's, but changed that after the last consultation with our stakeholders to our current form in order to better protect the privacy of the users. In order to help the working group in their difficult (not to say impossible) task, I will try to give a short description of our current services underneath. Be aware however that also in the Netherlands discussions with regard to the whois are always ongoing and what is today might not be there anymore tomorrow. Secondly please note that a number of 'solutions' that we currently use are not exactly scalable to gTLD's. We make use of the fact that we are a country code TLD and for example only provide non-public whois details to Dutch law enforcement agencies and to Dutch based attorneys.

Further be aware that we have never received any approval (nor disapproval) of the Dutch Privacy Authority with regard to our current whois services. So please do not automatically assume that what we do is completely in line with the Dutch and/or European privacy laws.

Description of the .nl whois

1. We have split the whois in different forms for different users:

a. Public whois web

b. Public whois command line

c. Whois for registrars

d. Whois for law enforcement

e. Whois for CA's

2. The last three (1c - 1e) forms of whois still show all information that we provided before 2010 but they are only accessible to the groups that they were created for. (see further under 7 - 9)

3. The two public available whois services provide limited information.

a. via the command line we only show the status of the domain, the name and physical address of the registrar and the name server data.

b. in the public whois on our website the information is limited to:

 i. status if the domain

 ii. name of registrant

iii. e-mail addresses of admin-c an d tech-c (protected so that they are not easy to copy)

 iv. name and physical address of registrar

v. name server data

c. on our website we do not show:

 i. Names of admin-c/tech-c

 ii. Address details for registrant/admin-c/tech-c

iii. Telephone numbers

4. The reason that we still provide the name of the registrant is because a name without any contact details is for most of the people not very troublesome and gives the registrant the opportunity to check if a domain is registered in the correct name.

5. We do not, like for example .net or .uk, make any distinction between private and non-private persons as we think this will only lead to an extra complaint procedure. We might consider however to give registrants the opportunity to decide for themselves if they want us to publish their address and other non obligatory contact details.

6. In order that .nl registrants can be contacted regarding legal matters, SIDN will make the address of a registrant available for that purpose to an attorney or court bailiff practicing in the Netherlands who makes an individual request for such information. A special manual procedure for processing requests has been set up.

7. The whois for law enforcement is open for investigative and law enforcement authorities that have the statutory power to require SIDN to provide full details of a registration. These authorities may obtain automated access to the whois provided that certain (contractual) conditions are met.

8. SIDN registrars can make use of a dedicated Registrar Whois service. Registrars need access to Whois data in order to undertake legitimate registration activities. So the full Whois dataset remains available to them. This is however subject to revision as we are currently not able to fully control that the information is only used for legitimate means.

9. SIDN also allows Certification Authorities (CAs) access to the full whois dataset. The procedure for CAs with regard to the issuance of SSL Certificates usually includes checking whether the details provided by the certificate applicant are the same as the details that SIDN has on record for the relevant domain name. Since CAs make their enquiries at the request of the registrant itself, SIDN is willing to provide them the requested information.”

1. **United Kingdom (.uk)**

Submitted by Nominet[[5]](#footnote-5):

Nominet: ccTLDs are focused on serving the needs of specific jurisdictions, which allows them to tailor their approach to local circumstances. Privacy is an issue and ignoring it will increase the probability that data will be incorrect, even from those without malicious intent. In the case of.uk, Nominet has a contract with the registrant and can use this to require corrections. However, data may be incorrect due to misunderstandings, not updated when circumstances change or changes may not be passed on to our systems. We work on improving data quality by proactive checks and in response to complaints, and act quickly when malicious activity is suspected. This remains our priority.

There is a trust issue associated with inaccurate contact data, in particular for domains used for trade. This creates a question of trust for the TLD in relation to law enforcement, regulatory and other public authorities. This could impact consumer confidence, but very few users are aware of WHOIS. The EU's e-Commerce Directive has requirements for trading websites to include contact information so that third parties know who they are dealing with. For the consumer, this information is more accessible than WHOIS. Nominet has a onestop shop portal for information and links and contributes to awareness initiatives as WHOIS data can be abused to assist fraud and spam. Nominet has developed its WHOIS policy and implementation in consultation with stakeholders. Our contribution provides data about the UK environment in response to the request for ccTLD input. We have not responded to questions on the gTLD WHOIS policy.

