

Final Outcomes Report of the WHOIS Working Group 2007

STATUS OF THIS DOCUMENT

This is the FINAL Version (sequentially v1.9) of the Outcomes Report of the WHOIS Working Group.

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EXECUTIVE SUMMARY

Background and introduction

The WHOIS Working Group Outcomes Report (Report) was prepared in response to the GNSO Resolution of 28 March 2007, which created a WHOIS Working Group (WG) to examine three issues and to make recommendations concerning how current policies may be improved to address these issues:

- #1. to examine the roles, responsibilities, and requirements of the operational point of contact (OPOC), and what happens if they are not fulfilled;
- #2. to examine how legitimate interests will access unpublished registration data;
- #3. to examine whether publication of registration contact information should be based on the type of registered name holder (legal vs. natural persons) or the Registrant's use of a domain name.

The WG included 70 participants representing users, service providers and interests such as public law enforcement. The WG did not conduct votes. The Report includes statements of agreement, support and alternative views, explained further in the report. The Report also identifies implementation options (for ICANN staff or third parties) after completion of the WG's tasks. This summary is no substitute for reading the Report nor is it intended to re-characterize discussions or conclusions set forth in the Report.

Working group objectives: The public interest: balancing privacy and harm

In examining the OPOC proposal, the WG sought an outcome that would improve the privacy aspects of WHOIS services for natural persons and the

ability of legitimate parties to respond in a timely manner against fraud and other illegal acts by certain Registrants acting in bad faith. The Report notes that typically data privacy laws include exceptions that allow disclosure (including criminal, civil and administrative procedures) to prevent harm or for other compelling public interests. The WG sought to be consistent with typical exceptions provided by privacy laws around the globe.

#1 – Key responsibilities and requirements of the OPOC, and what happens if they are not fulfilled

The purpose of the OPOC is to provide a point of contact in lieu of the Registrant. As a threshold matter, the Report notes that implementing an OPOC would change the way certain data is collected, displayed and accessed, resulting in increased costs for service providers and delays for Requesters, compared with the status quo.

Examination of role and responsibilities of the OPOC

The WG Report identifies three roles the OPOC might perform. The OPOC must have accurate contact information for the Registrant to perform these functions. The first function would be to relay requests from a Requester to a Registrant. The WG agreed that the OPOC must relay requests in a timely manner and meet certain key implementation requirements. The second function would be to reveal unpublished information about natural persons in a timely manner when there is reasonable evidence of actionable harm; or reasonable evidence of inaccurate WHOIS data; or when relay fails after a specified period of time. Concerns include potential conflicts with national law, cost impact vis-à-vis direct access to Registrars, and differing views about the specific conditions under which this function should be performed. The third potential function is to have responsibility for determining and implementing a remedy, but only when the Registrant consents. Note alternative views, Sec. 3.2 and 3.3.

Examination of characteristics and requirements of the OPOC

The WG agreed on the defining characteristics and requirements of the OPOC. For example; there may be up to two OPOCs; the OPOC may be a Registrant, Registrar or third party appointed by the Registrant; and all Registrants (legal and natural persons) must appoint an OPOC. The OPOC would have a consensual relationship with the Registrant and defined responsibilities. The WG also agreed that implementing an OPOC may simplify contact information currently displayed in WHOIS.

The WG considered the need for verification (typically of the e-mail address) to ensure functionality of the OPOC. The Report rejects centralized accreditation of OPOCs as neither scalable or practicable. There was support for verification of the OPOC's e-mail address. There were concerns associated with such verification, including the cost to Registrars and the timing of when verification should occur, if implemented. Note supporting and alternative views, Sec. 2.3.

The WG also considered whether an OPOC needs to provide consent. The WG agreed that the Registrant is ultimately responsible for naming a functional OPOC and that a process to establish the consensual relationship between the OPOC and the Registrant is required. There was support to require explicit demonstration of OPOC consent and discussion about when and how consent might be obtained. That said, there were concerns about the burdens that a consent requirement might place on both Registrants and Registrars, if implemented. Note supporting, alternative views, Sec. 2.4.

Examination of what happens if the OPOC's responsibilities are not fulfilled

The WG considered the compliance and enforcement aspects of the OPOC proposal and the issues that arise when an OPOC fails to fulfil a designated role or responsibility. The WG agreed that when an OPOC fails to act or to act within a designated time to fulfil a relay or reveal request, the Requester may contact

the Registrar directly. The WG also discussed areas of concern, including who should bear the cost when an OPOC fails to perform, whether web-site suspension should be an option, and whether a mechanism should exist to sanction OPOCs who repeatedly fail to perform. Note supporting and alternative views, Sec. 4.

#2 – How will legitimate interests access registration data no longer published via WHOIS?

If the OPOC proposal is implemented, the data records of certain Registrants (natural persons) would no longer be published. Instead, Requesters of information about natural persons would need to contact either the OPOC or the Registrar. The responsibility of the OPOC for relaying requests and/or revealing information is described above. The WG also considered the circumstances under which WHOIS data might be accessed directly from a Registrar. The WG discussed whether direct access to unpublished data via a Registrar should be limited to certain entities, and whether various entities should be allowed different types of access. The Report notes that private actors may need one-time access to a specific, un-displayed record when there is “reasonable evidence of actionable harm”, and may also need regular access to numerous, specific records that are un-displayed. Access would need to be timely to be effective. In addition to “record-specific” access needed by private actors, public law enforcement entities may also need full access to the entire database. The WG agreed there were circumstances where law enforcement entities must have both record-specific and full access and where private actors must have record-specific access as described above. Circumstances broadly include suspected terrorism, fraud and other illegal activity, suspected consumer harm and intellectual property infringement. The WG also discussed whether Registrars may charge for direct access and concluded fees may be charged. Note alternative views, Sec. 6.5.

The WG further considered whether Registrars should authenticate parties requesting access. The Report notes concerns that authentication would introduce delays and impose cost. The WG identified two potential authentication mechanisms, self-declaration and third party authentication. The WG knew of no instance of a globally scalable system of authentication and concluded that the practicability and cost-effectiveness of authentication should be an area of further study. Note areas of agreement, supporting views, alternative views and implementation considerations, Sec. 6.6.

#3 – Should publication of registration contact information depend on the nature of the registered name holder (legal vs. natural persons) or its use of a domain name?

Significantly, the WG agreed that the OPOC proposal should change WHOIS policy on publication of data to distinguish between natural persons, where there would be only limited public display of WHOIS records, and legal persons (company, business, partnership, non-profit entity etc) for which there would be full display. The WG felt that a distinction based on use was neither sufficiently timely at the point of registration nor easily operational.

Feasibility studies

WG participants found it hard to resolve certain issues due to technical or legal uncertainty. The Report suggests that certain studies be considered, including a study of the costs that are likely to be incurred to implement aspects of the OPOC proposal, a study of certain privacy implications of implementing an OPOC, a study of possible authentication mechanisms, and a study on gTLD registrants and registrations and the use and misuse of WHOIS data.

INTRODUCTION

Background

The GNSO Council voted on 28 March, 2007 to create a WHOIS working group with a broad, balanced and representative membership, to take the output of the earlier WHOIS task force (most notably the outline "OPOC" proposal) and carry out further work to understand what that proposal might look like in greater detail. It was hoped that the group would address concerns and seek consensus around improvements to the WHOIS service. The group started work on the 25 April 2007 and closed on 20 August 2007. The group included members who were users as well as those who provide them service (registrars, registries and ISPs). Moreover, the group sought and achieved input from interests not previously engaged in GNSO WHOIS groups: in particular the law enforcement public sector and members of the Government Advisory Committee. The WHOIS working group was expected to achieve a balance between providing contact information adequate to facilitate timely resolution of any problems that arise in connection with the Registered Name, and the need to take reasonable precautions to protect data about any identified or identifiable natural person from loss, misuse, unauthorized access or disclosure, alteration, or destruction.

Specifically, the WHOIS working group was asked to examine the issues raised with respect to the policy recommendations of the task force and to make recommendations concerning how those policies may be improved to address these issues, namely:

- a). "define the roles, responsibilities, and requirements of the operational point of contact (OPOC), and what happens if they are not fulfilled.
- b). how legitimate interests will access registration data no longer published via WHOIS, and

c). whether a distinction should be made between the registration contact information published based on the nature of the registered name holder (for example, legal vs. natural persons) or its use of the domain name.”

This WHOIS working group’s Final Report is in response to the GNSO Resolution of 28 March 2007. The report reflects a great deal of intelligent collaboration by the working group: the Chair would like to thank the participants for their significant efforts and important contributions.

Status of statements and description of consensus-building conventions

Unless otherwise stated, every statement in this report is an agreed description or assertion of the WHOIS working group. The total number of group members was large (70) representing a significantly broad set of opinion. Participants were assumed to be speaking only for their organisations (or themselves) unless they explicitly stated they spoke for a wider or constituency interest. Some statements are preceded by the term AGREED. These statements are an agreed policy recommendation of this group. Some statements are qualified by a characterisation of SUPPORT or ALTERNATIVE VIEW. The group did not conduct votes. Points of agreement are noted based on the majority outcome of a series of issue-based discussions, held either by telephone conference or at one physical meeting, subsequently subject to group review.

The working group used the following conventions:

Agreed – there is broad agreement expressed by the contributing members of the working group though not necessarily unanimity. (This agreement is majority based and no attempt has been made to categorise agreement by interest group because participation had not been solicited nor organised by interest group);

Support – there is a gathering of positive opinion, but a range of alternative views exist and broad agreement has not been reached;

Alternative views – differing opinions expressed in relation to the characterisations of Support or Agreed, or opinions about other Alternative views.

Implementation options are shown in box. These are intended to be addressed by ICANN staff or third parties after completion of the tasks of this working group.

The ultimate authority to determine the level of agreement was that of the working group Chair, Philip Sheppard, assisted by the Vice Chair, Jon Bing. It should be noted that in the context of such a large group this determination was challenging because most of the participants spoke in an individual capacity.

SECTION 1 OBJECTIVE

The public interest: balancing privacy and harm

In discussing the OPOC proposal, the working group was broadly seeking an outcome that would improve certain data privacy aspects of WHOIS services, while simultaneously improving the ability of legitimate parties to act against fraud and other illegal acts by certain Registrants.

The underlying debate takes place in an environment where there are existing legal exceptions to data privacy (including criminal, civil and administrative procedures) for certain activities necessary to prevent harm. It was understood that these exceptions to data privacy laws also serve the public interest when in specified circumstances they over-ride any private interest of the Registrant or any duty on Registrars not to disclose personal data. The group was keen to be consistent with such typical exceptions allowed by data privacy laws across the globe.

This objective would seem to be consistent with the WHOIS principles of ICANN's Government Advisory Committee (GAC). The group has taken note of those principles, which were advanced with the intention of providing guidance to the policy process.

(In the group's debate there were occasional alternative views expressed by individuals who would prefer that the exceptions in national laws did not exist. The consensus of the group was to recognise both the existence and the need for such exceptions.)

Balance or harmony?

For certain users there was little conflict between the two goals (protection of privacy and protection from crime). These users expressed a concern about misuse of personal data primarily if that data fell into the hands of criminals. In other words, data privacy for these users was a strategy with the same objective (protection from crime).

Proportionality of the cost of change

The OPOC proposal requires a change in the way certain data would be collected, displayed and accessed. It was understood that such changes have cost implications in their implementation. The cost implications need to be proportionate to the benefits of any proposed change. Costs must also reflect the ability of cost-bearing service providers to absorb additional cost while any related transition to cost recovery occurs. Thus, there was discussion as to where these costs should fall. Outcomes of those discussions appear in the relevant section and are also one of the subjects of section 8 (calls for further study).

SECTION 2 – WHAT IS THE OPERATIONAL POINT OF CONTACT (OPOC)?

2.1 Who may be an OPOC?

There may be up to two OPOCs.

AGREED:

An OPOC must be one of the following:

- the Registrant
- the Registrar
- any third party appointed by the Registrant.

2.2 How does the OPOC relate to the Registrant?

AGREED:

- The OPOC should have a consensual relationship to the Registrant with defined responsibilities.
- There will need to be a change to both the Registrar Accreditation Agreement (RAA) and subsequently Registrar-Registrant agreements to reflect this relationship.

ALTERNATIVE VIEWS:

There was one view that the OPOC need merely be a designee with no indication of consent.

There was one view that consent should be a matter for determination between the registrant and its OPOC, not ICANN-mandated: in this view also the OPOC would be a designee.

Implementation:

- It is not intended that the implementation of this need create any particular legal relationship that may exist in national law other than an enforceable contract.
- There may be a need for changes to the fields of data in the public display of WHOIS information in registry agreements.

