

Stakeholder Group / Constituency / Input Template

Thick Whois PDP Working Group

Responses from the Public Interest Registry

January 24, 2013

PLEASE SUBMIT YOUR RESPONSE AT THE LATEST **BY 9 January 2012** TO THE GNSO SECRETARIAT (gnsso.secretariat@gnsso.icann.org), which will forward your statement to the Working Group. If additional time is needed by your SG / C to provide your feedback, please inform the secretariat accordingly, including the expected delivery date so that this can be factored in by the WG.

The GNSO Council has formed a Working Group of interested stakeholders and Stakeholder Group / Constituency representatives, to collaborate broadly with knowledgeable individuals and organizations, in order to consider recommendations in relation to 'thick' Whois.

Part of the working group's effort will be to incorporate ideas and suggestions gathered from Stakeholder Groups, Constituencies through this template Statement. Please note that the WG is currently in an information-gathering phase. Inserting your response in this form will make it much easier for the Working Group to summarize the responses. This information is helpful to the community in understanding the points of view of various stakeholders. However, you should feel free to add any information you deem important to inform the working group's deliberations, even if this does not fit into any of the questions listed below.

For further information, please visit the WG Workspace (<https://community.icann.org/display/PDP/Home>).

Process

- Please identify the member(s) of your stakeholder group / constituency who is (are) participating in this working group
- *In the absence of a statement by the Registry Stakeholder Group, this document has been submitted on behalf of the Public Interest Registry. Don Blumenthal with PIR is a member of the WG.*
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- Please identify the members of your stakeholder group / constituency who participated in

developing the perspective(s) set forth below

This document was drafted by Don Blumenthal with input from Paul Diaz.

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- Please describe the process by which your stakeholder group / constituency arrived at the perspective(s) set forth below

The draft was prepared and went through an internal review process during the weeks of January 14 and 21, 2013.

- If not indicated otherwise, the WG will consider your submission a SG / C position / contribution. Please note that this should not prevent the submission of individual and/or minority views as part of your submission, as long as these are clearly identified.

This document has been submitted on behalf of the Public Interest Registry. Don Blumenthal with PIR is a member of the WG.

Topics:

The WG is tasked to provide the GNSO Council with a policy recommendation regarding the use of 'thick' Whois by all gTLD Registries, both existing and future. As part of its deliberations, the WG is expected to consider the topics listed below in the context of 'thick' Whois. Please provide your stakeholder group's / constituency's views, including quantitative and/or empirical information supporting your views, on these topics in relation to whether or not to require 'thick' Whois for all gTLDs and/or provide any information that you think will help the WG in its deliberations (for further information on each of these topics, please see the WG Charter <https://community.icann.org/x/vlg3Ag>):

- Response consistency – a 'thick' Registry can dictate the labeling and display of Whois information to be sure the information is easy to parse, and all Registrars/clients would have to display it accordingly. This could be considered a benefit but also a potential cost. This might also be a benefit in the context of internationalized registration data as even with the use of different scripts, uniform data collection and display standards could be applied.

Your view: *The Public Interest Registry believes that the uniformity suggested in this item would be a beneficial result of requiring thick Whois, especially in the context of internationalized*

registration data. Registrars, even for the same gTLD, currently may display data in inconsistent ways, which affects efficiency in accessing and using the information. These problems may be exacerbated with internationalized data items that do not employ Latin characters.

Please note that PIR is referring only to labeling and display of data elements. We are not suggesting that uniformity of access rights or mechanisms would be necessary or beneficial.

These issues are being considered within various groups examining the Whois protocol, and the possibility of variety and innovation in those areas may be valuable.

- Stability – in the event of a Registrar business or technical failure, it could be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four organizations (the Registry, the Registry's escrow agent, the Registrar, and the Registrar's escrow agent), which would be the case in a 'thick' registry.

Your view: *The Public Interest Registry agrees that additional redundancy would be an advantage of mandating thick registries.*

- Accessibility – is the provision of Whois information at the registry level under the 'thick' Whois model more effective and cost-effective than a 'thin' model in protecting consumers and users of Whois data and intellectual property owners?

Your view: *The Public Interest Registry believes that thick Whois systems would provide advantages with respect to the use of Whois data by all members of the Internet community who would have an interest in it.. While a few years old, the NORC Study of the Accuracy of WHOIS Registrant Contact Information done for ICANN concluded that having a central and more visible point of control through a thick registry seemed to provide more reliability and accountability than relying on potentially thousands of registrars for accurate and accessible information. To PIR's knowledge, this analysis is the only authoritative study of the subject to date. <http://www.icann.org/en/compliance/reports/whois-accuracy-study-17jan10-en.pdf>.*

- Impact on privacy and data protection - how would 'thick' Whois affect privacy and data protection, also taking into account the involvement of different jurisdictions with different laws and legislation with regard to data privacy as well as possible cross border transfers of registrant data?