1. **Canada (.ca)**

CIRA went through an extensive WHOIS and privacy policy reform in early to mid 2000. Prior to the reform initiatives, CIRA provided WHOIS services which were in line with the gTLD WHOIS approach, i.e., it displayed and provided all registrant information including: name, domain name, registrar of record, date the domain name was registered, contact details (email, mailing address, telephone number, and fax number), the date when the information was last changed.

After extensive consultation with CIRA’s stakeholders, CIRA made a distinction between two types of registrants: (1) private; and (2) corporate. Private registrants were natural persons, but also included small organizations such as a 5-person corporation (which could go up to as much as 10). The latter was in line with some rulings by the federal and provincial privacy commissioners in Canada. For those private registrants the default was not to display any personally identifiable information unless the registrant chose to make it publicly available. For corporate registrants, the default and only option was to have all its information publicly available.

CIRA also implemented a process by which a corporate registrant could apply for privacy protection. Once a corporate registrant check marked that it would like to keep its information private, CIRA did not display the information for 30 days during which the corporate registrant had to provide proof that its request was legitimate and in line with CIRA’s WHOIS policy. Legitimate reasons may have been a battered woman’s shelter or some other organization which, for security reasons, may require greater privacy than other corporate entities. If the corporate registrant satisfied the request for privacy, the information would remain private. If, however, the corporate registrant was not able to satisfy the privacy request requirements, the registrant information was automatically published after the 30-day timeframe.

At the time when CIRA launched the new WHOIS policy, there was no special access for law enforcement of any type. However, within a couple of years after launch, CIRA responded to some significant pressures from law enforcement and implemented a new policy entitled “Request for Disclosure of Registrant Information for Law Enforcement and National Security Agencies – Rules and Procedures”. The policy provides a fairly limited access right to law enforcement which includes the investigation of child exploitation, espionage, or imminent threats to the Internet. The disclosure, unless prohibited by law, will be made public to the registrant whose information was disclosed, within 30-60 days.

1. **France (.fr)**

Submitted by AFNIC[[6]](#footnote-6):

AFNIC’s data publication and access policy describes how registrant data is gathered, disclosed and used during the lifetime of a domain name registration: a) Private registrants’ data is not displayed in the public Whois b) AFNIC provides on line web forms to enable any interested party to send electronic messages to the domain name admin contact without disclosing its data c) Right owners or affected parties may request disclosure of registrant data. Such requests are handled by AFNIC which checks whether the affected party has some right over the domain name before disclosing. This policy was set up in 2006 with amendments in 2007 to comply with privacy laws and an instruction from CNIL. While .FR approached 2 million domains in 2010, AFNIC handled 412 data disclosure requests, whereof 356 granted. The policy reinforces trust from private registrants, as they can provide accurate data with limited risk of unsolicited communications, and customer relations suggest that the policy has a positive impact on data accuracy.

1. **Australia (.au)**

Submitted by Cheryl Langdon-Orr[[7]](#footnote-7):

Despite the fact that one can have a bricks and mortar address in a system it need not necessarily be the actual address of the registrant; and that’s something that we see in other parts in some countries, even with quite strict regulations such as my own. You have the ability to have what’s called ‘registered office address’ which is a bricks and mortar situation; but you also have in law the right, with the appropriate motivations and knocking on the right doors with if necessary the right pieces of paper

1. **Trinidad and Tobago (.tt)**

Submitted by Dev Anand Teelucksingh[[8]](#footnote-8):

.tt ccTLD doesn’t even offer WHOIS at all.

1. **Ireland (.ie)**

Submitted by Michele Neylon – Blacknight Internet Solutions[[9]](#footnote-9):

in .ie the only data that appears in WHOIS is the holder, the holder name, the WHOIS output is a bit different to a standard one. So in the case of a domain that will be registered to a company, so let’s say domain holder Blacknight Internet Solutions Limited, and then you would have the applicant. There’s two, an applicant registration type classing type think. I mean, think of it a bit like your classes for trademarks; same kind of concept. For a private individual again, you just have the holder is Joe Soap, but no contact details for Joe Soap. There’s just a nic handle, which obviously is going to be unique to the person. And if somebody needs to contact tehm for whatever reason, be that in terms of a dispute, law enforcement or whatever, they can go via the registry.