2.3 Is there a need for verification of the OPOC's e-mail address?

The objective of the OPOC is to provide a certain point of contact in the absence of the Registrant. Such certainty would be enhanced were the OPOC's e-mail address verified as active. This is consistent with the existing obligation for data Accuracy within WHOIS services. This section records discussion on the merits of such a verification.

AGREED:

A system of centralised accreditation of OPOCs by ICANN is neither scaleable nor practicable.

SUPPORT:

- Verification of an active e-mail address at the time of registration must be obtained by the Registrar. It would be up to each Registrar to implement this in any way they choose.
- Name registration may be completed before verification of the OPOC active e-mail address.
- In order to enhance certainty and accuracy, verification of an OPOC's active e-mail address at the time of registration must be obtained before enabling a web-site to resolve based on the registered name.
- Failure to obtain that verification in a given time period must result in a failure of the registration.
- Once verification is obtained, web-site resolution must be rapid.

ALTERNATIVE VIEWS:

Two registrar members opposed the need for verification believing the implementation to be overly burdensome. However one registrar member believed implementation would be consistent with existing practise and one

registrar member in reference to time delays commented that the existing registration process with certain registries takes weeks.

Some user views opposed the need for verification believing the implementation to be overly burdensome.

One user view was to not even enable registration until verification was complete.

One user viewed ICANN-mandated verification as inappropriate because the OPOC's responsibilities should be matters for definition between the registrant and its OPOC: external verification was seen as increasing cost without benefit.

One registry member disagreed with the recommendation.

One user was concerned that without Verification, the agreed policy in Section 2.2 on "consensual relationship" was meaningless.

Implementation options:

- Verification could be done by requiring a reply to an auto-generated e-mail.
- Verification may be obtained at the same time as consent (see below)
- The name may be put on hold status by the Registrar pending verification and then put on active status.
- Registrars may engage with Registries with respect to hold status.
- Where registration is not bound to subsequent web-site activation, no process will be required.

2.4 Consent to be an OPOC

Is it necessary to have the OPOC give explicit consent to be the OPOC ?

AGREED:

- The Registrant is responsible for having a functional OPOC.
- A process to establish the consensual relationship between the OPOC and the Registrant is required.

SUPPORT:

- Given the OPOC should have a consensual relationship to the Registrant with defined responsibilities, the OPOC must explicitly consent to being an OPOC.
- Name registration may be completed before consent is obtained.
- In order to prevent fraud, consent must be obtained before enabling a web site to resolve based on the registered name.
- Failure to obtain that consent in a given time period must result in a failure of the registration.
- Once consent is obtained, web-site resolution must be rapid.

ALTERNATIVE VIEWS:

Two registrars members opposed the need for consent believing the implementation to be overly burdensome. However one registrar member believed implementation would be consistent with existing practise and one registrar member commented in reference to time delays that the existing registration process with certain registries takes weeks.

One user viewed ICANN-mandated consent as inappropriate because the OPOC's responsibilities should be matters for definition between the registrant and its OPOC: external verification was seen as increasing cost without benefit.

One registry member disagreed with the recommendation.

One user was concerned that without Consent, the agreed policy in Section 2.2 on "consensual relationship" was meaningless.

Who should obtain consent?

SUPPORT:

The Registrar must be satisfied that consent exists but the way this is done need not be direct (see implementation options).

ALTERNATIVE VIEWS:

One registrar member said that it may be possible for the Registrant to obtain consent and during registration confirm to the Registrar that consent had been obtained.

One user commented that this alternative view would be burdensome on Registrants and posed challenges in tracing responsibility.

Implementation options:

- Consent may be done by requiring a consenting reply to an auto-generated e-mail (via e-mail or a web-based agree system) and obtained at the same time as verification of the OPOC e-mail address.
- The name may be put on hold status by the Registrar pending OPOC acknowledgement and then put on active status.
- Registrars may engage with Registries with respect to hold status.
- Registrars may need to consider changes to billing functions.
- If more practicable, the responsibility for “the process of consent” could lie with the Registrant and be regulated within the Registrar-Registrant agreement.

2.5 Proxy Services

Certain registrars offer a "proxy" service, to provide privacy protection for the Registrant. In this case the proxy is a proxy for the Registrant. From the ICANN point of view, the "proxy" is the Registered Name Holder. The proxy holds all the legal responsibilities of the Registered Name Holder in the agreement between the Registrar and the Registered Name Holder, as well as those described in the Registrar Accreditation Agreement (RAA). Registrars also further define terms and conditions of this service. The RAA provision relevant to proxy services is clause 3.7.7.3:

*" Any Registered Name Holder that intends to license use of a domain name to a third party is nonetheless the Registered Name Holder of record and is responsible for providing its own full contact information and for providing and updating accurate technical and administrative contact information adequate to facilitate timely resolution of any problems that arise in connection with the Registered Name. **A Registered Name Holder licensing use of a Registered Name according to this provision shall accept liability for harm caused by wrongful use of the Registered Name, unless it promptly discloses the identity of the licensee to a party providing the Registered Name Holder reasonable evidence of actionable harm.**"*

The proxy service is thus essentially irrelevant to the existence of an OPOC (but the last phrase may have relevance to discussions on the role of an OPOC).

AGREED:

In order to avoid a third layer between the underlying Registrant and the OPOC, where a proxy service exists, the proxy and the first designated OPOC must be one and the same.

ALTERNATIVE VIEWS:

One registrar member saw no need for any restriction.

One user believed that a third layer was good for data privacy.

2.6 OPOC and the tech/admin contacts

AGREED

- Simplification must be an objective should the OPOC proposal move forward.
- There are currently different display obligations between Registrars and Registries.

While one Registrar and one large user believed that both admin and tech contacts would continue to be useful even after the addition of one or more OPOCs, other Registrars and most users prefer a merging of roles. (The support from users for merging is conditional upon a presumption that no useful means of contact would be lost).

a) The technical contact.

There is an intuitive functional distinction between the technical contact and the OPOC although regrettably there is no formal definition of the role of the technical contact.

AGREED:

- The technical contact should continue to be displayed when the Registrant contact details are displayed.
- When the Registrant contact details are not displayed, then the technical contact details will also not be displayed.

b) The administration contact.

AGREED

- The role of the admin contact is currently poorly understood.
- There seems to be no over-riding reason for the future display of both admin and OPOC.

Implementation options:

- Consideration should be given to the merging of the admin and OPOC.
- Consideration could be given to reconciliation of different display obligations between Registries and Registrars.
- In pursuing simplification, national legal obligations may need to be considered.

SECTION 3 – THE ROLE AND RESPONSIBILITIES OF THE OPOC

Three distinct roles for the OPOC were discussed:

- RELAY
- REVEAL
- REMEDY

3.1 RELAY

The first role of an OPOC is to RELAY information from a Requester to the Registrant. It was recognised that the introduction of the OPOC system would introduce delays for Requesters, compared to the status quo, in communicating with and/or identifying the Registrant. Therefore there is a need for guidelines for timely actions by the OPOC.

AGREED:

- The OPOC must have current contact information of the Registrant.
- The OPOC must RELAY an information request to the Registrant in a timely manner.
- The OPOC must meet certain implementation requirements for relaying messages from the Requester to the Registrant.

Implementation options (relevant when the OPOC is NOT the Registrant):

- 24x7 responsiveness by the OPOC
- automatic real-time forwarding of e-mail requests from Requester to Registrant
- automatic real-time forwarding of responses from Registrant to Requester
- capability to forward requests and responses in other formats (e.g. fax or post)

Implementation options on timing:

- Immediate in all cases for first leg of RELAY (OPOC to Registrant). This may be automated in the case of e-mail requests.
- E-mail responses from Registrant to OPOC may also be forwarded to Requester immediately.

The group discussed what would be the typical nature of requests. It was recognised there may be good faith reasons and reasons relating to bad faith. In the case of bad faith the group considered the likely rationale for a request to include any communication that is made for the purpose of alleging a wrongful registration or use of the domain name, or wrongful activity by the registrant. Examples of such wrongful registration, use or activities include; phishing, pharming, cyber-squatting, copyright and trademark infringement, and other illegal or fraudulent activities. Such a registration would be accompanied by reasonable evidence of the wrongful act.

It is possible that Registrants might declare themselves as natural persons to avoid having a full data set published in the WHOIS database.

It was recognised that a clear basis for a request was required for the purpose of implementation. With respect to bad faith, the intent is to be compatible with the RAA and its reference to: “reasonable evidence of actionable harm” (cf. the current RAA, section 3.7.7.3). Hence, the following is used in the report to specify relevance to WHOIS of “reasonable evidence of actionable harm” :

“such as suspected fraudulent activity, intellectual property infringement, suspected false declaration as to being a natural person, or where other criminal, civil or administrative laws may be infringed”.

Implementation options:

- In making a request, the Requester may complete a checklist to inform the OPOC the nature of the request. Such a checklist might have the following form: Reason for Request is a reasonable suspicion of (check one):
 - fraudulent activity
 - intellectual property infringement
 - false declaration as a natural person
 - inaccurate WHOIS data
 - other legal infringement (specify)
 - other e.g. good faith (specify)

3.2 REVEAL

The second role of an OPOC is to REVEAL the unpublished contact information of Registrants who are natural persons to a Requester in certain limited circumstances. There was discussion as to whether REVEAL duplicates the ACCESS function that is intended to be performed by a Registrar and is described in Section 6 of this Report. The Access function described in Section 6 does NOT involve the OPOC but uniquely the Requester, referred to as the “Accessor” in that context, and the Registrar.

AGREED

In defence of retaining both the REVEAL function and the ACCESS function, the following was agreed:

- Requesters may need to know the contact information of the Registrant in order to serve legal notice.
- If a Registrant originally provided inaccurate data, then direct Access to the Registrar would be useless. It may be only the OPOC would have accurate contact information for the Registrant.
- Registrars inform that there is a significant cost issue if all requests go via the Registrar.
- Registrars inform that there is a scalability issue if all requests go via the Registrar.

SUPPORT:

- There is a concern that if the Access function were to be subject to an authentication mechanism, then REVEAL may be needed in particular for the pursuit of criminal activity.

ALTERNATE VIEWS:

There was one user view that REVEAL is duplication of the Access function.

There was one user view that REVEAL might contravene a national law.

There was one view in favour of authentication of the legal standing of a Requester to receive personal data in the context of the purpose of a REVEAL.

There was one view in favour of a due legal process before an unwilling REVEAL.

There was one user view that a means may be possible to serve legal notice on a Registrant without knowing the Registrant's contact information.

AGREED:

REVEAL must take place when there is ONE OF the following conditions:

- "Reasonable evidence of actionable harm"
- OR reasonable evidence of inaccurate WHOIS data
- OR when RELAY had failed after a specified time period.

The REVEAL must be timely.

ALTERNATIVE VIEWS:

One view was that inaccurate WHOIS data should not be a condition.

One view was that failure of RELAY should not be a condition.

There were some views that the RELAY test should be cumulative (an "AND" option).

One registry member disagreed with the recommendation.

Implementation options:

- If no Registrant response is promptly received (perhaps 12 hours in the case of an e-mail request that has been forwarded by e-mail), the OPOC may retry using all available means of contacting the Registrant (e.g. telephone).
- If no Registrant response is received within 72 hours, the OPOC may be obligated to REVEAL the Registrant contact data immediately to the Requester.
- An agreed definition of “reasonable evidence” may be needed.
- Existing provisions in certain Registry agreements may provide an implementation solution.

3.3 REMEDY

The third role for the OPOC was whether the OPOC should be responsible for both determining and implementing a REMEDY, and if so, how this might be implemented. It was recognised that this is a narrow role that should only apply under certain specific conditions, as described in bullet #2 below.

AGREED:

- Because the OPOC would be either the Registrant or in a consensual relationship with the Registrant, it would be inappropriate for the OPOC to be the actor responsible for determining or implementing a REMEDY that may not be in the interest of the Registrant or for which the Registrant does not consent.
- The OPOC should be responsible for REMEDY only when the Registrant consents. Such a case may be when a web-site is a large host site and a Request is made to remove specific pages from the site placed there by a third party. In these circumstances, the OPOC would be acting in the interest of the Registrant.
- In these circumstances REMEDY must be timely.

Note: The group recognised that this exceptional REMEDY function was technically outside of the scope of the group's terms of reference as it relates to an OPOC interaction with the hosting Internet Service Provider (ISP). Nevertheless, it is worth recording here as it is a role of the OPOC and in scope of the GNSO.

ALTERNATIVE VIEWS:

One registrar member disagreed with the recommendation.

