

WHOIS POLICY REVIEW, AUGUST 2005

auDA's Response to Public Comments

auDA received 11 submissions during August 2005.

Comments fell into 5 broad categories, discussed below.

1. Disclosure of registrant email addresses

Several submissions highlighted concerns among industry and consumers that disclosure of registrant email addresses on WHOIS leads to increased spam. Various solutions were suggested, including use of contact forms, secret email addresses or removing email addresses from WHOIS altogether.

auDA response:

We remain of the view (expressed in previous WHOIS policy reviews) that disclosure of the registrant contact email address is beneficial for two reasons:

- to ensure that the registrant can be contacted in relation to their domain name
- to enable the registrant to easily check that their contact email address is up to date, for renewal or transfer purposes.

However, we acknowledge that spam is a real and increasing problem for Internet users. We therefore propose to display registrant email addresses in a non-machine readable format (the exact technical solution will be determined in consultation with the registry).

2. Disclosure of domain name creation and expiry dates

Submissions that were in favour of disclosing domain name creation and expiry dates on WHOIS argued that:

- IP and copyright owners would be able to assess their rights without the additional cost, delay and administrative burden associated with the current Request for Domain Name Creation Date process;
- it would assist users to identify fraudulent websites
- removing access has not led to a reduction in renewal-type scams.

Submissions from registrars expressed support for the current policy of non-disclosure of creation and expiry dates.

auDA response:

We do not support the disclosure of creation and expiry dates on WHOIS. We agree with the comment that disclosing dates "simply provides information used for unsolicited marketing".

We acknowledge that the Request for Domain Name Creation Date form needs to be updated, and we will also consider making it less restrictive in terms of the reasons why someone might make a request.

3. Access to WHOIS data by IP and copyright owners

Registrant contact details

Submissions from IP and copyright interests called for disclosure of full registrant contact details. It was argued that Australian privacy legislation does not prohibit disclosure provided the registrant has given consent (express or implied).

Some submissions acknowledged that registrant contact details can be found via other means where the WHOIS record includes an official identifier (eg. ACN or ABN), however this is often not the case where the registrant has used a registered business name or trade mark as eligibility criteria for the domain name.

auDA response:

Although disclosure of full registrant contact details may not breach Australian privacy legislation, we do not believe that such disclosure is in the interests of registrants or the general public. Given the sensitivity surrounding the disclosure of email addresses, our view is that most registrants would not want their physical address and phone number disclosed on WHOIS. We are concerned that registrants may provide proxy or false contact details to avoid public disclosure, thereby undermining the quality and integrity of .au registry data. We note that ASIC and ABR also do not disclose full contact details online.

We acknowledge the point that WHOIS disclosure for commercial (com.au and net.au) registrants is inconsistent and agree with comments that all commercial registrants should be readily identifiable on a WHOIS search, regardless of the eligibility criteria they have used. Therefore, we propose to expand the WHOIS data set to include full eligibility information.

We believe that this change will not only make it easier for consumers and law enforcement agencies to identify the owner of a commercial website, but will also help users to understand why a registrant is eligible to hold a domain name and thus reduce the number of complaints to registrars.

Domain name transfer information

One submission recommended that WHOIS should disclose the name of any previous licensee and the date of transfer.

auDA response:

While the registry keeps logs of all changes to domain records, this information is not stored in the registry database and therefore is not able to be disclosed on WHOIS.

Proprietorship searches

Two submissions requested that auDA give consideration to implementing a proprietorship search function or process to enable users to look up all the domain names registered to a particular registrant.

auDA response:

Given the relatively small size of the .au domain (600,000 domains compared with millions in the gTLDs and larger ccTLDs) we do not consider it necessary to implement a proprietorship search function or process at this time, but it may be considered in a future review of policy.

4. Disclosure of technical contact information

One submission argued that full technical contact details (physical address, email address, phone and fax numbers) should be displayed on WHOIS. It was also suggested that the policy include an explanation of the purpose of the technical contact.

auDA response:

We do not consider it necessary for full technical contact details to be displayed, however we agree that it would be useful to include an explanation of the purpose of the technical contact.

5. Addition of a reseller field

Two submissions suggested that a new reseller field be added to WHOIS so registrants can readily identify their direct service provider.

auDA response:

This proposal is not as simple as it seems and has implications for other auDA policies. How would reseller information be recorded in the registry database and who would be responsible for keeping it up to date? What would be the process for recording a transfer between resellers, or between a reseller and a registrar? We think that it would be more appropriate to consider this proposal as part of a broader review of reseller policy.

Conclusion:

auDA is proposing to make the following changes to the WHOIS Policy:

- disclose registrant contact email addresses in a non-machine readable format
- expand the WHOIS data set to include registered business name and trade mark information
- include an explanation of the purpose of the technical contact.

We will also update the Request for Domain Name Creation Date form.

Some of the above changes require modification to registry systems. Accordingly, we will not publish or implement the new policy until after the current RFT for registry service provision has been completed.