….

If you do a WHOIS look up on say Blacknight.ie for example, you’re going to get back name servers, you’re going to get back expiry dates, you’re going to get back handles. You can’t look beyond the handle. Now, in the case of the applicant, sorry the domain holder type, if the domain holder is down as a body corporate, in other words a limited company, you can of course go to our company’s house type thing and get back data there. And if somebody had, if there is the case of say a WIPO dispute, as part of the process you would go to the registry, but not via command line. You’d go contact them using more manual methods to reveal the data.”

1. **Recommendations (content owner: Susan Kawaguchi)**

The following are excerpts from the 2009 RAA, Registry agreement and three different registrar registration agreements that speak to the requirement for accurate WHOIS information and the responsibility of each role.

1. **Registrar’s responsibility**

**Public Access to Data on Registered Names**

During the Term of this Agreement:

3.3.1 At its expense, Registrar shall provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date (i.e., updated at least daily) data concerning all active Registered Names sponsored by Registrar for each TLD in which it is accredited. The data accessible shall consist of elements that are designated from time to time according to an ICANN adopted specification or policy. Until ICANN otherwise specifies by means of an ICANN adopted specification or policy, this data shall consist of the following elements as contained in Registrar's database:

3.3.1.1 The name of the Registered Name;

3.3.1.2 The names of the primary nameserver and secondary nameserver(s) for the Registered Name;

3.3.1.3 The identity of Registrar (which may be provided through Registrar's website);

3.3.1.4 The original creation date of the registration;

3.3.1.5 The expiration date of the registration;

3.3.1.6 The name and postal address of the Registered Name Holder;

3.3.1.7 The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the Registered Name; and

3.3.1.8 The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the Registered Name.

3.7.7.4 Registrar shall provide notice to each new or renewed Registered Name Holder stating:

3.7.7.4.1 The purposes for which any Personal Data collected from the applicant are intended;

3.7.7.4.2 The intended recipients or categories of recipients of the data (including the Registry Operator and others who will receive the data from Registry Operator);

3.7.7.4.3 Which data are obligatory and which data, if any, are voluntary; and

3.7.7.4.4 How the Registered Name Holder or data subject can access and, if necessary, rectify the data held about them.

3.7.7.5 The Registered Name Holder shall consent to the data processing referred to in Subsection 3.7.7.4.

3.7.7.6 The Registered Name Holder shall represent that notice has been provided equivalent to that described in Subsection 3.7.7.4 to any third-party individuals whose Personal Data are supplied to Registrar by the Registered Name Holder, and that the Registered Name Holder has obtained consent equivalent to that referred to in Subsection 3.7.7.5 of any such third-party individuals.

3.7.7.7 Registrar shall agree that it will not process the Personal Data collected from the Registered Name Holder in a way incompatible with the purposes and other limitations about which it has provided notice to the Registered Name Holder in accordance with Subsection 3.7.7.4 above.

3.7.7.8 Registrar shall agree that it will take reasonable precautions to protect Personal Data from loss, misuse, unauthorized access or disclosure, alteration, or destruction.

3.7.7.9 The Registered Name Holder shall represent that, to the best of the Registered Name Holder's knowledge and belief, neither the registration of the Registered Name nor the manner in which it is directly or indirectly used infringes the legal rights of any third party.

3.7.7.10 For the adjudication of disputes concerning or arising from use of the Registered Name, the Registered Name Holder shall submit, without prejudice to other potentially applicable jurisdictions, to the jurisdiction of the courts (1) of the Registered Name Holder's domicile and (2) where Registrar is located.

3.7.7.11 The Registered Name Holder shall agree that its registration of the Registered Name shall be subject to suspension, cancellation, or transfer pursuant to any ICANN adopted specification or policy, or pursuant to any registrar or registry procedure not inconsistent with an ICANN adopted specification or policy, (1) to correct mistakes by Registrar or the Registry Operator in registering the name or (2) for the resolution of disputes concerning the Registered Name.