One registry member disagreed with the recommendation.

Implementation options:

- Implementation is required outside of the scope of WHOIS services.
- Timely may be interpreted as a time line that is proportionate to the harm.

SECTION 4 – COMPLIANCE AND ENFORCEMENT

This section outlines the foreseen compliance and enforcement aspects of the OPOC proposal and addresses issues that arise when the OPOC does not fulfil a designated role or responsibility. Thus, a Registrar obligation occurs uniquely when there is a failure of the OPOC to RELAY or REVEAL as described in Section 3.

AGREED:

When there has been a failure by the OPOC to act or to act within a designated time-limit to fulfil a RELAY or REVEAL request, the Requestor may contact the Registrar and request one or more of the following (depending on the nature of the failure):

- REVEAL of the Registrant's full WHOIS data.
- Immediate suspension of the name records for the subject domain and /or suspension of web-site DNS.
- Immediate locking of the registered domain so that it cannot be transferred for a set period.

SUPPORT:

In contrast to the Access function (described in Section 6 of this Report), it was felt that this service should be free of cost to the Requester as it relates to a failure of the OPOC to perform. Thus, any additional costs for this service would be factored into the fees charged by Registrars to all Registrants.

ALTERNATIVE VIEWS:

One registrar felt that actions related to web-site suspension were out of scope.

One view was that actions related to web-site suspension should be the only ones in scope.

One registrar member felt that all services should be chargeable.

One registrar member disagreed with the recommendation.

One registry member disagreed with the recommendation.

One LEA member wanted a means to sanction OPOCs who consistently failed to perform.

One user disagreed with any need for compliance.

Implementation options:

- Registrars may require certain proof of the OPOC's failure from the Requester.
- The name may be available for resale after 90 days.
- Registrars may establish appeals or dispute resolution mechanisms whereby the Registrant may object in a timely manner to any of the above actions.

SECTION 5 – TYPE OF REGISTRANT AND DISPLAY IMPLICATIONS

The agreements noted below are a significant defining change in the display of WHOIS data. The distinction and its implication agreed in Section 5.2 would be a step-change in data privacy protection in WHOIS. However, such change must be seen in context with the group's other recommendations: the meaningful "consensual relationship" between Registrant and OPOC (Section 2); the OPOC's responsibilities (Section 3); compliance (Section 4); and access (Section 6).

5.1 Universality of OPOC

AGREED:

- From an implementation perspective, it would make sense for all Registrants (both legal and natural persons) to appoint an OPOC.

5.2 Distinction between natural and legal persons

Working definition:

- a natural person is a real living individual.
- a legal person is a company, business, partnership, non-profit entity, association etc.

This distinction is operational in the sense that it speaks to an historical fact about the Registrant before the act of registration. It will not vary much between jurisdictions, though forms of legal persons may display some variation. In some countries a natural person may also be a sole trader though their classification may vary depending on the nature of incorporation.

AGREED:

- A distinction between legal and natural persons must be made.
- This distinction must be made by the Registrant at the moment of registration.
- There is no need for validation or a challenge mechanism to this self-declaration at the moment of registration so long as a post-registration mechanism exists.

AGREED:

The implication of this declaration is that the public display of WHOIS records must be different in the following way:

Legal person

Full display of all WHOIS records

Natural person

Limited display of WHOIS records

See annex 1 for examples.

ALTERNATIVE VIEWS:

One registrar member disagreed with the recommendation.

One registry member disagreed with the recommendation.

One user disagreed with the recommendation.

Implementation options:

- A checkbox (to select natural or legal) could be part of the registration process.
- The existing flag facility within the Extensible Provisioning Protocol used by registries and registrars may be a basis for implementation.

SECTION 6 – ACCESS TO UNDISPLAYED DATA RECORDS

Today, full WHOIS data records are typically available to any Requester either via web-access or bulk access to the entire database. In a post-OPOC world the full data records of certain Registrants (natural persons) would not be available by these means. This section first discusses the types of access to these un-displayed records and then discusses to whom such access may be made available.

There are broadly four types of access:

- 6.1 Access to the displayed WHOIS records
- 6.2 One-time access to a specified un-displayed data record
- 6.3 Regular query-based access to un-displayed data records
- 6.4 Full access to displayed and un-displayed records.

This situation is a consequence of the OPOC proposal. Such access does NOT involve the OPOC but only concerns the relationship between the party wanting access, in this context described as the “Accessor”, and the Registrar. (For this reason, while the term “Requester” is used in other sections to refer to a Request initially made of the OPOC, the term “Accessor” is used here for clarity to refer to a request for access made to a Registrar).

The objective of Access is to consider the circumstances under which WHOIS data may be accessed directly from a Registrar and not through the OPOC. In this pursuit the group recognised the existence of exceptions to data privacy laws which, in certain circumstances, override the duty of Registrars to protect against the disclosure of personal data.

6.1 Access to the displayed WHOIS records

AGREED:

Access to displayed WHOIS records would continue and would result in access to the full data records for legal persons and to the limited data records for natural persons.

The group discussed three additional types of access. The sub-sections that follow (6.2, 6.3, 6.4) are descriptions not policy recommendations.

6.2 One-time access to a specified un-displayed data record

One-time access would be limited to a single record of a Registrant at a specific time, wherein a specific request is made to the Registrar for each record.

This access would take place when there is “reasonable evidence of actionable harm”. Such access would need to be timely to be effective.

Implementation options:

- Timeliness may be defined as proportionate to the suspected harm and related to the means of access.
- Existing provisions in certain Registry agreements may provide an alternative implementation option.

6.3 Regular query-based access to un-displayed data records

Regular access would be query-based to un-displayed data for any domain, subject to limitations on the purposes of Access and the uses to be made of the data obtained.

This access would take place only if there is “reasonable evidence of actionable harm”.

Implementation options:

- A pre-registration system by Registrars for Accessors may be needed.
- A restriction of the number of queries available in a certain time period may be imposed on Accessors.
- There may be a need for record keeping of queries by the Registrar.
- There may be means to sanction Accessors for abuse of limitations.
- Limitations may be specified in contractual conditions agreed between Accessors and Registrars.
- Existing provisions in certain Registry agreements may provide an alternative implementation option.

6.4 Full access to displayed and un-displayed records

Full access would be access to the entire database of data records that are both displayed and un-displayed in a form that all are displayed. A means of displaying the un-displayed records would be needed.

Implementation options:

- Data records may be encrypted and a key supplied
- Data records may be in a password-protected database and a password supplied.
- Existing provisions in certain Registry agreements may provide an alternative implementation option.

6.5 Is there any need for Access?

The group identified two broad categories of Accessors who might have a need for such access as described above.

- Public law enforcement agencies (LEAs): governmental agencies legally mandated to investigate and/or prosecute illegal activity.
- Private actors: organisations or individuals that are not part of an LEA.

AGREED

- There were circumstances where LEAs need access as described above (one or more of 6.2, 6.3, 6.4) and where private actors need access as described above (one or more of 6.2 and 6.3). These circumstances broadly include suspected terrorism, fraudulent or other illegal activity, suspected consumer harm and suspected intellectual property infringement.

ALTERNATIVE VIEWS:

There were circumstances where private actors may need access described above (under 6.4).

There were some views that both LEAs and private actors should be denied access described above (under 6.4).

One registrar member disagreed with the recommendation.

One registry member disagreed with the recommendation.

Implementation options:

The “circumstances” for allowable Access need to be consistently defined.

6.6 Do those needing access require authentication?

There was discussion about the need for Registrars to authenticate in some way those parties requesting such access. It was recognised that authentication would both potentially introduce delays in Access and impose cost upon Registrars and Accessors. Among the private actors it was recognised that the banking sector had an especially urgent need to address consumer fraud stemming from acts such as phishing (identity theft).

It was recognised that broadly there are two mechanisms for means of access:

- Self-declaration by the Accessor.
- Authentication of the Accessor by a third party.

Self-declaration could be backed-up by such means as:

- a challenge procedure by the Registrar;
- a signed affidavit from the Accessor;
- a penalty for misrepresentation.

The following options were discussed and rejected as either impracticable or not legally permissible on a sufficiently wide global scale:

- use of Interpol to authenticate LEAs.
- use of LEAs to authenticate the private sector.

There was no known instance of a third party system able to authenticate Accessors that is currently globally scaled. The proportionality of the cost of such a system is unknown and requires study. Additionally, some LEAs reported fundamental challenges to the concept of authentication of public sector organizations by private entities: this would seem to reverse the usual role of government. A U.S. consultant's report, which considered the practicalities of establishing an authentication mechanism for LEAs in the United States,

discussed possible means but in summary concluded: "I am not confident that there is an organization that can properly accredit law enforcement agencies in the United States, let alone internationally".

AGREED:

- The feasibility, practicality and cost-effectiveness of authentication mechanisms for LEAs and private actors should be further studied.
- OPOC implementation should be contingent upon the development of broadly supported means of Access as described in this section.

SUPPORT:

- In the absence of a known method of authentication today access should be granted to LEAs and private agencies based on self-declaration by the Accessor.
- A system of safeguards to prevent abuse of this Access is needed.

ALTERNATIVE VIEWS:

Certain user members believed self-declaration was insufficient and that authentication was essential: thus no access of the type described under 6.3 and 6.4 should be granted to private actors.

One registrar member disagreed with the recommendations.

One registry member disagreed with the recommendations.

One representative of certain banks was strongly in favour of the rapid establishment of Access being granted to banks subject to an authentication mechanism administered by public-sector bank regulators.

Implementation options

- A concise description of the grounds for requiring Access may be needed.
- Private actors may enter into prior agreements with a Registrar to enable or speed Access.
- For self-declaration to be subject to an effective challenge procedure, work may be needed to determine “effective”.
- A specific means of Access for the banking sector could be considered.

6.7 Should any Access services be chargeable?

There was discussion as to whether any of the Access options described above in 6.2, 6.3 and 6.4 should be chargeable by Registrars to those requiring Access.

Reasons in favour were:

- to recover costs
- to impose costs on those requiring the service
- to deter abuse that may arise in a free system
- to assist with monitoring.

Reasons against were:

- a concern that fees may be excessive to Accessors
- a concern that fees may go beyond nominal or cost recovery and become profit-generating
- a concern that there was additional (wasted) cost in merely setting up a new fee collection system.

AGREED

There should be no assumption that Access services would be entirely free of cost to Accessors.

ALTERNATIVE VIEWS:

There were two user view was that all costs should be factored into the basic user fees charged by Registrars thus avoiding the need and cost of additional mechanisms.

Implementation options:

Registrars may consider charging a nominal fee for Access services.

SECTION 7 – DISCUSSION OF REJECTED OPTIONS

Section 7 records issues where there was substantial discussion, and lists those options that did not achieve general support. These are rejected options.

7.1 OPOC accreditation by ICANN

(See section 2). The group discussed two means of possible accreditation of the OPOC, a formal system of accreditation performed by ICANN, and a system of verification and consent. The more formal option of a system of centralised accreditation by ICANN (a system parallel to Registrar accreditation) was generally thought to be neither scaleable nor practicable. It assumed a limited number of OPOCs and is thus not consistent with the concept of a much larger set of consensual relationships.

7.2 Distinction between Commercial and Non-Commercial Registrants

(See section 5). This distinction is problematic as it relates to the future intent of the Registrant and is not coincident with the moment of Registration. If this distinction were to be made, those who supported it suggested it could be a self-declaration at the point of registration. If this distinction were to be made, natural persons could be considered engaging in commercial activities if one of the following indicative criteria were satisfied:

- The offer or sale of goods or services
- The solicitation or collection of money or payments-in-kind
- Marketing activities, advertising, paid hypertext links
- Activities carried out on behalf of legal persons
- Certain types of data processing.

Overall the group felt that the distinction between commercial and non-commercial activities is not by itself sufficiently timely at the point of registration nor easily operational.

SECTION 8 – FEASIBILITY STUDIES

Throughout the group's time there have been a number of issues that were unresolved as a result of technical or legal uncertainty. Such issues lend themselves to short, focused studies to assess feasibility and certainty. The group would welcome specific ideas from ICANN staff around the headline issues below. The group would like to see all studies completed before the start of the second quarter 2008.

These issues include:

- cost-related studies:
 - costs to implement the verification and consent proposals described in sections 2.4 and 2.5;
 - costs to implement the Request/compliance issues of section 4;
 - costs to implement the Access options described in section 6;
 - marginal costs to implement a new fee-based system for Accessors compared with recovering additional costs from user fees using existing systems;
- data privacy issues arising from the self-declaration of Accessors in the Access proposal described in section 6;
- mechanisms for a practicable, cost-effective, globally scaleable means of authenticating Accessors as described in section 6.
- information on gTLD registrants and registrations and the use and misuse of WHOIS data. (This would be a broadening of a study proposed by the GAC and a go beyond the focus on spam in the June 2007 ICANN SSAC study.)

