

WHOIS Policy Review Team Draft Report

19 January 2012

- * 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+WHO+IS+RT>

*Draft Report published on 5 Dec 2011

*Set of appendices:

- letter to ICANN compliance;
- Methodology & Outreach;
- Background & Glossary;
- User Insight Video.

*Public comment period open

Close date: 18 March 2012 - 23:59 UTC

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

*Final Report target date: 30 April 2012

* Findings

- No clear WHOIS Policy
- In spite of many efforts undertaken to address the issue (studies underway etc), new ideas/ways need to be tried and communities outside of the GNSO need to be included in the process of developing the rules.
- Policy & implementation have not kept pace with the real world
- Over 20% of gTLD WHOIS data so inaccurate that impossible to reach the registrant
- Users of WHOIS, includ. LE, the private industry around LE and the security industry, have difficulty finding those responsible for websites.

* Findings

- ICANN policy with respect to privacy and proxy services must be clarified and codified
- ICANN has neglected to respond to the needs of this community in the accuracy of WHOIS data and in response times for access and action
- 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
- ICANN Compliance needs more resources → letter (Appendices - Part I)

*Single WHOIS Policy

1. Single WHOIS Policy

- single Policy document
- 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 of annual WHOIS Data Reminder Policy notices
- metrics to inform published performance targets over time, for improvement in data accuracy
- 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 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 contractual agreements with registries, registrars
- require the provision and maintenance of accurate WHOIS data.
- clear, enforceable and graduated
- sanctions to include de-registration and/or de-accreditation

*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
- appropriate balance
- include privacy, LE and the industry around LE
 - ◆ 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
- create a discussion which sets out 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
- include privacy, LE, and the industry around LE

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 (i) encoding, (ii) modifications to data model, and (iii) internationalized services, to give global access to gather, store and make available internationalized registration data.
- report no later than one year from formation, using existing IDN encoding.
- 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
- within 6 months of adoption of the WG's rec. by the ICANN board.
- If rec. are not finalized in time for the next revision of such agreements, explicit placeholders should be put in place in the agreements for the new gTLD program at this time, and in the existing agreements when they come up for renewal (as is the case for adoption of consensus policies).

*Internationalized Domain Names

20. Internationalized Domain Names:

- requirements for registration data accuracy and availability in local languages finalized along with the efforts on internationalization of registration data.
- metrics to measure accuracy and availability of data in local languages and (if needed) corresponding data in ASCII
- compliance methods and targets should be explicitly defined accordingly.

*20 recommendations (rec.)

*In addition, the RT seeks comment on:

- Acceptable timeframes for implementation
- Particular ICANN depts, staff or SOs which ought to be tasked with particular rec. (+ explanation);
- Input on all rec., including rec. 17 in which 2 variations of scope are presented for the “common interface” rec.;
- Input on efficient mechanisms for monitoring progress in implementing final recs. between completion of this report and start of the next RT;
- Additional input & notes.

Costa Rica

Proposal: Let's meet face-to-face in Costa Rica to discuss implementation details of these recommendations

Note: Interaction with the Community on Monday, 12 March - Time TBC

Your input is needed!

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

Public comment close date: 18 March 2012

WHOIS RT Chair: Emily Taylor emily@emilytaylor.eu

WHOIS RT Vice-Chair: Kathy Kleiman -

kathy@kathykleiman.com

Thank you!