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4   # Initial Report on the

5   # Thick Whois

6   # Policy Development Process

7

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9   ## STATUS OF THIS DOCUMENT

10   This is the Initial Report on thick Whois, prepared by ICANN Staff for submission to the GNSO Council on

11   [Date]. ICANN Staff will prepare a Final Report following review of the public comments received on this Initial

12   Report.

> Berry Cobb 6/6/13 17:08
> **Comment [1]:** Enter date

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19   ## SUMMARY

20   This report is submitted to the GNSO Council and posted for public comment as a required step in this GNSO

21   Policy Development Process on thick Whois.

22

23

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1.   Executive Summary

TO BE COMPLETED

1.1 Background

1.2   Deliberations of the Working Group

- The thick Whois Working Group started its deliberations on [date] where it was decided to continue the work primarily through weekly conference calls, in addition to e-mail exchanges.
- Section 5 provides an overview of the deliberations of the Working Group conducted both by conference call as well as e-mail threads.

1.3   WG Preliminary Recommendations

- NOTE TO WG MEMBERS: Sections 5 and 7 will be summarized here, once editing is complete. For now, look to those sections for current draft of recommendations

1.4   Stakeholder Group / Constituency Statements & Initial Public Comment Period

-

1.5   Conclusions and Next Steps

- The Working Group aims to complete this section of the report in the second phase of the PDP, following a second public comment period.

2.   Objective and Next Steps

81

82   This Initial Report on thick Whois is prepared as required by the GNSO Policy Development Process

83   as stated in the ICANN Bylaws, Annex A (see http://www.icann.org/general/bylaws.htm#AnnexA).

84   The Initial Report will be posted for public comment for at least 30 days, plus a 21-day reply period.

85   The comments received will be analyzed and used for redrafting of the Initial Report into a Final

86   Report to be considered by the GNSO Council for further action.

87

88

89

3.   Background

3.1 Process background

- The IRTP B Working Group recommended requesting an Issue Report on the requirement of thick Whois for all incumbent gTLDs in its 30 May 2011 Final Report. That recommendation went on to state:

   The benefit would be that in a thick registry one could develop a secure method for a gaining registrar to gain access to the registrant contact information. Currently there is no standard means for the secure exchange of registrant details in a thin registry. In this scenario, disputes between the registrant and admin contact could be reduced, as the registrant would become the ultimate approver of a transfer.

- Following that recommendation, the GNSO Council requested an Issue Report on thick Whois at its meeting on 22 September 2011. The Issue Report was expected to '*not only consider a possible requirement of thick Whois for all incumbent gTLDs in the context of IRTP, but should also consider 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'.*
- In accordance with the proposed revised GNSO Policy Development Process, a Preliminary Issue Report was published for public comment on 21 November 2011. Following review of the public comments received, the Staff Manager updated the Issue Report accordingly and included a summary of the comments received, which was submitted as the Final Issue Report to the GNSO Council on 2 February 2012.
- The GNSO Council initiated a Policy Development Process at its meeting of 14 March 2012 (see http://gnso.icann.org/resolutions/#20120314-1), but decided subsequently to delay next steps due to workload concerns. In the end, a drafting team to develop a charter for the PDP WG was formed in August 2012 and presented the proposed charter to the GNSO Council for

119   consideration in October 2012. The GNSO Council adopted the charter on 17 October 2012 (see

120   http://gnso.icann.org/en/council/resolutions#20121017-3) following which a call for volunteers

121   was launched and the PDP Working Group formed.

122

123   **3.2 Issue background**

124   ▪ Difference between thick vs. thin Whois[1]:

125

126   For the generic top-level domain (gTLD) registries, ICANN specifies Whois service requirements

127   through the Registry Agreement (RA) and the Registrar Accreditation Agreement (RAA).