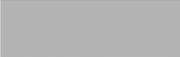
ANNEX 1 – WHOIS DATA DISPLAY OPTIONS

Record	WHOIS today	Limited (natural person) (OPOC)	Full (legal person) (OPOC)
Domain ID:	X	X	X
Domain Name:	X	X	X
Created On:	X	X	X
Last Updated	X	X	X
Expiration Date:	X	X	X
Sponsoring Registrar:	X	X	X
Status*:	X	X	X
Registrant ID:	X	X	X
Registrant Name:	X	X	X
Registrant Organization:	X	X	X
Registrant Street1:	X		X
Registrant Street2:	X		X
Registrant Street3:	X		X
Registrant City:	X		X
Registrant State/Province:	X	X	X
Registrant Postal Code:	X		X
Registrant Country:	X	X	X
Registrant Phone:	X		X
Registrant Phone Ext.:	X		X
Registrant FAX:	X		X
Registrant FAX Ext.:	X		X
Registrant Email:	X		X
Natural person#		X	X

Record	WHOIS today	Limited (natural person) (OPOC)	Full (legal person) (OPOC)
Legal person#		X	X
Proxy service operating#		X	X
OPOC*# ID:		X	X
OPOC Name:		X	X
OPOC Organization:		X	X
OPOC Street1:		X	X
OPOC Street2:		X	X
OPOC Street3:		X	X
OPOC City:		X	X
OPOC State/Province:		X	X
OPOC Postal Code:		X	X
OPOC Country:		X	X
OPOC Phone:		X	X
OPOC Phone Ext.:		X	X
OPOC FAX:		X	X
OPOC FAX Ext.:		X	X
OPOC Email:		X	X
Admin ID:	X	?	?
Admin Name:	X	?	?
Admin Organization:	X	?	?
Admin Street1:	X	?	?
Admin Street2:	X	?	?
Admin Street3:	X	?	?
Admin City:	X	?	?
Admin State/Province:	X	?	?
Admin Postal Code:	X	?	?

Record	WHOIS today	Limited (natural person) (OPOC)	Full (legal person) (OPOC)
Admin Country:	x	?	?
Admin Phone:	x	?	?
Admin Phone Ext.:	x	?	?
Admin FAX:	x	?	?
Admin FAX Ext.:	x	?	?
Admin Email:	x	?	?
Tech ID:	x		x
Tech Name:	x		x
Tech Organization:	x		x
Tech Street1:	x		x
Tech Street2:	x		x
Tech Street3:	x		x
Tech City:	x		x
Tech State/Province:	x		x
Tech Postal Code:	x		x
Tech Country:	x		x
Tech Phone:	x		x
Tech Phone Ext.:	x		x
Tech FAX:	x		x
Tech FAX Ext.:	x		x
Tech Email:	x		x
Name Server*:	x	x	x

Key:

- * multiple entries possible
- x data collected and displayed
- data collected but not displayed
-  data not collected
-  merged data with OPOC
- # new data element conditional on new policy

ANNEX 2 – GLOSSARY OF WHOIS TERMINOLOGY

Cyber-squatting

“Cybersquatting, according to the United States federal law known as the [Anticybersquatting Consumer Protection Act](#), is registering, trafficking in, or using a domain name with bad-faith intent to profit from the goodwill of a trademark belonging to someone else. The cyber-squatter then offers to sell the domain to the person or company who owns a trademark contained within the name at an inflated price.” Source: http://en.wikipedia.org/wiki/Cyber_squatting

ICANN Consensus policy

A ‘consensus policy’ has a specific legal meaning within ICANN. ICANN's [agreements](#) [\(<http://www.icann.org/general/agreements.htm>](http://www.icann.org/general/agreements.htm) with accredited registrars and with gTLD registry operators require compliance with various specifically stated procedures and also with "consensus policies." Sponsors and registry operators of sponsored TLDs may be required to comply with consensus policies in some instances. A gTLD consensus policy is created by a completed policy development process (PDP) developed through the GNSO and adopted by the ICANN Board. To date, two consensus policies, i.e. policies that create a compliance requirement for registries and registrars, have been implemented: the WHOIS Data Reminder Policy (<http://www.icann.org/registrars/wdrp.htm>) and the WHOIS Marketing Restriction Policy (<http://www.icann.org/registrars/wmrp.htm>).

Pharming

Pharming is an “attack aiming to redirect a website's traffic to another, bogus website. Pharming can be conducted either by changing the hosts file on a victim’s computer or by exploitation of a vulnerability in DNS server software. DNS servers are computers responsible for resolving Internet names into their real addresses — they are the "signposts" of the Internet. Compromised DNS servers are sometimes referred to as "poisoned". The term pharming is a word play on farming and phishing. ... In recent years both pharming and phishing have been used to steal identity information.” Source: <http://en.wikipedia.org/wiki/Pharming> . Pharming has become of major concern to businesses hosting ecommerce and online banking websites.

Phishing

Phishing is a criminal activity using social engineering techniques to fraudulently acquire sensitive information, such as usernames, passwords and credit card details, by masquerading as a trustworthy entity in an electronic communication. eBay and PayPal are two of the most targeted companies, and online banks are also common targets. Phishing is typically carried out by email or instant messaging, and often directs users to give details at a website whose operators then misuse the data. Source:

<http://en.wikipedia.org/wiki/Phishing>

Port 43 access to WHOIS

Port numbers are an identifier that an application uses to address a specific process or protocol on a server.

For example when we type http: in a browser we are indicating that the traffic is destined for port 80 at the url.

So, <http://www.icann.org> can also be written as <http://www.icann.org:80> or www.icann.org:80

https is port 443,

WHOIS is port 43

Further information on port numbering and use:

<http://www.iana.org/assignments/port-numbers>

The Registrar Accreditation Agreement requires registrars to make the WHOIS database freely accessible to the public via a web query-based system called port 43.

RAA (Registrar Accreditation Agreement)

The Registrar Accreditation Agreement (RAA) spells out which data is collected and how it is used by registrars. Registrar Accreditation Agreement,

<http://www.icann.org/registrars/ra-agreement-17may01.htm>, is the agreement that sets out the obligations of ICANN-accredited registrars.

Regarding WHOIS, the RAA requires registrars to:

- Provide at its expense 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 elements are designated by an ICANN-adopted specification or policy. Until ICANN changes this specification or policy, this data consists of the following elements:

- Registered name
- Names of primary and secondary name servers
- Identity of registrar
- Creation and expiration dates of the registration
- Name and postal address of the registered name holder
- Name, postal address, email address, telephone number of both the technical and the administrative contact for the registered name
- Tell the registered name holder the purpose for the collection of any personal data and its intended recipients, and how to access and correct the data
- Take reasonable precautions to protect personal data from loss, misuse, unauthorized access or disclosure, alteration, or destruction
- Only sell registrations to customers who consent to providing contact information (which need not be their personal contact information) to be published in the WHOIS service
- Abide by applicable laws and governmental regulations

The RAA requires registrants to:

- Provide accurate and reliable contact data and update them as required
- Respond within 15 days to registrar inquiries about the accuracy of the contact data

Reasonable evidence of actionable harm

This terminology is mentioned in Registrar Accreditation Agreement. For the purposes of this report it may be defined as “Suspected fraudulent activity, suspected intellectual

property infringement, suspected false declaration as to being a natural person, or where other criminal, civil or administrative laws may be infringed”.

Registered Name Holders (registrants) and WHOIS

The following provision of the ICANN Registrar Accreditation Agreement (RAA)

<http://www.icann.org/registrars/ra-agreement-17may01.htm> is relevant to the accuracy of registrar WHOIS data:

[3.7.7](#) Registrar shall require all Registered Name Holders to enter into an electronic or paper registration agreement with Registrar including at least the following provisions:

3.7.7.1 The Registered Name Holder shall provide to Registrar accurate and reliable contact details and promptly correct and update them during the term of the Registered Name registration, including: the full name, postal address, e-mail address, voice telephone number, and fax number if available of the Registered Name Holder; name of authorized person for contact purposes in the case of an Registered Name Holder that is an organization, association, or corporation; and the data elements listed in Subsections 3.3.1.2, 3.3.1.7 and 3.3.1.8.

3.7.7.2 A Registered Name Holder's wilful provision of inaccurate or unreliable information, its wilful failure promptly to update information provided to Registrar, or its failure to respond for over fifteen calendar days to inquiries by Registrar concerning the accuracy of contact details associated with the Registered Name Holder's registration shall constitute a material breach of the Registered Name Holder-registrar contract and be a basis for cancellation of the Registered Name registration.

Registry WHOIS

WHOIS services made available by specific registries for the domain names that they are authoritative for. Registry WHOIS often do not provide the comprehensive contact information that Registrar WHOIS services do, but they usually contain contact information for the Sponsoring Registrar. Note that the payload provided to the client by the Registry is not standardized between Registries and may vary based on the model employed by the Registry.

http://icannwiki.org/Registry_WHOIS

Thick registry

A "thick" registry is one that displays in WHOIS authoritative information for a domain name received from a registrar. In a "thick" registry model, registrant data is retained by the registry in its centralized database. This is useful in the event of registrar failure as the registry would have a copy of relevant registrant data in its "thick" WHOIS service.

Thin registry

A "thin" registry will only display the information showing the registrar of record, creation date, and nameservers. With the 'thin' model, only the operational data about each domain is stored in the central registry database while contact data and billing information is maintained by the registrar sponsoring the domain name. The registry only knows the mapping from a domain name to a registrar, and the associated name servers. WHOIS services operated by the registry publish that mapping; the registrant's identity is then published by the registrar.

WHOIS

According to RFC 3912 of the IETF (<http://www.ietf.org/rfc/rfc3912.txt>), "WHOIS is a TCP-based transaction-oriented query/response protocol that is widely used to provide information services to Internet users. While originally used to provide "white pages" services and information about registered domain names, current deployments cover a much broader range of information services. The protocol delivers its content in a human-readable format."

ICANN's agreements with gTLD registrars and gTLD registries require them to provide WHOIS service via three mechanisms: port 43, web-based access, and bulk access.

See also the ICANNWiki description of WHOIS: <http://icannwiki.org/WHOIS>

See this link for the RAA: <http://www.icann.org/registrars/ra-agreement-17may01.htm>

and this for ICANN Registry agreements <http://www.icann.org/registries/agreements.htm>

WHOIS Accuracy

ICANN's contracts with accredited registrars require registrars to obtain contact information from registrants, to provide it publicly by a WHOIS service, and to investigate and correct any reported inaccuracies in contact information for names they sponsor.

