

WHOIS Policy Review Team Draft Report

Governmental Advisory Committee (GAC)

14 February 2012

About the WHOIS Review

- Affirmation of Commitments (AoC) review
- Mandate began in October 2010
- Cross-community composition, law enforcement (LE) representative & independent experts
- Scope of work & Roadmap (January 2011)
<https://community.icann.org/display/whoisreview/Scope+and+Roadmap+of+the+WHOIS+RT>

Draft report – key features

- Draft Report published on 5 Dec 2011
- Appendices:
 - letter to ICANN compliance;
 - Methodology & Outreach;
 - Background & Glossary;
 - User Insight Video.
- Public comment period open
- Final Report target date: 30 April 2012

Findings

- No clear WHOIS Policy
- Policy & implementation have not kept pace with real world
- Over 20% of gTLD WHOIS data so inaccurate that impossible to reach the registrant
- Users of WHOIS have difficulty finding those responsible for websites.

Findings

- Policy gap: privacy and proxy services
- Current implementation of WHOIS services does not help to build consumer trust, need to raise awareness and improve user-friendliness
- Concerns re ICANN Compliance → letter (Appendices – Part I)

Single WHOIS Policy

1. Single WHOIS Policy

- to be referenced in agreements with contracted parties
- repository of current policy, including consensus policies.

Policy Review – WHOIS Data Reminder Policy

2. WHOIS Data Reminder Policy

- metrics to track the impact
- metrics and targets for improvement
- if not feasible under current system, develop an alternative to improve data quality

Strategic Priority

3. WHOIS a strategic priority.

- allocate sufficient resources
- ICANN compliance staff fully resourced
- proactive regulatory role
- encourage a culture of compliance
- Board to ensure that a senior executive is responsible for overseeing WHOIS compliance.

Outreach

4. WHOIS policy issues

- accompanied by cross-community outreach
- including relevant stakeholders outside of ICANN
- an ongoing program for consumer awareness.

Data Accuracy

5. Appropriate measures to reduce the number of unreachable WHOIS registrations

- by 50% within 12 months
- by 50% again over the following 12 months.

6. Accuracy report

- focused on measured reduction
- on an annual basis.

Data Accuracy

7. Data accuracy

- annual status reports on progress towards achieving the goals set out by this WHOIS RT
- published by the time the next WHOIS Review Team starts
- include tangible, reliable figures

Data Accuracy

8. Data accuracy

- clear and enforceable chain of responsibility
- require the provision and maintenance of accurate WHOIS data.
- clear, enforceable and graduated sanctions for non-compliant registries and registrars

Data Accuracy

9. Data accuracy

- Requirements widely and pro-actively communicated
- Registrant Rights and Responsibilities document pro-actively and prominently circulated

Data Access – Privacy Services

10. Data Access Privacy Services

- clear, consistent and enforceable requirements
- clearly label WHOIS entry
- full contact details
- standardized relay and reveal processes and timeframes
- rules for the appropriate level of publicly available information
- maintenance of a dedicated abuse point of contact
- periodic due diligence checks on registrant contact information

Data Access – Privacy Services

11. Data access – privacy services

- develop graduated and enforceable series of penalties
- clear path to de-accreditation for repeat, serial or otherwise serious breaches.

Data Access – Proxy Services

12. Data Access – Proxy services

- facilitate the review of existing practices by reaching out to proxy providers
- Identify current processes

13. Data Access – Proxy services

- Registrars required to disclosure their relationship with any Affiliated Retail proxy service provider to ICANN.

Data Access – Proxy Services

14. Data Access – Proxy Services

- voluntary best practice guidelines
- appropriate balance

Such voluntary guidelines may include:

- ◆ Full contact details
- ◆ Publication of process for revealing and relaying information;
- ◆ Standardization of reveal and relay processes and timeframes, consistent with national laws;
- ◆ Maintenance of a dedicated abuse point of contact
- ◆ Due diligence checks on licensee contact information.

Data Access – Proxy Services

15. Data Access – Proxy Services

- encourage and incentivize registrars to interact with the retail service providers that adopt the best practices.

16. WHOIS Policy, referred to in Rec.1 above

- include an affirmative statement that clarifies that a proxy means a relationship in which the Registrant is acting on behalf of another.
- WHOIS data is that of the agent, and the agent alone obtains all rights and assumes all responsibility for the domain name

Data Access – Common Interface

17. To improve access to the Whois data of .COM and .NET gTLDs, the only remaining Thin Registries, ICANN should set up a dedicated, multilingual interface website to provide thick WHOIS data for them.

ALTERNATIVE for public comment:

To make WHOIS data more accessible for consumers, ICANN should set up a dedicated, multilingual interface website to allow "unrestricted and public access to accurate and complete WHOIS information". Such interface should provide thick WHOIS data for all gTLD domain names.

Internationalized Domain Names

18. Task a working group (WG) within 6 months
 - to finalize encoding, data model, and services, for internationalized registration data.
 - report no later than one year from formation.
 - aim for consistency of approach across the gTLD and – on a voluntary basis – the ccTLD space.

Internationalized Domain Names

19. The final data model and services

- incorporated and reflected in Registrar and Registry agreements
- Or explicit placeholders in the agreements for the new gTLD program.

Internationalized Domain Names

20. Internationalized Domain Names:

- requirements for registration data accuracy and availability in local languages.
- metrics to measure accuracy and availability of data in local languages and (if needed) corresponding data in ASCII
- compliance methods and targets.

Specific feedback requested:

- Timeframes for implementation
- Identify who should be tasked
- Input on all recommendations, especially 17 (alternatives put forward for comment)
- How to monitor progress between now and the next Review

Links and dates

Link to public comment period:

<http://www.icann.org/en/public-comment/whois-rt-draft-final-report-05dec11-en.htm>

Public comment email address:

whois-rt-draft-final-report@icann.org

Interaction with Community, Costa Rica, Monday 14:00-15:30

Meeting with GAC , Tuesday 11:00-12:00

Public comment close date: 18 March 2012