

Report of Public Comments

Title:	Preliminary Issue Report on 'Thick' Whois	
Publication Date:	11 January 2012	
Prepared By:	Marika Konings	
Comment Period:		Important Information Links
Open Date:	21 November 2011	Announcement
Close Date:	30 December 2011	Public Comment Box
Time (UTC):	23:59 UTC	View Comments Submitted
Staff Contact:	Marika Konings	Email: Policy-staff@icann.org
Section I: General Overview and Next Steps		
<p>ICANN Staff requested input on its Preliminary Issue Report on 'Thick' Whois [PDF, 635 KB]. Specifically, this Report addressed not only a possible requirement of 'thick' WHOIS for all incumbent gTLDs in the context of the Inter-Registrar Transfer Policy (IRTP), but also considered any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not.</p> <p>The Preliminary Issue Report informs the GNSO Council concerning the possible requirement of 'thick' Whois for all incumbent gTLDs in advance of the Council's vote on whether to commence a Policy Development Process (PDP) on this issue.</p> <p>The Public Comment solicitation represented an opportunity for the ICANN community to provide its views on this topic and on whether a Policy Development Process should be initiated to consider the requirement of 'thick' Whois for all incumbent gTLDs. The Preliminary Issue Report will now be updated to reflect the community feedback submitted through this forum. Subsequently a Final Issue Report will be presented to the GNSO Council for its consideration following which the GNSO Council will decide whether or not to formally initiate a Policy Development Process.</p>		
Section II: Contributors		
<p><i>At the time this report was prepared, a total of 9 (nine) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.</i></p>		
Organizations and Groups:		
Name	Submitted by	Initials
Coalition Against Domain Name Abuse	Posie Wilkinson	CADNA
International Anticounterfeiting Coalition	Andy Coombs	IACC
Intellectual Property Constituency	Kristina Rosette	IPC
Verisign	Keith Drazek	VS
Non-Commercial Users Constituency	Wendy Seltzer	NCUC
Business Constituency	Elisa Cooper	BC

At-Large Advisory Committee	ICANN At-Large Staff	ALAC
-----------------------------	----------------------	------

Individuals:

Name	Affiliation (if provided)	Initials
Bob		B
Ray Fassett		RF

Section III: Summary of Comments

***General Disclaimer:** This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

The comments received have been broken down in this summary into the following four categories:

- 1) Comments that focused on issues that should be included and/or amplified as part of the Issue Report.
- 2) Views expressed on the pros and cons of a 'thin' or a 'thick' Whois model.
- 3) Opinions on whether a PDP should be initiated or not.
- 4) Comments in relation to the scope of a PDP, should one be initiated.

Other issues to be considered as part of the Issue Report

In addition to the issues to be considered should a PDP be initiated as outlined in the Preliminary Issue Report, the following topics have been suggested for inclusion and/or amplification in the Final Issue Report:

- Risks posed by registries if a 'thin' Whois would be maintained, e.g. cybersquatting (CADNA)
- Whois accuracy enforcement (CADNA)
- Registry/registrar separation (RF)
- Impact on competition in registry services (RF)
- Benefit of 'thick' Whois in the context of internationalized registration data (IPC)
- Evaluation of the domain name market to determine whether earlier conditions that resulted in the implementation of 'thin' Whois for .com and .net still exist or not (VS)
- Transition costs for registrars if 'thick' Whois would be required (VS)
- Impact on existing Whois applications and users of those applications (VS)
- Impact on privacy and data protection and cross border transfers of registrant data (VS, NCUC, ALAC)
- Highlight issues that 'thick' Whois does not address, such as accuracy, or display of data protected by proxy or private registration service (VS)
- Legitimacy of the requirement for 'thick' Whois for new gTLDs (NCUC)
- Alternative models, such as standards that could streamline the distributed database of thin Whois or a centralized database (NCUC)

Views on 'thick' vs. 'thin'

In the opinion of B, 'thin' Whois 'helps maintain Whois data inaccuracy', while VS points out that 'thick' Whois does not necessarily improve data accuracy as 'the registry only displays data that is provided by the registrar and the registry has no way of validating registrant data'. IPC notes that 'thick' Whois is not the only answer to enhance data accuracy, but 'it is one step that, along with a number of other changes, could move us toward a solution' pointing to a recent study conducted by NORC at the request of ICANN which demonstrates that a 'thick' Whois model provides more accessible and accurate contact data. IPC is of the view that centralized

access to Whois data in a ‘thick’ model would bring a number of advantages including simplified access, reducing consumer confusion, reducing the burden on contractual compliance, provide a back-up in case data is not available at the registrar level and allow for a quicker response in case of fraud. VS is of the view that ‘the current Whois model for .com, .net, .name and .jobs is effective and that the proper repository of registrant data is with registrars’, but recognizes that if through a PDP the ICANN community should decide differently it ‘will respect and implement the policy decision’.

Views on whether or not to initiate a Policy Development Process

CADNA, IACC, IPC, BC and ALAC support the initiation of a PDP to further examine the possible benefits and/or negative consequences of requiring ‘thick’ Whois for all incumbent gTLDs. VS is neither in favor or against the initiation of a PDP. The NCUC does not support the initiation of a PDP at this time and questions ‘the timing and sequence of this proposed PDP’ as in its view it offers a solution without the problem being sufficiently defined.

In addition, IPC points out that there are a number of other mechanisms by which ‘thick’ Whois for all incumbent gTLD registries could be achieved such as through contract negotiations with the relevant gTLD registries or ICANN could mandate ‘thick’ Whois as foreseen in for example the .com registry agreement (section 3.1(h)). As a result, IPC notes that ‘if a PDP is initiated on this topic, it must be launched explicitly without prejudice to ICANN pursuing these other routes to this goal’.

Scope of a Policy Development Process

RF raises the question whether the scope of a potential policy development process on this topic would also allow a possible outcome a consensus policy that would require thin Whois for all gTLD operators. RF also notes that the use of the term of incumbents seems to imply that any outcome of a PDP would only apply to incumbents and recommends this is clarified as a consensus policy would normally apply to all gTLD operators. ALAC notes its concern with regard to including a consideration of other models that could be considered, as suggested in the Preliminary Issue Report. In addition to expressing its concern with the example used for a possible alternative model, ALAC notes that ‘opening up this PDP to an overall review of Whois models [...] will take what appears to be a relatively straight-forward issue and transform it into the global Whois debate’.

In addition to the issues outlined in above, some of the comments pointed out inaccuracies or incorrect information in the Issue Report, which will be corrected in the final version.

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

ICANN Staff will review the comments received and make changes to the Issue Report accordingly. In addition, this summary of comments will be submitted to the GNSO Council so that the comments can be considered by the GNSO Council in conjunction with the consideration of the Final Issue Report.