ANNEX 3 – RECORD OF ATTENDANCE

		WG 25.4	Sub A 2,9,16,23,30.5				Sub B 2,9,16,23,30.5				Sub C 2,9,16,23.5				WG 6.6	WG 14.6	SJ 24.6	WG 11,18,26.7; 1.8			
Philip Sheppard CHAIR		p	p	p		p		p	p		p	p		p	p	p	p	p	p	p	
Jon Bing V-CHAIR		p	p									p	p	p			p		p		
Steve DelBianco	BC	p	p	p		p	p									p	p	p	p	p	
David Fares	BC	p					p	p	p	p	p				p			p	p		
Palmer Hamilton	BC	p					p	p	p	p	p			p			p		p	p	
Susan Kawaguchi	BC	p					p	p	p	p				p		p		p	p	p	
Ute Decker	IPC	p					p									p					
Doug Isenberg	IPC						p	p	p	p	p				p	p	p	p	p	p	
Steve Metalitz	IPC	p	p	p	p	p		p	p	p	p			p			p	p	p	p	
Kristina Rosette	IPC	p											p		p	p	p	p	p	p	
Tom Keller	RR	p						p	p		p				p				p		
Margie Milam	RR	p					p	p	p	p	p				p	p	p	p	p	p	
Jon Nevett	RR	p												p			p	p	p		
Ross Rader	RR		p		p	p		p		p	p			p		p		p		p	
Tim Ruiz	RR																			p	
Paul Stahura	RR	p						p						p							
Bruce Tonkin	RR																		p		
Jay Westerdal	RR							p											p		
Avri Doria	NM	p			p		p	p	p			p	p	p		p	p	p	p	p	
David Maher	RY	p					p		p		p					p			p		
Ken Stubbs	RY						p	p	p		p				p	p			p		
Tony Harris	ISP							p											p	p	
Mawaki Chango	NC	p																	p		
Robin Gross	NC	p	p			p	p												p		
Dan Krimm	NC	p					p	p	p	p	p				p	p	p	p	p	p	
Milton Mueller	NC	p					p	p	p	p	p				p	p	p			p	
Danny Younger	NC																				
Amadeu Abrill y Abrill		p																	p		

	WG 25.4	Sub A 2,9,16,23,30.5					Sub B 2,9,16,23,30.5					Sub C 2,9,16,23.5			WG 6.6	WG 14.6	SJ 24.6	WG 11,18,26.7; 1.8			
Yaovi Atohoun	p						p	p	p					p				p	p	p	
Vittorio Bertola															p						
Carole Bird	p	p	p		p	p	p	p	p	p	p			p	p	p	p				
Martin Boyle	GAC	p																			
Beau Brendler																					
Carlos Álvarez Cabrera			p																		
Patrick Cain	p	p	p	p	p		p	p	p	p				p	p	p	p		p	p	
Bertrand de la Chapelle	GAC		p	p	p		p	p	p			p	p	p		p	p	p			
Wout de Natris	p						p	p	p	p				p	p				p	p	
ErichHugh Dierker			p	p	p	p			p	p	p										
Gena A. Feist																					
Robert Flaim	p															p					
Christopher Gibson	p		p	p	p	p			p		p	p	p	p	p	p		p		p	p
Lynn Goodendorf	p											p	p	p	p	p			p		
Markus Heyder	p																			p	
Melanie Holloway					p				p		p		p	p							
Melissa Holz																					
John Levine							p	p	p												
Leo Longauer								p					p		p					p	
Andrew Denholm															p						
Chris McElroy																					
Hope Mehlman	p	p	p													p					
Nils Victor Montan																					
Kari Moeller	p	p	p	p	p										p	p	p				p
Lane Mortensen	p						p	p					p		p						
Carlos Neira																					
Richard Padilla	p		p		p					p					p	p				p	
Melissa Rotunno	p						p	p	p	p					p	p					
Neil Schwartzman	p													p	p	p					

		WG 25.4	Sub A 2,9,16,23,30.5						Sub B 2,9,16,23,30.5						Sub C 2,9,16,23.5						WG 6.6	WG 14.6	SJ 24.6	WG 11,18,26.7; 1.8					
Suzanne Sene	GAC	p							p	p													p	p				p	p
Adam Scoville		p	p	p	p	p	p										p	p	p	p						p		p	p
Wendy Seltzer		p								p																p		p	
Fabio Silva																										p	p		
Sofia Tabau																													
Darlene Thompson		p																											
Rudi Vansnick		p																											
Michael Warnecke		p						p	p	p	p	p	p				p	p	p	p	p	p	p	p	p	p	p	p	p
Shaundra Watson										p	p			p			p		p								p	p	
Jeffrey Williams																													
STAFF:																													
Denise Michel		p	p					p						p															p
Liz Gasster																													p
Patrick Jones		p																							p				
María Farrell		p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p
Glen de Saint Gery		p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p	p

Total participants (excluding staff): 70

KEY

- BC Commercial and Business Users Constituency
- IPC Intellectual Property Constituency
- RR Registrars Constituency
- NM GNSO Nominating Committee appointee
- RY GTLD Registries Constituency
- ISP Internet Service and Connection Providers Constituency
- NC Non-Commercial Users Constituency
- GAC Government Advisory Committee or GAC appointees
- p present
- SJ ICANN san Juan Puerto Rico physical meeting

ANNEX 4 – STATEMENTS OF INTEREST

A

Amadeu Abril i Abril - observer

1. Current occupation, employer and position

I am a consultant with CORE Internet Council of Registrars, an ICANN- accredited registrar and registry operator for two Sponsored TLD: .museum and .cat

Besides that, I am a law professor, and hold other minor positions completely unrelated to Whois or DNS affairs in general.

2. Type of work performed in 1 above

I advise CORE in different areas, but mainly in the preparation of applications for new TLDs.

3. Financial ownership or management leadership of

registries, registrars or other firms that are interested parties in Whois

No financial interest or ownership position at any time, past or present.

I've been previously advising other ICANN-accredited registrars (Nominalia). I was also Director of the Board with a gTLD Registry (PIR; .org) and CEO of a sponsored TLD (Fundació puntCAT; .cat). I also was of Counsel in a Law Firm's IP & IT department which makes regular use of Whois.

I have registered some domain names in different TLDs (just four of them at present time).

4. Nature of your interest in Whois

Even if I am not part of their staff anymore, I am currently advising Fundació puntCAT in a proposal for amending their Whois service, in order to better reconcile the service with European Data Protection laws.

Other than that, I have a general interest in the reform of Whois deriving from my experiences in the positions expressed above, as well as my involvement within the ICANN Board and the GNSO Council.

Carlos Álvarez - observer

1. Current occupation, employer and position.

I currently work for Sony BMG Music Entertainment; I'm the Legal & Business Affairs Manager for the Andean Region (Colombia, Ecuador, Venezuela and Perú - excluding Bolivia). I'm also a member of the Advisory Committee of Alfa - Redi <<http://www.alfa->

redi.com> (AL Structure) and a member of the ICC's Colombian Subcommittee on Electronic Commerce.

2. Type of work performed in 1 above.

I'm responsible for Sony BMG's Legal Department in the 4 countries that we control from Bogota; in our area we must deal with issues such as relations with artists and managers, copyright, trademarks, trade law, criminal law, computer law and others. I also teach postgraduate courses at several universities in Bogota.

As a member of the Advisory Committee of Alfa - Redi I must give advice to the Organization on issues related to cyber crime, copyright, regional policies and the like.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

None.

4. Nature of your interest in Whois.

As a law practitioner in Latin America I find it a must to determine the right balance between the need of checking WHOIS information and the need of protecting data that should not be disclosed. With two concerns in mind (security and IP protection) I believe there's a lot of work to be done in the WG.

Yaovi Atohoun – observer

1. Current occupation, employer and position

I am an independent ICT consultant.

2. Type of work performed in 1 above

From 1997 to 2004 I was the coordinator of an USAID funded project called the Leland Initiative. I was full-time consultant during that period to support some African countries (but especially Benin Republic) in the Internet infrastructure, applications and users training. I became independent in 2004 providing my services in ICT policy and infrastructure.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whose

None

4. Nature of your interest in Whois

I am registrant of two domain names. I want to learn more about issues

related to WHOIS, bring my input in the debate and then share some information with my local community.

B

Vittorio Bertola - observer

1. Current occupation, employer and position

Self-employed

2. Type of work performed in 1 above

Consultancies related to Internet and mobile applications engineering

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

I am serving on the Policy Advisory Board of the .mobi TLD representing the ALAC.

Apart from that, none.

4. Nature of your interest in Whois

As the current Liaison of the ALAC to the ICANN Board, I would like to monitor the development of the discussion, and contribute if possible. As an individual registrant, I am interested in keeping my personal information accurate and safe from misuses.

Jon Bing – Nominating Committee appointee to GNSO Council – Vice Chair

1. Current occupation, employer and position

Professor at the Norwegian Research Center for Computers and Law, Faculty of Law, University of Oslo, Norway.

Also partner of law firm Bing & Co, a “backoffice” company.

Self-employed as creative author.

2. Type of work performed in 1 above

Teaching and (mainly) research in several areas of computers and law, including legal information systems and regulatory management, data protection, intellectual property law and Internet governance.

The NRCCL has just initiated a project on legal aspects of Whois-databases, sponsored by Norid, which operates the cc for Norway.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

I have no such financial ownership or management leadership. .

4. Nature of your interest in Whois

My interest is “academic” or a general interest in both the operational or technical aspects of the databases (and I still have much to learn in that respect) and in the various legal aspects (data protection, interlegal law, intellectual property law, /etc/.)

Carole Bird – observer

I am Officer in Charge, Program Management Support Services, Technological Crime Branch, Royal Canadian Mounted Police (RCMP).

The RCMP is the Canadian national police service and an agency of the Ministry of Public Safety Canada. It operates as a national, federal, provincial and municipal policing body providing a total federal policing service to all Canadians and policing services under contract to the three territories, eight provinces (excluding Ontario and Quebec), more than 200 municipalities, 165

Aboriginal communities, three international airports and numerous smaller airports. In total we have approx. 17,000 police officers within the RCMP.

My interest in working with this group is to ensure that police have access to the Whois data so that when individuals or companies report a crime we have sufficient information to determine the jurisdiction of the offence (and therefore the appropriate investigative agency) and to begin an investigation. Regardless of the nature of the crime: - child sexual abuse, human trafficking, national security, commercial crime (including fraud), technological crime, copyright/intellectual property offences, identity theft, organized crime, etc, each can be significantly affected by whatever changes are implemented to the current whois structure/data.

C

Patrick Cain - observer

1. Current occupation, employer and position.

I am a research fellow and evangelist with the APWG (www.antiphishing.org). The Anti-Phishing Working Group (APWG) is the global pan-industrial and law enforcement association focused on eliminating the fraud and identity theft that result from phishing, pharming and email spoofing of all types.

The APWG acts as a clearinghouse for best-practices relating to deterring online fraud and crime, and collects, aggregates, and distributes discovered fraudulent domain and URL data to members, research partners, law enforcement, and filtering and anti-virus vendors to prevent.

I also own a small network security consulting company using my multi-year experiences as an ISP security officer to the benefit of my customers.

2. Type of work performed in 1 above.

My work involves technical interactions with the APWG's data repository, blind contact system, and investigative partners. I am also part of the APWG public education group that presents technical and statistical data to other parties and public forums.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

None.

4. Nature of your interest in Whois.

Our researchers maintain that fraudulent domains collect most of their victims within the first four or five hours of operation. Our mission includes identifying fraudulent domains to be included in browser and mail-relay filter lists and working to get the fraudulent domain disabled as quickly as possible to reduce the number of phishing victims.

Fraudulent contact data in a domain record makes this quite hard. Hiding domain and contact data so it is harder to quickly identify suspicious URLs in a domain just creates more victims and generates more false positives.

Mawaki Chango – Non-Commercial Users Constituency

1. Current occupation, employer and position

Graduate assistant and Ph.D. student at Syracuse University

2. Type of work performed in 1 above Academic research

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None

4. Nature of your interest in Whois

Civic and intellectual

Paul Cox and Mark Taylor - observers

Mark Taylor is an internet investigations officer within the music industry. Mark works for the MCPS-PRS-Alliance Ltd at the MCPS Anti-Piracy Unit enforcing the intellectual property rights of writer, composer and publisher members on-line. Mark is also a member of the Anti-Counterfeiting Group's (ACG) Internet Group and the Internet Enforcement Group (IEG). Mark and Paul Cox of legal firm SJ Berwin (who are Associate ACG members) have jointly been selected by the ACG Internet Group to apply to join the Whols Working Group in order to represent the interests of the Internet Group's members. Mark previously contributed comments to the local UK GAC representative in relation to the formulation of the draft Whols principles.

D**Ute Decker – Intellectual Property Constituency**

1. Occupation:

I am a lawyer based in London, and an employee of Microsoft.

2. Type of work performed:

I participate in the WHOIS WG as an individual member of the Intellectual Property Constituency. I am also the European representative of the IPC on the GNSO Council. Though employed by Microsoft, I do not represent Microsoft's interest or views in the WHOIS WG, or in the IPC, or on the GNSO Council.

3. Interest in registrars or registries or other parties interested in WHOIS:

I have no financial or other interest in any registrar or registry. I am not aware that I have an interest in any other party interested in WHOIS.

4. Nature of Interest in WHOIS

I am interested in WHOIS as a member of the IPC and hope to contribute to the debate from my experience and expertise in IP, enforcement, e-commerce and EU data protection rules.

Bertrand de La Chapelle - observer

1. Current occupation, employer and position

Special Envoy for the Information Society Ministry of Foreign Affairs, FRANCE

2. Type of work performed in 1 above

In charge of WSIS follow-up activities and particularly of Internet Governance issues.
French GAC representative.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None

4. Nature of your interest in Whois

On substance : the WHOIS regime is a topical example of a situation where :

- national legal frameworks are sometimes in conflict,
- there is a conflict of two positive principles : between the desire to provide access to useful data in certain cases and the desire to preserve privacy

As such, it is emblematic of a broad range of issues with the same kind of problem.

Addressing it in a way that satisfies all stakeholders could establish a positive pattern for other issues.

On process : after the extensive discussions within the GNSO and the GAC separately, it is important to bring the different categories of stakeholders together to address the problem in a joint effort rather than in a "silo" approach. This is why as a GAC member, I am pleased to participate in this working group.