3.7.7.12 The Registered Name Holder shall indemnify and hold harmless the Registry Operator and its directors, officers, employees, and agents from and against any and all claims, damages, liabilities, costs, and expenses (including reasonable legal fees and expenses) arising out of or related to the Registered Name Holder's domain name registration.

3.7.8 Registrar shall abide by any specifications or policies established according to Section 4 requiring reasonable and commercially practicable (a) verification, at the time of registration, of contact information associated with a Registered Name sponsored by Registrar or (b) periodic re-verification of such information. Registrar shall, upon notification by any person of an inaccuracy in the contact information associated with a Registered Name sponsored by Registrar, take reasonable steps to investigate that claimed inaccuracy. In the event Registrar learns of inaccurate contact information associated with a Registered Name it sponsors, it shall take reasonable steps to correct that inaccuracy.

Registry - .com agreement

1. **Public WHOIS Specification**

Registry Operator’s Whois service is the authoritative Whois service for all second-level Internet domain names registered in the .com top-level domain and for all hosts registered using these names. This service is available to anyone. It is available via port 43 access and via links at the Registry Operator’s web site. It is updated daily.

To use Registry Whois via port 43 enter the applicable parameter on the command line as illustrated below:

* For a domain name: whois "domain verisign.com"
* For a registrar name: whois "registrar Go Daddy Software, Inc."
* For a nameserver: whois " DNS3.REGISTER.COM" or whois "nameserver 216.21.234.72"

By default, Whois performs a very broad search, looking in all record types for matches to your query in these fields: domain name, nameserver name, nameserver IP address, and registrar names. Use keywords to narrow the search (for example, 'domain root'). Specify only part of the search string to perform a "partial" search on domain. Every domain starting with the string will be found. A trailing dot (or dots) after your text or the partial keyword indicates a partial search. For example, entering 'mack.' will find "Mack", "Mackall", "Mackay", and so on.

To use Registry Whois using the web interface:

* Go to www.verisign-grs.com
* Click on the appropriate button ("domain," "registrar" or "nameserver")
* Enter the applicable parameter:
	+ Domain name including the TLD (e.g., verisign-grs.com)
	+ Full name of the registrar including punctuation, "Inc.", etc. (e.g., America Online, Inc.)
	+ Full host name or the IP address (e.g., ns1.crsnic.net or 198.41.3.39)
* Click on the "submit" button.

For all registered second-level domain names in .com, information as illustrated in the following example is displayed, where the entry parameter is the domain name (including the TLD):

Domain Name: VERISIGN-GRS.COM
Registrar: NETWORK SOLUTIONS, LLC.
Whois Server: whois.networksolutions.com
Referral URL: http://www.networksolutions.com
Name Server: NS1.CRSNIC.NET
Name Server: NS2.NSIREGISTRY.NET
Name Server: NS3.VERISIGN-GRS.NET
Name Server: NS4.VERISIGN-GRS.NET
Status: REGISTRAR-LOCK
Updated Date: 20-oct-2004
Creation Date: 08-sep-2000
Expiration Date: 08-sep-2008

>>> Last update of whois database: Wed, 2 Feb 2005 07:52:23 EST<<<

For all ICANN-accredited registrars who are authorized to register .com second-level domain names through Registry Operator, information as illustrated in the following example is displayed, where the entry parameter is the full name of the registrar (including punctuation, "Inc.", etc.):

