

WHOIS Registrant Identification Study – Rationale for Changes – May 2011

Council's 28-April motion on WHOIS studies included a deferral of the WHOIS Registrant Identification Study (*"Council defers consideration of the WHOIS Registrant Identification Study until the 9 June 2011 meeting and requests that any applicable motions in that regard be submitted not later than 1 June 2011."*)

Since 28-April, ICANN staff and the volunteer WHOIS studies group made several revisions to the proposed WHOIS Registrant Identification study (draft attached). Our rationale for making these revisions was to address several objectives and concerns as explained below.

This study is now designed to explore questions about registrant characteristics and activities that were asked by the GAC in its Apr-2008 letter to the ICANN Board. The GAC's data requests were not framed in terms of hypotheses with policy implications, which was the study model adopted for other WHOIS studies. Early attempts to fit the GAC requests into the hypothesis model resulted in presumptive statements that raised significant concerns among several GNSO members.

The revised registrant study now seeks a foundational understanding of the types of entities and kinds of activities observed in gTLD domains that use privacy or proxy services. Accordingly, the categories of entities and activities are not pre-determined in this study, but will be generated as researchers examine representative samples of active websites and their WHOIS data.

For instance, researchers will characterize potentially commercial uses of websites in finer detail, such as: marketing of services, publishing events or merchandise, hosting paid advertising, soliciting donations, paying membership dues, etc. In addition, researchers will characterize uses for all sampled domain names, making no assumption about implied commercial use of domain names registered by legal persons.

We are confident that the finer distinctions captured in this study will provide the raw data needed to understand the entities and activities of registrants using WHOIS privacy and proxy services. This data will enable Council to respond to GAC questions and will create a baseline for evaluating potential policy changes that may be indicated by other WHOIS studies. Moreover, we believe the revised Registrant Identification Study will be deliverable by the same vendors that bid on the earlier RFP, providing data of significantly greater value at just slightly higher cost.

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