Steve DelBianco – Commercial and Business Users Constituency

1. Current occupation, employer and position:

I serve as executive director of NetChoice, a coalition of e-commerce businesses and trade associations, including the Electronic Retailing Association, the Internet Alliance, AOL, eBay, Oracle, VeriSign, Yahoo, and several thousand small online sellers based in the U.S.

I am also vice president of Public Policy at the Association for Competitive Technology (ACT), a trade association for ICT businesses in the US and Europe.

2. Type of work performed:

I set the policy agenda for both NetChoice and ACT. Frequently testify before the U.S. Congress and in state legislatures regarding Internet governance, e-commerce, and consumer protection. I represent NetChoice at ICANN meetings and in the Business Constituency. Also publish research and policy documents, and maintain a blog at <http://blog.netchoice.org>

3. I have no financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

4. The nature of my interest in Whois is to maintain the integrity of e-commerce and internet communications. I believe that an accurate Whois service must be accessible to business and law enforcement for purposes of consumer protection and intellectual property protection.

Wout de Natris - observer

1. Current occupation, employer and position

Name: Wout G.B.M. de Natris

Employer: OPTA (The Netherlands Independent Post and Telecommunication Authority)

Position: Compliance officer

Title: Drs.

2. Type of work

My task at OPTA is threefold:

- compliance officer internet security, investigator of spam related law breaches;
- national and international liaison on internet security related matters;
- compliance officer rights of way.

3. Financial ownership

OPTA is the regulator of the Dutch telecommunications and postal market so by it's nature does not have any interest in regulated parties or registrars and registries. As an employee of OPTA it is not allowed to have such interests.

4. Nature of interest

OPTA enforces spam and malware breaches of the law in the Netherlands. As such we have a direct interest in the on-line availability of Whois data for enforcers at the current level. It is from this angle that OPTA is interested to participate in the Whois Working Group.

Hugh Dierker – observer

1. Current occupation,

Dierker Consultancy. Consultant for Internet marketing firms operating in Vietnam, Mexico, Canada and the USA,

2. Work performed in 1 above,

Legal and marketing consulting services regarding registration and maintenance of data bases.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

No personal financial interest in whois business.

4. Nature of your interest in Whois.

Privacy advocate and current chair of the gnso GA.

Avri Doria – Nominating Committee appointee to GNSO Council

1. Current occupation, employer and position

I am employed as an adjunct professor at Luelå University of Technology. I also have a contract doing QoS R&D for a Swedish start- up and am occasionally employed as a consultant to the secretariat of the IGF.

2. Type of work performed in 1 above

At the university I am responsible for the creation of a curriculum for a new program on Internet Governance and for supervision of MA and Ph.D. students. I am also active in several research efforts dealing with ubiquitous communications in remote communications challenged areas. As a technical consultant I do analysis on QoS in converging telecommunications systems, and as a consultant to the secretariat of the the IGF I provide a variety of services including creation of synthesis reports.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

I have no financial ownership or management leadership in any firm. I am currently involved with several non paying activities concerning indigenous peoples and other marginalized populations who desire access to TLDs. Some of these activities may someday result in registries, registrars or other firms that are interested parties in whois.

4. Nature of your interest in Whois

I am a nomcom appointee to the council, and believe that part of my responsibility as a volunteer to the council is to participate in as much of the work as possible. I am also interested and active in civil society efforts to limit the abuse of private information and do maintain membership, or contributor status, in several NGOs that have protecting privacy as part of their chartered goals.

F**David Fares - Commercial and Business Users Constituency**

1. Current occupation, employer and position

I am VP, E-commerce Policy at News Corporation.

2. Type of work performed in 1 above

I handle the international government and regulatory affairs for the company.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

I do not have any interest in a provider of domain name services.

4. Nature of your interest in Whois

News Corporation is a user of the Whois database, including for IP, network security and other business concerns.

Robert Flaim - observer

I am an Agent with the Federal Bureau of Investigation (FBI) working in the Science and Technology Branch. My duties include monitoring Internet policy that effect the FBI's ability to investigate crimes on the Internet.

The FBI uses the WHOIS as one of many tools to locate the source of cyber crimes, i.e., child pornography, phishing, hacking, and traditional crimes, i.e., kidnapping, bank fraud. The timely contact information displayed in the WHOIS is a critical first step in solving these crimes.

I respectfully submit my request to participate in the GNSO WHOIS Task Force.

G**Christopher S. Gibson - observer**

1. Current occupation, employer and position

I am a Professor at Suffolk University Law School in Boston, Massachusetts. I am also a consultant to the law firm of Steptoe & Johnson, in its London and Washington, D.C. offices. I am member of the Bars of California and the District of Columbia, and a registered foreign lawyer in the UK.

2. Type of work performed in 1 above

I teach in the areas of intellectual property, technology, international

law, dispute resolution and Internet law. I consult for Steptoe on various matters.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

None

4. Nature of your interest in Whois

I was Head of the Electronic Commerce Law Section of the World Intellectual Property Organization in Geneva, at the time when WIPO issued its First Internet Domain Name Report to ICANN and the U.S. Commerce Department. I am a professor following Internet IP, privacy and related legal issues. I am also an arbitrator in domain name disputes for both the UDRP and Nominet dispute-resolution systems. I have relied upon WHOIS information for many different professional purposes, including providing assistance to clients who are concerned that their rights are being infringed or that a fraud has been perpetrated on their clients or customers.

Lynn Goodendorf - observer

1. Current occupation, employer and position

I am part of the Risk Management department in InterContinental Hotels Group, a British corporation.

I am based in the US and my position is Global Head of Data Privacy.

I am a Certified Information Privacy Professional, CIPP and a Certified Information Security Systems Professional, CISSP

2. Type of work performed in 1 above

I am responsible for the global data privacy program including policies, standards, training and monitoring compliance.

On our IHG websites, my team publishes a direct point of contact to customers for any privacy concerns or issues.

Our company is focused on managing and franchising a portfolio of over 3,600 hotels distributed across 100 countries and includes 7 hotel brands.

Our e-commerce sales channel is a significant source of revenue and I have worked closely with that aspect of the business.

We operate websites in 11 languages.

I am also responsible for 1) the records management program involving

data retention and disposition and 2) global coordination of business continuity plans.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

Our company has no financial ownership or management position in registries and we have used multiple registries for our domain names.

4. Nature of your interest in Whois

I believe that I can make a positive contribution to this working group because

I have practical experience in balancing and resolving any conflicts between security and privacy.

Philip J. Greene - observer

1. Current occupation, employer and position

a. Full time post, during calendar year 2007:

Research Fellow Victoria University School of Law Wellington, New Zealand
InternetNZ Senior Research Fellow in Cyberlaw

b. Part-time post, to return to full time in calendar year 2008:

Attorney U.S. Department of Commerce
Intellectual Property Counsel for Trademarks, Internet, and Copyright

2. Type of work performed in 1 above

a. Research, writing, teaching and public speaking on topics concerning Internet law, Internet governance, Whois, domain name disputes, etc.

b. Representation of U.S. Department of Commerce agencies on intellectual property and Internet-related issues.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

None

4. Nature of your interest in Whois

Conducting research into Whois reform, particularly the extent to which ccTLD practices and policies might be relevant to any reforms or revisions made to Whois at gTLD level.

Robin Gross - Non Commercial Users Constituency

1. Current occupation, employer and position

I am Executive Director of IP Justice, a non-profit organization based in San Francisco, California. I am also an attorney licensed by the State of California.

2. Type of work performed in 1 above

I work on legal matters related to intellectual property rights, Internet law, and civil liberties. My work involves legal research, writing articles and other documents, talking to the media and advocacy work on these issues.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

None

4. Nature of your interest in Whois

I am a member of the Non-Commercial Users Constituency and am concerned with the appropriate balance between protecting intellectual property rights and protecting privacy rights in Internet governance matters.

H**Palmer Hamilton - Commercial and Business Users Constituency**

1. Current occupation, employer, and position.

Lawyer and member of Miller, Hamilton, Snider, & Odom, LLC.

2. Type of work performed in 1 above.

Our law firm was formed in 1979, with a primary focus on the representation of financial institutions. Prior to my private practice, I was an Assistant to the Comptroller of the Currency and Chief of Chartering for National Banks. In addition to the representation of banks and thrifts, I have represented the Federal Deposit Insurance Corporation and the thrift regulatory agency in the past.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in WHOIS.

None.

4. Nature of your business interest in WHOIS.

I represent a consortium of banks interested in WHOIS and other issues before ICANN. Banks In ICANN Consortium is a member of the Commercial and Business Users

Constituency. The banks in the consortium are concerned that limiting their access to WHOIS data will preclude or, at a minimum delay, their ability to stop consumer fraud through the internet. Such fraud primarily damages the consumer, but it can indirectly affect the customer's bank as well.

Tony Harris – Internet Service and Connectivity Provider Constituency

1. Current occupation, employer and position

Executive Director - Argentina Internet Services Industry Association - CABASE

2. Type of work performed in 1 above

Government and regulatory relations, membership outreach, organization of events, representation in international fora.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None

4. Nature of your interest in Whois

As a representative to the GNSO for the ISPCP constituency, I have been following the WHOIS proceedings since 2001, and am interested in continued participation in this concluding stage.

Markus B Heyder – observer

1. Current occupation, employer and position

Federal Trade Commission (Washington D.C.); counsel for international consumer protection

2. Type of work performed in 1 above

Work related to enforcement of U.S. consumer protection and privacy laws and associated policy work

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None

4. Nature of your interest in Whois

The FTC routinely relies on public Whois databases in its investigations of violations of U.S. consumer protection and privacy laws. To effectively perform their investigations and law enforcement functions,

FTC investigators and attorneys require real-time access to domain name registration and registrant information. As a consumer protection agency, the FTC also has advocated in favor of public access for consumers to Whois information about domain names used for commercial purposes.

During the GNSO Whois working group calls, any comments I make will not necessarily reflect the views of the FTC or any individual FTC Commissioner and may only reflect my own views and questions.

I

Doug Isenberg – Intellectual Property Constituency

1. Current occupation, employer and position

Among other things, I am an attorney in private practice in Atlanta, Georgia (USA). I am the founder of The GigaLaw Firm (<http://www.GigaLawFirm.com> <<http://www.gigalawfirm.com/>>). I am also a domain name panelist for WIPO.

2. Type of work performed in 1 above

My legal practice concentrates on representation of clients with copyright, trademark and technology/Internet-related needs. A substantial portion of my practice includes advice regarding domain name disputes and transactions, including representation of clients in UDRP proceedings.

As a domain name panelist for WIPO, I regularly receive cases filed by third parties under the UDRP and write decisions determining the outcome of the disputes.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

None.

4. Nature of your interest in Whois

As an attorney in private practice, I regularly use Whois to identify domain name registrants for, among other things, facilitating communications and resolving domain name and other online disputes. I am an individual member of the Intellectual Property Constituency of ICANN.

K**Susan Kawaguchi - Commercial and Business Users Constituency**

1. Current occupation, employer and position

eBay Inc. Global Domain Name Manager

2. Type of work performed in 1 above

Domain registration, management and enforcement

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None

4. Nature of your interest in Whois

As a major brand owner including eBay, PayPal and Skype we are very concerned about the availability of whois information to protect our users from phishing and fraud and the ability to enforce our trademark rights upon infringing domain names and sites.

Tom Keller – Registrar Constituency

1. Current occupation, employer and position.

I'm Registry Relations Manager at Schlund+Partner/1&1 Internet AG. I represent the European Registrars on the GNSO Council

2. Type of work performed in 1 above.

I am responsible in my company for all administrative and policy issues in regard to domain names.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

Schlund+Partner/1&1 Internet AG is an international operating webhosting company and registrar in gTLDs and ccTLDs. Schlund is holding a minor investment at Afilias.

4. Nature of your interest in Whois.

Schlund+Partner/1&1 Internet AG is a domain name registrar based in Germany. As such we have to comply with German privacy laws which also cover the whois issue as it relates to data of private persons.

Dan Krimm – Non-Commercial Users Constituency

1. Current occupation, employer and position.

I am currently between staff positions. Most recently I was Communication Director for CPSR (Computer Professionals for Social Responsibility). I am also Global Policy Fellow for IP Justice.

2. Type of work performed in 1 above.

I am an ICT policy analyst (MPP 2006 in ICT Policy, from USC -- also 20 years of production and project management work in online services). In the course of my work for IP Justice I have done some project work on behalf of the NCUC.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

I am a registrant of two domains (munb.com and musicunbound.com) for "Music Unbound" which is an unincorporated, non-revenue, editorially-driven web site that I wholly own and solely operate, addressing matters related to the recorded music market, generally from the perspective of independent/unaffiliated "long tail" artists.