Registrar Name: SAMPLE REGISTRAR, INC. DBA SAMPLE NAMES
Address: 1234 Any Way, Anytown, VA 20153, US
Phone Number: 703-555-5555 begin\_of\_the\_skype\_highlighting              703-555-5555      end\_of\_the\_skype\_highlighting
Email: registrar-agent@samplenames.net
Whois Server: whois.registrar.samplenames.com
Referral URL: www.registrar.samplenames.com
Admin Contact: Jane Doe
Phone Number: 703-555-5556 begin\_of\_the\_skype\_highlighting              703-555-5556      end\_of\_the\_skype\_highlighting
Email: janedoe@samplenames.com
Admin Contact: John Smith
Phone Number: 703-555-5557 begin\_of\_the\_skype\_highlighting              703-555-5557      end\_of\_the\_skype\_highlighting
Email: johnsmith@samplenames.com
Admin Contact: Domain Name Administrator
Phone Number: 703-555-5558 begin\_of\_the\_skype\_highlighting              703-555-5558      end\_of\_the\_skype\_highlighting
Email: dns-eng@samplenames.com
Billing Contact: Petranella Jones
Phone Number: 703-555-5559 begin\_of\_the\_skype\_highlighting              703-555-5559      end\_of\_the\_skype\_highlighting
Email: pjones@samplenames.com
Technical Contact: Harry Nerd
Phone Number: 703 555-6000 begin\_of\_the\_skype\_highlighting              703 555-6000      end\_of\_the\_skype\_highlighting
Email: harrynerd@samplenames.com
Technical Contact: Harry Nerd II
Phone Number: 703-555-6001 begin\_of\_the\_skype\_highlighting              703-555-6001      end\_of\_the\_skype\_highlighting
Email: harrynerd@samplenames.com

>>> Last update of whois database: Wed, 2 Feb 2005 07:52:23 EST <<<

For all hosts registered using second-level domain names in .com, information as illustrated in the following example is displayed, where the entry parameter is either the full host name or the IP address:

Server Name: DNS.MOMINC.COM
IP Address: 209.143.112.34
Registrar: BULKREGISTER, LLC.
Whois Server: whois.bulkregister.com
Referral URL: http://www.bulkregister.com

>>> Last update of whois database: Wed, 2 Feb 2005 07:52:23 EST <<<

1. **WHOIS Provider Data Specification**

Registry Operator shall provide bulk access to up-to-date data concerning domain name and nameserver registrations maintained by Registry Operator in connection with the Registry TLD on a daily schedule, only for purposes of providing free public query-based access to up-to-date data concerning domain name and nameserver registrations in multiple TLDs, to a party designated from time to time in writing by ICANN. The specification of the content and format of this data, and the procedures for providing access, shall be as stated below, until changed according to the Registry Agreement.

**Content**

The data shall be provided in three files:

***Domain file****.* One file shall be provided reporting on the domains sponsored by all registrars. For each domain, the file shall give the domainname, servername for each nameserver, registrarid, and updateddate.

***Nameserver file****.* One file shall be provided reporting on the nameservers sponsored by all registrars. For each registered nameserver, the file shall give the servername, each ipaddress, registrarid, and updateddate.

***Registrar file****.* A single file shall be provided reporting on the registrars sponsoring registered domains and nameservers. For each registrar, the following data elements shall be given: registrarid, registrar address, registrar telephone number, registrar e-mail address, whois server, referral URL, updateddate and the name, telephone number, and e-mail address of all the registrar's administrative, billing, and technical contacts.

**Format**

The format for the above files shall be as specified by ICANN, after consultation with Registry Operator.

**Procedures for Providing Access**

The procedures for providing daily access shall be as mutually agreed by ICANN and Registry Operator. In the absence of an agreement, the files shall be provided by Registry Operator sending the files in encrypted form to the party designated by ICANN by Internet File Transfer Protocol.

1. **WHOIS Data Specification – ICANN**

Registry Operator shall provide bulk access by ICANN to up-to-date data concerning domain name and nameserver registrations maintained by Registry Operator in connection with the .com TLD on a daily schedule, only for purposes of verifying and ensuring the operational stability of Registry Services and the DNS.. The specification of the content and format of this data, and the procedures for providing access, shall be as stated below, until changed according to the Registry Agreement.

**Content**

The data shall be provided in three files:

***Domain file****.* One file shall be provided reporting on the domains sponsored by all registrars. For each domain, the file shall give the domainname, servername for each nameserver, registrarid, and updateddate.

***Nameserver file****.* One file shall be provided reporting on the nameservers sponsored by all registrars. For each registered nameserver, the file shall give the servername, each ipaddress, registrarid, and updateddate.

***Registrar file****.* A single file shall be provided reporting on the registrars sponsoring registered domains and nameservers. For each registrar, the following data elements shall be given: registrarid, registrar address, registrar telephone number, registrar e-mail address, whois server, referral URL, updateddate and the name, telephone number, and e-mail address of all the registrar's administrative, billing, and technical contacts.