Your view: *The Public Interest Registry does not believe that requiring the thick Whois model and/or the transition from thin to thick Whois will raise significant, if any, privacy and data protection issues beyond those concerns which exist already. Pursuant to the Registrar Accreditation Agreement, Whois information is collected and made available only with the consent of the registrant or other data subject. While moving from a thin registry model to a thick registry system may affect the jurisdictions in which data is available, Whois information already may cross borders because of the international mix of registrants, registrars, and individuals or organizations which access the data. In addition, ICANN has procedures which address situations in which local privacy or data protection laws and regulations may conflict with Whois contractual obligations. Finally, a thick Whois requirement will not affect the operation of proxy or privacy registration systems that afford privacy protections. While the Public Interest Registry acknowledges that additional systems that contain Whois data increase the possibility of data leakage, we do not believe that this consideration creates significant privacy concerns.*

- Cost implications - what are the cost implications of a transition to 'thick' Whois for Registries, Registrars, registrants and other parties for all gTLDs? Conversely, what are the cost implications to Registries, Registrars, registrants and other parties if no transition is mandated?

Your view: *The Public Interest Registry expects that any transitions will have cost implications but is not aware of any analyses that would address these issues, and the circumstances of the .ORG transition do not provide useful information. We expect that costs primarily will be from moving information and increasing necessary infrastructure. Development costs should be minimal, as the company that maintains the only remaining thin Whois registries also manages TLDs that use a thick registry model.*

The one clear cost consideration applies to individuals and organizations which use the data; a thick registry that allows single queries for a given gTLD might obviate the need in some instances to pay for access to third party providers that aggregate registration data.

- Synchronization/migration – what would be the impact on the registry and registrar WHOIS and EPP systems for those Registries currently operating a thin registry, both in the migration phase to 'thick' WHOIS as well as ongoing operations?

Your view: *Again, the Public Interest Registry has no direct information on these issues, either general studies or data collected during the move of .ORG from a thin to a thick registry. We have provided the working groups with names of individuals who were involved in the transition operations, and they may be instructive on the questions.*

- Authoritativeness – what are the implications of a ‘thin’ Registry possibly becoming authoritative for registrant Whois data following the transition from a thin-registry model to a thick-registry model. The Working Group should consider the term “authoritative” in both the technical (the repository of the authoritative data) and policy (who has authority over the data) meanings of the word when considering this issue.

Your view: *The Public Interest Registry believes that the implications of such a change follow considerations discussed with respect to data accuracy and availability. A central authoritative source, in both senses of the term, will provide efficiencies and possibly even trust, as registries often are more recognizable than registrars to the general information user community.*

- Competition in registry services – what would be the impact on competition in registry services should all Registries be required to provide Whois service using the ‘thick’ Whois model – would there be more, less or no difference with regard to competition in registry services?

Your view: The Public Interest Registry does not see effects on competition in registry services except to the extent that a thick model may impose additional costs on a registry as compared to a thin registry. In addition, we question the extent to which registrants choose domains based on cost as opposed to a desire to be under a specific gTLD or to obtain a second level domain name whose availability is limited.

- Existing Whois Applications - What, if anything, are the potential impacts on the providers of third-party WHOIS-related applications if ‘thick’ WHOIS is required for all gTLDs?

Your view: *The Public Interest Registry is now aware of effects on third party providers except as noted above, and questions whether this question should be within the purview of the WG. Third party providers are commercial entities with no formal contractual or other governance connection to ICANN.*

- Data escrow – ‘thick’ Whois might obviate the need for the registrar escrow program and attendant expenses to ICANN and registrars.

Your view: *The Public Interest Registry has no authoritative information on this question.*

- Registrar Port 43 Whois requirements - ‘thick’ Whois could make the requirement for Registrars to maintain Port 43 Whois access redundant.

Your view: *The Public Interest Registry does not believe that a thick Whois model would affect the requirement for registrars to maintain Port 43 access in and of itself. The central question is whether registrars still will have to maintain identifiable Whois data systems under thick registries. Port 43 access should be maintained in that event as a “redundant” path to information, especially because of efficiencies for individuals or organizations who know the relevant registrar for a given domain. In addition, maintaining registrar Port 43 access will help to cut Whois server costs for thick registries to the extent that queries are directed at registrar systems.*

Based on your assessment of these topics, you are also encouraged to indicate whether you think there should or there shouldn’t be a requirement for ‘thick’ Whois by all gTLD Registries.

Your view: *The Public Interest Registry supports such a requirement.*

If there is any other information you think should be considered by the WG as part of its deliberations, please feel free to include that here.

Other information: *The Public Interest Registry has no further comments.*