4. Nature of your interest in Whois.

In addition to my work on behalf of NCUC, as a "garden variety" domain registrant I am subject to the Whois registrant data policies as a matter of my own personal privacy and data security. It's my own name and contact information that is in the database now, though I have indeed opted to pay for NSI's privacy provisions such as they exist today.

L

John Levine – observer

1. Current occupation, employer and position

2. Type of work performed in 1 above

I'm self-employed as a writer and consultant. At the moment I'm working on the 11th edition of The Internet for Dummies, a book I hope some of you have read. For two years I was an interim member of the ALAC from North America. I am a member of the boards of CAUCE US and CAUCE CA, the leading grass-roots anti-spam organizations in the US and Canada, respectively.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

I am a small reseller of Tucows' registrar services, but that's not a significant fraction of my income. I am also an unpaid member of the

.MOBI Policy Advisory Board. CAUCE US and CAUCE CA are both accredited ICANN at large structures.

4. Nature of your interest in Whois

WHOIS data, even in its current imperfect form, is a vital resource when tracking down sources of spam, phishing, and other antisocial on-line activity. I believe it is important to properly balance the interests of the millions Internet users who do not register domains but are affected by the actions of registrants against the much smaller number of people and organizations who do register domains. Incidentally, I probably won't be able to make the conf call on the 25th because I'll be flying back from a .MOBI PAB meeting.

Leo Longauer – observer

1. Current occupation, employer and position

I am Head of Group Intellectual Property of UBS (www.ubs.com) with global responsibility for all IP issues within the Bank, including Patents, Copyrights, Trademarks and Domain Names.

2. Type of work performed in 1 above

As part of our brand protection activities, we monitor and handle all types of online infringements such as Phishing and Nigerians scams and develop respective polices, including client and staff education.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

None

4. Nature of your interest in Whois

Being able to take quick action against online fraud is a key element in protecting our clients and the general public. I therefore have an interest in appropriate access to Whois data while protecting legitimate privacy issues.

I am part of the INTA Whois working group.

M**David W. Maher – gTLD Registry Constituency:**

1. I am Senior Vice President - Law and Policy of Public Interest Registry (PIR), a nonprofit corporation responsible for management of the registry of the .ORG top level domain. From 1999 until 2002, I was Vice President - Public Policy of the Internet Society. In 2002, I became founding Chairman of the Board of Public Interest Registry, and served in that capacity until August, 2004. I am currently Chair of the Registry Constituency of the GNSO.

I am a member of the Bar of New York, Illinois and Wisconsin and a registered patent attorney with the US Patent and Trademark Office. I am a director of the Better Business Bureau of Chicago and Northern Illinois, Inc. I am a retired partner of the law firm, Sonnenschein Nath & Rosenthal in the US, and have no connection at this time with any of its present or former clients. I am a member of the WIPO Arbitration & Mediation Center Panel of Neutrals.

I am a member of the Visiting Committee to the Divinity School at the University of Chicago, a member of the American Law Institute and various other professional organizations, but have no policy making responsibilities in any of those organizations.

2. As Senior Vice President - Law & Policy, I advise PIR on legal and policy issues and perform other executive functions.

3. Senior Vice President - Law and Policy of Public Interest Registry (PIR), a nonprofit corporation responsible for management of the registry of the .ORG top level domain. PIR is required by its contract with ICANN to maintain a WHOIS function for the registry.

4. PIR is committed to the principle that some means must be found to protect the privacy of personal data in WHOIS, while recognizing that law enforcement agencies and some other bodies have a legitimate interest in access to the data.

Hope D. Mehlman - observer

1. Current occupation, employer and position

I am Associate General Counsel at Regions Financial Corporation headquartered in Birmingham, Alabama. I am member of the Bars of Alabama, the District of Columbia, New Jersey, and New York.

2. Type of work performed in 1 above

I advise Regions on legal issues relating to intellectual property, information security and threat assessment, phishing, fraud prevention and remediation efforts, vendor contracts, and corporate governance.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None

4. Nature of your interest in Whois

Financial institutions and their customers and consumers have been and continue to be a favorite target for perpetrators of fraud, particularly fraud utilizing Internet resources. Accordingly, financial institutions have a genuine need to have access to the Whois data to reduce fraud, mitigate identity theft, and to protect customers and consumers, as well as their intellectual property.

Steve Metalitz – Intellectual Property Constituency

1. Current occupation, employer and position

Attorney, Mitchell Silberberg & Knupp LLP, partner

2. Type of work performed in 1 above

Representation of clients on intellectual property and information policy issues, including members of the Coalition for Online Accountability (see www.onlineaccountability.net)

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None

4. Nature of your interest in Whois

President of IP constituency, participant in most previous ICANN policy work on Whois, and representative of clients who rely upon access to Whois to protect intellectual property rights and for other legitimate purposes

Margie Milam – Registrar Constituency

I am the Vice President, General Counsel and Corporate Secretary of MarkMonitor, Inc., an ICANN accredited registrar based in Boise Idaho, and am responsible for MarkMonitor's ICANN policy initiatives. MarkMonitor is the leading corporate domain registrar focusing primarily on managing the large and complex global domain portfolios of multinational corporations. MarkMonitor provides additional value added services to

its corporate clientele, such as online brand protection and fraud prevention services. MarkMonitor is an active user of WHOIS information for the purposes of (i) its registrar related business, (ii) its brand protection reports as a service provider to entities seeking to protect against online infringement, and (iii) its anti-phishing services as a service provider to financial institutions and governmental agencies in detecting phishing attacks, identifying the fraudsters, and providing take down services.

My primary interest in working with this group is to provide information regarding how WHOIS is legitimately used by service providers, registrars and intellectual property interests, and to assist in the development of policy that can accommodate these interests as well as privacy concerns. MarkMonitor is a member of INTA, IACC, Anti-Phishing Working Group, and LES. I currently serve as MarkMonitor's representative on the ICANN Registrar Constituency, and serve on the Internet Committee of IACC and the INTA Services Committee. MarkMonitor is also a member of the Intellectual Property Constituency. I am also a frequent speaker on intellectual property issues, and have coordinated and participated in seminars on WHOIS related issues.

Prior to joining MarkMonitor, I was a partner with the Los Angeles global law firm, Pillsbury Winthrop Shaw Pitman, representing many international clients with respect to general corporate and intellectual property issues.

Kari L. Moeller - observer

1. Current occupation, employer and position

I am Senior Counsel with Turner Broadcasting System, Inc. in Atlanta, Georgia.

2. Type of work performed in 1 above

I manage Turner's domain name portfolio, handle online enforcement matters (including copyright and trademark), handle other Internet compliance issues such as privacy and e-commerce, and handle online advertising sales matters.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

I personally have no such financial ownership or management leadership. Turner Broadcasting System, Inc.'s parent company, Time Warner Inc., is also parent company to AOL LLC.

Turner Broadcasting System, Inc., as a subsidiary of Time Warner Inc., is a member of the Coalition for Online Accountability.

4. Nature of your interest in Whois

Turner routinely relies upon and uses the Whois database to identify domain name registrants for trademark enforcement, domain name enforcement, domain name portfolio management, network security, and other similar business concerns.

Lane Mortensen - observer

1 - Current occupation, employer and position

Vice President and Compliance Manager in Wells Fargo Bank's Internet Services Group

2 - Type of work performed in 1 above

I'm responsible for providing risk management and compliance support for Wells Fargo's online banking activities. My team works on issues related to phishing and unauthorized use of our company service marks and intellectual property on the Web.

3 - Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

No financial ownership or management position in the domain name business.

4 - Nature of your interest in Whois

My team is responsible for quickly responding to phishing and related fraud incidents and heavily rely upon WHOIS information to protect consumers from becoming victims of identity theft and account fraud. Additionally, we rely upon WHOIS to protect our organization's intellectual property.

Milton Mueller – Non Commercial Users Constituency

1. Current occupation, employer and position

Professor, Syracuse University, USA

2. Type of work performed in 1 above Education and research

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

No financial or ownership interests in domain name businesses. I was appointed to the Policy Advisory Board of mtld (.mobi) by the Noncommercial Users Constituency. This is an unpaid advisory position.

4. Nature of your interest in Whois

I am a registrant of two domain names, and chair of the Noncommercial Users Constituency (NCUC), and a participant in the endless Whois Task Force of 2003-2007.

N

Jon Nevett – Registrar Constituency

1. Current occupation, employer and position.

I am the Vice President and Chief Policy Counsel of Network Solutions, LLC., located in Herndon, Virginia.

2. Type of work performed in 1 above.

I am responsible for policy issues, public affairs, government affairs, and our Sarbanes-Oxley corporate compliance program.

3. Financial ownership or management leadership of

registries, registrars or other firms that are interested parties in Whois, and 4. Nature of your interest in Whois.

Network Solutions is a domain name registrar. It also operates NameSecure and SRSPPlus, which also are domain name registrars. As such, we have an interest in Whois issues.

Network Solutions is a member of the Registrar Constituency (RC) of the GNSO. In May 2006, I was elected Chair of the RC.

Network Solutions also is a member of the United States Council for International Business (USCIB). The USCIB is a member of the Business Constituency of the GNSO. Our primary interest in the USCIB is the DNS and Internet Identifiers Working Group, of which I am Co-Chair. The USCIB includes members who also will have an interest in the Whois issue.

P

Richard Padilla – observer

1. Current occupation, employer and position

2. Type of work performed in 1 above

I'm a Senior Support Analyst at the University of the Arts London, I'm in the processing of starting up my own web design business. At the moment I presently writing my thesis eCommerce a CARICOM Initiative for SMEs. I deal mostly with hardware and software issues. My design company will deal with the development of affordable web design, hosting and development for SMEs as well as anyone else. I have recently joined ISOC to which I hope to help develop a Caribbean chapter to have a voice in the issue and development of Internet and other related services, and also a member of ICANN, CIVIC and TTCS.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None at this time

4. Nature of your interest in Whois

Outside of being asked to join by my good friend Jacqueline Morris chairwoman of ALAC, my interest here is to ensure that the Caribbean have a say in how we help develop policies in determining our Internet future as well as a better understanding in how we can develop effective policies to help in policing the Internet. It will also give a better insight into how this organisation works and become involve in ensuring that the Caribbean/Latin American region is not left behind.

R

Ross Rader - Registrar Constituency

I am the Director of Research and Innovation for Tucows Inc., an ICANN accredited registrar and Internet services vendor. Tucows is a minority shareholder in Afilias LLC, with roughly an 8% shareholding. Neither Tucows, nor I, is in possession of, nor have access to Registry Sensitive or Registry Proprietary information as defined by any relevant registry operating contracts as a result of this relationship. Tucows provides consulting and application hosting services to other registrars and Internet services providers. I am not an officer, director, consultant, or employee of any of these customer organizations nor am I specifically involved in providing services to them.

The URL for this statement is:

http://www.byte.org/blog/_WebPages/StatementofInterestsforRossRader.html

Kristina Rosette – Intellectual Property Constituency

1. Current occupation, employer and position

I am employed as a Special Counsel by Covington & Burling LLP ("Covington"), a general practice law firm with over 600 lawyers in five offices in three countries. I am resident in Covington's Washington, DC office and am a member of the District of Columbia bar. Since 2004, I have been a member of the Registration Practice and DNS Administration Subcommittee of the International Trademark Association's Internet Committee. I am also the Intellectual Property Constituency representative for North America to the GNSO Council.

2. Type of work performed in 1 above

I specialize in Internet and trademark matters, and represent trademark owner clients in connection with such matters. Among my responsibilities, I design online anti-fraud programs, develop and implement offensive and defensive domain name registration, Internet monitoring, and enforcement strategies; reclaim domain names through negotiation, arbitration, and litigation; clear proposed marks for use and registration in the United States and abroad; and conduct and coordinate IP due diligence reviews in connection with corporate transactions including, for example, mergers and acquisitions, corporate financing, and debt restructuring.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None at the present time. I have determined that Covington did represent the International Cooperative Alliance in connection with the formation and establishment of DotCooperation LLC, the .coop registry operator, but that matter has been closed for some time. I have also determined that Covington neither represents any gTLD or sTLD registry operator in matters relating to its capacity as a registry operator nor represents any client in matters adverse to such registry operators as registry operators. Based on the responses to my inquiries, Covington does not represent any ccTLD registry operator in its capacity as a registry operator nor does it represent any client in matters adverse to any ccTLD registry operators as registry operators. To the best of my knowledge, Covington does not represent any ICANN-accredited registrar in its capacity as a registrar nor does it represent any firm client in a matter adverse to a registrar as registrar. It is possible that a firm client is an ICANN-accredited registrar, but, if so, Covington does not represent it in such matters.

