



# Issues of Interest to the Business Constituency

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# Today's Agenda:

- RAA Discussion
- WHOIS Studies Update
- Thick WHOIS PDP
- Protection of International Organizations
- Overview of other active GNSO policy efforts
- Questions



# Registrar Accreditation Agreement (RAA) Update

# Two Projects- Parallel Tracks

## Bilateral Negotiations

### Currently Underway

- Community Wiki provides latest updates
- Consultations with GAC and LE continue to try to bridge differences on key issues
- Focus on Privacy/Proxy Accreditation Program Development
- **Board Requested GNSO PDP on “Remaining Issues”**
- Final Issue Report Published
- Commencement of PDP to take place after Negotiations conclude

## Issue Report Request

# Progress since Prague

- Heard Community concerns about privacy concerns
  - GAC: best way to seek input is to direct specific questions
  - Questions to the GAC–
    - Focus on building a robust exceptions process similar to the the [ICANN Procedure for Handling Whois Conflicts with Privacy Law](#) if prevented by local laws from fully complying with the provisions of ICANN contracts regarding personal data in Whois

# Current Status of Negotiations

- ICANN Negotiation Team bringing Registrar NT together with GAC/LE to attempt to bridge gap between positions
- Meetings include a two day face to face in December 19 & 20<sup>th</sup>, including GAC & LE meetings
- Subgroup working on parameters of a privacy/proxy accreditation program
  - Session in Toronto to solicit community feedback
  - Input from Business important

# Progress in Key Areas

- Abuse Point of Contact- for both LE and public
- Creation of a Proxy Accreditation Program
- Extensive Additional Registrar Information to be provided to ICANN
- Enhanced Compliance Remedies
- Streamlined Process for updating RAA in the future
- Prohibition against Cybersquatting
- Streamlined Arbitration Language

# Areas under exploration

Continued discussions with regard to:

- Other WHOIS obligations
  - SLA on WHOIS Availability
  - IDNs
  - Transition to Restful WHOIS
- Additional Technical Specs (DNSSEC and IPv6)
- Revocation rights in the event the domain industry evolves to where the current model no longer appropriate



# Challenges & Concerns

- Law Enforcement requests may raise privacy concerns with regard to:
  - Types of data to be maintained & length of retention period
  - Verification methods
- Proposals fundamentally affect the registrar market—increasing costs and ease of registering domain names
- Registrars concerned about implementation- differing implementation dates could lead to competitive disadvantages

# WHOIS Update

# WHOIS Topics

- WHOIS Studies – 4 studies:
  - “Misuse” of public data
  - Registrant Identification
  - Proxy/Privacy “Abuse”
  - Proxy/Privacy Relay and Reveal
- WHOIS Service Requirements Report – upcoming survey
- Other WHOIS activities

# Goals of gTLD WHOIS studies



- *WHOIS policy debated for many years*
- *GNSO Council decided in October 2007 that study data was needed to provide objective, factual basis for future policy making*
- *Identified several WHOIS study areas that reflect key policy concerns*
- *Asked staff to determine costs and feasibility of conducting those studies*
- *Staff used an RFP approach to do so*
- *Studies are approved and are now (mostly) underway*

# WHOIS Misuse Study

Study assessing whether public WHOIS significantly increases harmful acts and the impact of anti-harvesting measures. Two approaches :

1. **Experimental:** register test domains and measure harmful messages resulting from misuse
2. **Descriptive:** study misuse incidents reported by registrants, researchers/ law enforcement

**Cost:** \$150,000 (USD)

Awarded to Carnegie Mellon U., Pittsburgh, PA, USA

**Status:** Initiated in mid-2011

**Time estimate:** initial results in mid - 2013

# Registrant Identification Study

- Study examining how domain name registrants are identified and classifying various types of entities that register domains, including natural persons, various types of legal persons and Privacy and Proxy service providers.
- Study has been recast as an “exploratory” data-gathering effort that is not hypothesis-driven. This will also provide more consistency with related GAC proposals offered in 2008.

**Cost:** approx. \$180,000 (USD) (revised due to change in study terms). Awarded to NORC at the U. of Chicago.

**Time estimate:** 1 year

**Status:** Launched late October 2011, target initial results in late 2012

# Privacy and Proxy “Abuse” Study

Study compares a broad sample of Privacy & Proxy-registered domains associated with alleged harmful acts to assess:

1. How often bad actors try to obscure identity in WHOIS
2. How this rate of abuse compares to overall P/P use
3. How this rate compares to alternatives like falsified WHOIS data, compromised machines, and free web hosting

**Cost:** \$180,000 (USD)

**Time estimate:** 1 year

**Status:** Just being launched by the National Physical Lab of the UK. Initial results are expected in mid-2013



# WHOIS P/P Relay & Reveal Study

The original study would analyze communication relay and identity reveal requests sent for Privacy & Proxy-registered domains:

1. To explore and document how they are processed, and
2. To identify factors that may promote or impede timely communication and resolution.