**Format**

The format for the above files shall be as specified by ICANN, after consultation with Registry Operator.

**Procedures for Providing Access**

The procedures for providing daily access shall be as mutually agreed by ICANN and Registry Operator. In the absence of an agreement, an up-to-date version (encrypted using a public key supplied by ICANN) of the files shall be placed at least once per day on a designated server and available for downloading by ICANN by Internet File Transfer Protocol.

**Centralized Whois**. Registry Operator shall develop and deploy a centralized Whois for the .com TLD if mandated by ICANN insofar as reasonably feasible, particularly in view of Registry Operator’s dependence on cooperation of third parties.

Registrant responsibilities per the Registrar’s registration agreement. I pulled language from 3 different Registrar’s registration agreements.

**Accurate Information.** You agree to: (1) provide certain true, current, complete and accurate information about you as required by the application process; and (2) maintain and update according to our modification procedures the information you provided to us when purchasing our services as needed to keep it current, complete and accurate. We rely on this information to send you important information and notices regarding your account and our services. You agree that Network Solutions (itself or through its third party service providers) is authorized, but not obligated, to use Coding Accuracy Support System (CASS) certified software and/or the National Change of Address program (and/or such other systems or programs as may be recognized by the United States Postal Service or other international postal authority for updating and/or standardizing address information) to change any address information associated with your account (e.g., registrant address, billing contact address, etc.), and you agree that Network Solutions may use and rely upon any such changed address information for all purposes in connection with your account (including the sending of invoices and other important account information) as though such changes had been made directly by you.

ACCOUNT CONTACT INFORMATION AND DOMAIN NAME WHOIS INFORMATION:

1. You must provide certain current, complete and accurate information about you with respect to your Account information and with respect to the WHOIS information for your domain name(s). You must maintain and update this information as needed to keep it current, complete and accurate. You must submit the following with respect to you, the administrative, technical, and billing contacts for your domain name registration(s) and other Services: name, postal address, e-mail address, voice telephone number, and where available, fax number. The type of information you are required to provide may change and you must provide such information and keep your Account information current. Not providing requested information may prevent you from obtaining all Services.
2. **Required domain registration information:**
3. Registration information. As part of the domain registration process and in accordance with ICANN Policies, a domain registrant is required to submit and keep current the following information (collectively, the "Registration Information"):
	* The domain registrant's name and postal address;
	* The domain being requested;
	* Administrative contact information, including the name, postal address, email address, voice telephone number, and where available, fax number of the administrative contact for the domain; and
	* Billing contact information, including the name, postal address, email address, voice telephone number, and where available, fax number of the billing contact for the domain.
4. Additional registration information. In addition, in accordance with ICANN policies, Dotster, Inc. is obligated to maintain additional information relating to a domain registration, which may include (collectively, "Additional Registration Information"):
	* The original creation date of the domain registration;
	* The submission date and time of the registration application to us and by us to the proper registry;
	* Communications (electronic or paper form) constituting registration orders, modifications, or terminations and related correspondence between you and us;
	* Records of account for your domain registration, including dates and amounts of all payments and refunds;
	* The IP addresses of the primary nameserver and any secondary nameservers for the domain;
	* The corresponding names of those nameservers;
	* The name, postal address, email address, voice telephone number, and where available, fax number of the technical contact for the domain;
	* The name, postal address, email address, voice telephone number, and where available, fax number of the zone contact for the domain;
	* The expiration date of the registration; and
	* Information regarding all other activity between you and us regarding your domain registration and related services.
5. Use of registration information and additional registration information. You agree and acknowledge that Dotster, Inc. will make available the Registration Information and the Additional Registration Information to ICANN; to other third parties such as VeriSign, Inc. Global Names Registry Ltd., Neustar, Inc., Afilias USA, Inc., Global Domains International (collectively, "Registry Administrators"); and as applicable laws may require or permit. Additionally, you acknowledge and agree that ICANN and the Registry Administrators may establish guidelines, limits and/or requirements that relate to the amount and type of information that Dotster, Inc. may or must make available to the public or to private entities, and the manner in which such information is made available. Further, you hereby consent to any and all such disclosures and use of, and guidelines, limits and restrictions on disclosure or use of, information provided by you in connection with the registration of a domain (including any updates to such information), whether during or after the term of your registration of the domain. Moreover, you hereby irrevocably waive any and all claims and causes of action that may arise or have arose from such disclosure or use of your Registration Information and the Additional Registration Information.
6. Information updating and accuracy obligations. As a condition to continued registration of your domain, you must keep the Registration Information current, complete and accurate. You may access your Registration Information in Dotster, Inc.'s possession to review, modify or update such Registration Information, by accessing Dotster, Inc.'s domain manager service, or similar service, made available at our Web site. In accordance with ICANN policies, you acknowledge and agree that if you willfully provide inaccurate information or fail to update your Registration Information promptly will constitute a material breach of this Agreement and may result in the cancellation of your domain registration. You further agree that your failure to respond in less than ten (10) calendar days to inquiries by Dotster, Inc. concerning the accuracy of the Registration Information or immediately upon discovery of any willful inaccuracy (including, i.e., phone number of 555-1212, 000-0000) associated with your domain registration shall constitute a material breach of this Agreement and will be sufficient basis for cancellation of your domain registration.
7. **Glossary (content owner: Team)**
8. **References**
9. **WHOIS Policy and Implementation References**
* <http://www.icann.org/en/documents/affirmation-of-commitments-30sep09-en.htm>
* <http://www.icann.org/en/registrars/ra-agreement-21may09-en.htm>
* <http://www.icann.org/en/general/bylaws.htm>
* Theoretical Gap Classes: There are several other Gap Classes, as demonstrated by the table:

|  |  |  |  |
| --- | --- | --- | --- |
| **AOC** | **Contracted Party Obligation** | **Compliance** | **Notes / Gap Class Description** |
| **✕** | **✕** | **✕** | Out of Scope |
| **✕** | **✕** | **✔** | Compliance Going Rogue |
| **✕** | **✔** | **✕** | Honor System |
| **✕** | **✔** | **✔** | AoC Doesn’t Care |
| **✔** | **✕** | **✕** | Empty Promises (**α)** |
| **✔** | **✕** | **✔** | Attempting to enforce AOC |
| **✔** | **✔** | **✕** | Asleep at the Switch (β) |
| **✔** | **✔** | **✔** | Aligned / No Gap |

* <http://www.icann.org/en/registrars/wdrp.htm>
1. Please refer to <https://community.icann.org/download/attachments/19300487/whois-community-22jun11-en.pdf?version=1&modificationDate=1312224891000> [↑](#footnote-ref-1)
2. Please refer to <https://community.icann.org/download/attachments/19300487/whois-community-22jun11-en.pdf?version=1&modificationDate=1312224891000> [↑](#footnote-ref-2)
3. Please refer to <https://community.icann.org/download/attachments/19300487/whois-community-22jun11-en.pdf?version=1&modificationDate=1312224891000> [↑](#footnote-ref-3)
4. Please refer to <http://forum.icann.org/lists/whoisrt-discussion-paper/msg00008.html> [↑](#footnote-ref-4)
5. Please refer to <http://forum.icann.org/lists/whoisrt-discussion-paper/msg00018.html> [↑](#footnote-ref-5)
6. Please refer to <http://www.icann.org/en/public-comment/report-comments-whoisrt-discussion-paper-05aug11-en.pdf> [↑](#footnote-ref-6)
7. Please refer to [https://community.icann.org/download/attachments/19300487/whois-review-alac-21jun11-en+%283%29.pdf?version=1&modificationDate=1315416878514](https://community.icann.org/download/attachments/19300487/whois-review-alac-21jun11-en%2B%283%29.pdf?version=1&modificationDate=1315416878514) [↑](#footnote-ref-7)
8. Please refer to [https://community.icann.org/download/attachments/19300487/whois-review-alac-21jun11-en+%283%29.pdf?version=1&modificationDate=1315416878514](https://community.icann.org/download/attachments/19300487/whois-review-alac-21jun11-en%2B%283%29.pdf?version=1&modificationDate=1315416878514) [↑](#footnote-ref-8)
9. Please refer to <https://community.icann.org/download/attachments/19300487/whois-community-22jun11-en.pdf?version=1&modificationDate=1312224891000> [↑](#footnote-ref-9)