4. Nature of your interest in Whois

As one of the IPC representatives to the GNSO Council, one aspect of my interest in Whois is to represent the interests and views of IPC members and their effect and interaction with the domain name system. On behalf of the trademark owner clients I represent, I use Whois data regularly (usually daily) to design online anti-fraud programs; to develop and implement offensive and defensive domain name registration, Internet monitoring, and enforcement strategies; to contact registered name holders to purchase domain names; to develop and pursue arbitration proceedings and litigation against parties using trademarks and domain names that violate clients' intellectual property rights; to clear proposed marks for use and registration in the United States and abroad; and/or to verify domain name and other intellectual property portfolios in connection with corporate transactions including, for example, mergers and acquisitions, corporate financing, and debt restructuring. Accordingly, I am interested in ensuring that parties with legitimate interests in accessing the data currently contained in Whois continue to have the ability to do so in furtherance of their legitimate activities.

Melissa Rotunno – observer

1. Current occupation, employer and position

I am Brand Counsel for the Blue Cross and Blue Shield Association (BCBSA).

2. Type of work performed in 1 above

I manage domain name enforcement and trademark enforcement of BCBSA's trademarks as well as interpretation of BCBSA's license agreements and regulations regarding the BCBSA brands.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

I do not have a financial ownership interest in or management leadership of registries, registrars or other firms that are interested parties in Whois

4. Nature of your interest in Whois

BCBSA routinely relies upon and uses the Whois database for trademark enforcement, domain name enforcement and other similar matters.

Tim Ruiz - Registrar Constituency

1. Current occupation, employer and position.

Vice President of Corporate Development and Policy for The Go Daddy Group, Inc. based in Scottsdale, Arizona, USA.

2. Type of work performed in 1 above.

Corporate development, business development, new projects, and policy.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois, and 4.

Nature of your interest in Whois.

The Go Daddy Group companies include eight ICANN accredited registrars, each of which are under contract with ICANN to provide publicly accessible WHOIS services via the Web and port 43. The Go Daddy Group companies also includes Domains by Proxy, Inc., a provider of private registration services to the Go Daddy Group accredited registrars. Each of the aforementioned companies could be affected by the outcome of this WG.

GoDaddy.com, one of the Go Daddy Group registrars, is a member of the dotMOBI Advisory Group (MAG). I represent GoDaddy.com on the MAG. I am also a member of the MAG Steering Committee. The MAG, among other activities, is indirectly involved in recommending policy to mTLD, the dotMOBI Registry Operator.

GoDaddy.com is a member of, and I am currently CTO and Vice Chair of the Registrars' Constituency of the GNSO. While I was not elected by the Constituency to serve on this Working Group, I am on the Executive Committee of the Constituency and feel an obligation to present and discuss various Constituency members' views to the Working Group as they are made known to me.

GoDaddy.com is also a member of the United States Council for International Business (USCIB). The USCIB is a member of the Business Constituency of the GNSO. Our primary interest in the USCIB is the DNS and Internet Identifiers Working Group. The USCIB and aforementioned Working Group include members who have an interest in the outcome of this WG and any affect it has on access to WHOIS data.

S**Adam Scoville - observer**

1. Current occupation, employer and position

RE/MAX International, Inc., Corporate Counsel.

2. Type of work performed in 1 above

I oversee trademark and advertising issues at RE/MAX International, which franchises real estate brokerage offices with over 120,000 sales associates, in more than 6,500 franchised offices, in over 65 countries.

This includes investigating and responding to complaints by consumers and RE/MAX franchises of domain names that include the RE/MAX marks but are owned by individuals and companies not connected with RE/MAX. It also includes investigating and non-legal resolution of instances of domain names owned by RE/MAX affiliates that violate RE/MAX International's standards for affiliate domain name registration. It also includes overseeing RE/MAX International's domain name portfolio.

I also chair the Whois Subcommittee of the International Trademark Association.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

Neither I nor RE/MAX International have any ownership or management position in any registry or registrar.

4. Nature of your interest in Whois

I believe that the ability of consumers to verify who they are dealing with on-line is critical to the development and continuation of a safe and secure on-line marketplace, and indeed the practical operation of the rule of law on the Internet, which in turn benefit businesses wishing to reach those customers. In turn, business' and law enforcement's ability to access Whois and to address infringing and fraudulent web addresses rapidly, before more consumers can be confused or defrauded, also protects consumers.

However, I believe it is worth exploring practical ways to address some data-mining issues, consistent with these principles, and that this may be our best hope for productive work on the issue.

I look forward to working with working group members over the next four months.

Wendy Seltzer - observer

1. Current occupation, employer and position

Visiting Assistant Professor at Brooklyn Law School. During the spring term, I will be at the Oxford Internet Institute as a Visiting Fellow, teaching at the Saïd Business School. I am also a Fellow with the Berkman Center for Internet & Society at Harvard.

2. Type of work performed in 1 above

Research on subjects including copyright and free expression online. Teaching including Internet Law, Information Privacy, Copyright, Intellectual Property.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

I have no financial or business interest in any registration entity.

4. Nature of your interest in Whois

As an advocate of privacy and free expression, I am concerned that the current WHOIS unduly burdens anonymous speech and personal privacy. I am an interim member of the At-Large Advisory Committee and have been a non-voting member of the previous WHOIS task forces.

Philip Sheppard - Chairman

I am Public Affairs Manager for AIM - European Brands Association, a Brussels-based trade association involved in public affairs activities. AIM represents the branded goods industries in Europe on key issues which affect the ability of brand manufacturers to design, distribute and market their brands. AIM's membership groups 1800 companies of all sizes through corporate members and national associations in 21 countries. These companies are mostly active in every day consumer goods. AIM's mission is to create for brands an environment of fair and vigorous competition, fostering innovation and guaranteeing maximum value to consumers.

I hold various non-remunerated directorships unrelated to ICANN. I am a contact point for several domain names. I am a Council member for the Business Constituency but will not represent the constituency on this group.

Honorary positions:

President 2007 International Public Relations Association (IPRA), the global professional association for the PR profession.

I am a Freeman of the City of London.

Fabio R. Silva - observer

1. Current occupation, employer and position: I am an in-house attorney for Burberry Limited USA, located at 1350 Avenue of the Americas, New York, NY 10019. (My contact information can be found near the bottom of this email.)
2. Type of work performed in 1 above: I am responsible for enforcing Burberry's trademarks in North America. This includes IP enforcement on the Internet.
3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois: Neither I nor Burberry have financial ownership or management leadership at domain name registries, registrars or other firms that are interested parties in Whois.
4. Nature of your interest in Whois: Because Burberry enforces its intellectual property on the Internet, it is of great importance that the company be able to identify more than merely a technical contact for websites engaged in commercial transactions with the general public. It is also not enough to send cease & desist letters via email, because email is not a generally accepted means of providing an alleged infringer with notice. Without an administrative contact, the individual that owns and operates the site is essentially unreachable by a means that is legally recognized as constituting proper "notice". No one that conducts commercial transactions with the general public should be able to hide their identity for purposes of receiving notice of infringement. This is why Burberry is interested in reviewing the proposal of the ICANN Whois Taskforce, and sharing what it knows about how counterfeiters use the Internet to their advantage.

Ken Stubbs - Registry Constituency

I have provided consulting services to various clients for over 25 years, with a principle focus on the development of marketing strategies and operational and organizational structures.

Since 1994, I have consulted on Internet business development strategies for the development of both commercial as well as non-profit web sites. I am also the former Chairman of the Executive Committee of CORE (3 years).

I am a Director of Afilias Registry as well as a member of the Afilias Board of Director's Executive Committee.

I am a member of the Registry Constituency.

T**Darlene Thompson – observer**

1. Current occupation, employer and position

I am the Secretary/Treasurer of N-CAP, a non-profit company that represents telecentres in Canada's far north. I am also the Community Access Program administrator for the Nunavut Department of Education.

2. Type of work performed in 1 above

I administer all funding for our telecentres and take the lead in many IT-related areas.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

None

4. Nature of your interest in Whois

I am concerned with the appropriate balance between protecting intellectual property rights and protecting privacy rights in Internet governance matters.

Bruce Tonkin – Registrar Constituency

1. Current occupation, employer and position

I am the Chief Technology Officer of Melbourne IT Limited.

2. Type of work performed in 1 above

I work on the technology strategy for the company, and manage the products and services built using this technology.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois.

I have shares in Melbourne IT limited, which is an ICANN accredited registrar.. I have also been elected to seat #13 of the ICANN Board of Directors for a term beginning 8 June 2007.

4. Nature of your interest in Whois

Melbourne IT operates a WHOIS service for several million domains under its management (both gtld and cctld). I am most familiar with the implementation of gtld domain name WHOIS services, as well as the .au domain name implementation of the WHOIS service.

Melbourne IT is a user of WHOIS to assist corporate clients in protecting their brands online.

Melbourne IT uses WHOIS as part of its efforts to protect its own global brand.

Melbourne IT uses WHOIS to assist in domain name transfers, as well as in support of its web hosting operations.

V

Rudi Vansnick - observer

1. Current occupation, employer and position

Business wise I am a self-employed ICT consultant, working especially on breaching the Digital divide. Aside my business activities I'm chair/president of ISOC Belgium, certified ALS and signatory of EURALO MoU. Secretary of a Belgian users organisation (TIK vzw) representing customers of the most important ISP's in Belgium (10.000 individual members today).

2. Type of work performed in 1 above

General management of associations. Deploying an Ombudsman service, which we actually run for about 30 months now, handling a lot of domain name issues. Furthermore we are in final phase of setting up a specific association regrouping the hosting provider, smaller access providers and web masters. Basic goal : putting in place a Code of Conduct and regulatory procedures for handling domain names related to hosting and access services.

Delivering advice to governmental bodies and close collaboration with national TLD.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

No financial interest or ownership position.

4. Nature of your interest in Whois

Based on the cases handled with our Ombudsman, I am specifically interested in the possible reform of procedures in WHOIS, protecting privacy information of personal data, without disrupting the technical handling of issues by the registrars/agents and TLD's.

W

Michael Warnecke – observer

1. Current occupation, employer and position

Counsel, IP and Technology Policy, Entertainment Software Association.

The ESA is a Washington, D.C.-based trade group that represents the public policy interests of video game publishers.

2. Type of work performed in 1 above

I provide analysis on various IP and technology public policy issues that intersect with the video game industry. These include: digital rights management, user-generated content, virtual property, and other legal issues related to online games and virtual worlds. My duties also extend to working with our anti-piracy team in furthering policy goals that adequately protect our member-companies' IP rights.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois

None.

4. Nature of your interest in Whois

The video game industry continues to suffer significant financial losses from online piracy. Like law enforcement, we have a legitimate need for continued access to Whois information. The Whois databases play a key role in our efforts, and those of our members, to identify individuals who are stealing our property. My participation is with a view to both learning more about other stakeholders' perspectives and communicating our industry's concern for reasonable access to these databases.

Jay Westerdal – Registrar Constituency

1. Current occupation, employer and position.

I am the President and Chief Executive Counsel of Name Intelligence, Inc., located in Bellevue, Washington.

2. Type of work performed in 1 above.

I am responsible for corporate management and growth.

3. Financial ownership or management leadership of registries, registrars or other firms that are interested parties in Whois, and 4. Nature of your interest in Whois.

Name Intelligence is a domain name registrar. We also operate DomainTools.com, a Domain Information portal. As such, we have an interest in Whois issues.

Name Intelligence is a member of the Registrar Constituency (RC) of the GNSO. In May 2006, I was elected Secretary of the RC.

Jeff Williams – observer

1. Current occupation, CSO/DIR. Internet Network Eng. SR. Eng. Network data security
2. Work performed in 1 above, Sr. Management duties regarding Security, ect.

No financial interest in Domain name business. various advisory consulting work for existing customers, ect...

3. Nature of your interest in Whois:

I am a registrant of a number of domain names, a Spokesman for INEGroup, whose members are all domain name registrants, and a participant in previous Whois WG's/task forces, since 2003 ect..

Y

Danny Younger - Non Commercial Users Constituency

I am employed by Artistic Ribbon Inc. in a customer service capacity; I have no financial relationship with any firms that are interested parties in Whois. I participated in the WHOIS initiative chaired by Paul Kane several years ago and have recently submitted the "Natural Persons Proposal" to the WHOIS Task Force. In my capacity as VP of the NY ISOC chapter I organized a panel discussion on the future of WHOIS.