Potential bidders were unsure of the feasibility of this study, especially obtaining a sufficient data sample, so the Council opted to conduct a pre-study to survey potential participants to determine if launching a full study is feasible to do.

**Cost:** \$80,000 (USD) for Pre-study Survey

Awarded to Interisle Consulting

**Status:** Launched in September 2010, results published August 2012, next step is Council decision on future study



# Additional WHOIS Activities

- Numerous WHOIS activities to be discussed in Toronto, focusing on questions of WHOIS accuracy, use of that data, and who is responsible for ensuring accuracy
  - RAA negotiations
  - WHOIS RT
  - WHOIS studies
  - WHOIS IRD (IETF-WEIRDS)
  - Proxy/Privacy Accreditation
  - Thick WHOIS discussion (GNSO - just beginning)
  - Domain Name Registration Validation (SSAC - just beginning)




# ‘Thick’ Whois Policy Development Process

# Background

- GNSO Council requested an Issue Report on 22 September 2011
- Final Issue Report considered any positive/negative effects when deciding whether a requirement of 'thick' WHOIS for all gTLDs would be desirable or not
  - .com .net and .jobs offer “thin” WHOIS
- PDP initiated by GNSO and Drafting Team formed to develop Charter for PDP WG

# Potential Issues

- Whois always a controversial topic
- New gTLDs require ‘thick’ Whois, but it is not a requirement for incumbent gTLDs
- Some in the community (ALAC, BC, IPC) believe that ‘thick’ Whois should have been required as part of .com negotiations
- Encourage Business users to participate to share perspective



# Protection of Int'l Organization Names in New gTLDs

# Updates Since Prague

- **New gTLD Committee:** Board should leave these issues in hands of ICANN's policy-making bodies
- **Public Comment Forum on Preliminary Issue Report:** IGOs supported special protection for their names and a PDP
  - only one submission opposed special protections
- **GNSO-IOC/RCRC DT:** considering recommendation for 2<sup>nd</sup> level protection of RC/IOC
  - Board Request for response for first round by 31 Jan 2013
- **GAC's current position on IGOs:** no special protections, but indicated it would further consider position after Prague

# Final Issue Report

- **Objective**
  - Define the type of organizations that should be evaluated in any related PDP for any such protection at the top and second level
  - Describe how the PDP could be structured to analyze whether ICANN should adopt policies to protect such organizations at the top and second level
- **Scope:** Evaluation of whether to protect the names of both international government and NGOs at the top and second levels of new gTLDs

# Issues to Explore in PDP

- Definition of international organizations
- Quantifying the entities to be considered for special protection
- Scope of protections under international treaties/laws for Red Cross, IOC and IGO names
- Distinguishing between Red Cross/IOC from other international organizations
- Establishing an objective set of criteria to determine which international organizations would qualify for any special protections
- Should the PDP address the broader scope of concerns over the need for defensive registrations at the second level



# Staff Recommendations

- GNSO Council should initiate a PDP
- Formally invite representatives of IGOs, RCRC and IOC to participate in the PDP WG
- Consider expanding any new gTLD protections to *existing gTLDs*
- Consider expanding the PDP scope to address community concerns over perceived need *for second-level defensive registrations*
- Suggest adopting an expedited work plan and dedicating necessary resources to facilitate implementation of any 2nd level protection policy recommendation *before* the designation of new gTLD strings

# Next Steps

- Final Issue Report to be published in time for consideration by Council at its Toronto Meeting

# Further Information

Preliminary Issue Report <http://gnso.icann.org/issues/intl-org-names-prelim-issue-report-04jun12-en.pdf>

Public Comment Summary Report -  
<http://www.icann.org/en/news/public-comment/report-comments-prelim-protection-io-names-14aug12-en.pdf>

Defensive Registrations Briefing Paper  
<http://gnso.icann.org/mailing-lists/archives/council/docCkHGfCJ5QB.doc>

Thank You



# Other issues keeping the GNSO awake at night



- Upcoming GNSO Review: impact of new gTLDs on current structure, how has last reorganization affected effectiveness?
- Whois Review Team Recommendations: Debate over what requires PDP v. Staff action to implement
- Workload and volunteer/staff overload
- How to provide policy / implementation advice on short notice without going through a PDP?
  - Community Guidance/Advice Process Session

# Questions



Thank you