128   Registries satisfy their Whois obligations using different services. The two common models are

129   often characterized as "thin" and "thick" Whois registries. This distinction is based on how two

130   distinct sets of data are managed. One set of data is associated with the domain name, and a

131   second set of data is associated with the registrant of the domain name. A thin registry only

132   stores and manages the information associated with the domain name. This set includes data

133   sufficient to identify the sponsoring registrar, status of the registration, creation and expiration

134   dates for each registration, name server data, the last time the record was updated in its Whois

135   data store, and the URL for the registrar's Whois service. With thin registries, registrars manage

136   the second set of data associated with the registrant of the domain and provide it via their own

137   Whois services, as required by Section 3.3 of the RAA for those domains they sponsor. COM and

138   NET are examples of thin registries.

139

140   Thick registries maintain and provide both sets of data (domain name and registrant) via Whois.

141   INFO and BIZ are examples of thick registries.

142

143   To illustrate thick and thin Whois, consider the Whois response for two domains, cnn.com and

144   cnn.org. Both domains are registered by Turner Broadcasting System and have the same

145   technical and administrative contact information, but one of the registrations is managed in a

146   thin registry (COM) manner and the other is in managed as a thick registry (ORG).

147

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[1] From the Whois Service Requirements Report (July 2010)

148   If we query COM's Whois server for cnn.com, we get the following results:

149

150   Domain Name: CNN.COM
151   Registrar: CSC CORPORATE DOMAINS, INC.
152   WHOIS Server: whois.corporatedomains.com
153   Referral URL: http://www.cscglobal.com
154   Name Server: NS1.TIMEWARNER.NET
155   Name Server: NS3.TIMEWARNER.NET
156   Name Server: NS5.TIMEWARNER.NET
157   Status: clientTransferProhibited
158   Updated Date: 04-feb-2010
159   Creation Date: 22-sep-1993
160   Expiration Date: 21-sep-2018[2]

161

162   However, if we query the .org's Whois server, we get both the domain and registrant Whois
163   information:

164

165   Domain ID:D5353343-LROR
166   Domain Name:CNN.ORG
167   Created On:16-Apr-1999 04:00:00 UTC
168   Last Updated On:04-Feb-2010 22:48:15 UTC
169   Expiration Date:16-Apr-2011 04:00:00 UTC
170   Sponsoring Registrar:CSC Corporate Domains, Inc. (R24-LROR)
171   Status:CLIENT TRANSFER PROHIBITED
172   Registrant ID:1451705371f82308
173   Registrant Name:Domain Name Manager
174   Registrant Organization:Turner Broadcasting System, Inc.
175   Registrant Street1:One CNN Center
176   Registrant Street2:13N
177   Registrant Street3:
178   Registrant City:Atlanta

---

[2] To get the registrant's information, the user or client application must make a referral query to the registrar's Whois service, which in this case is whois.corporatedomains.com

179   Registrant State/Province:GA
180   Registrant Postal Code:30303
181   Registrant Country:US
182   Registrant Phone:+1.4048273470
183   Registrant Phone Ext.:
184   Registrant FAX:+1.4048271995
185   Registrant FAX Ext.:
186   Registrant Email:tmgroup@turner.com
187   …[3]

189   The content of registration data provided via Whois may differ across gTLD registries. Some

190   gTLD registry agreements, such as .tel, have provisions in place that in certain circumstances

191   exclude personal information from the public Whois. For example, .tel Whois output for

192   individuals may only mention registrant's name with no other contact information.

194   It is noted that there has been considerable debate on the merits of thin Whois versus thick

195   Whois[4]. From a technical perspective, a thick Whois model provides a central repository for a

196   given registry whereas a thin Whois model is a decentralized repository[5]. Historically, the

197   centralized databases of thick Whois registries are operated under a single administrator that

198   sets conventions and standards for submission and display, archival/restoration and security

199   have proven easier to manage. By contrast, registrars set their own conventions and standards

200   for submission and display, archival/restoration and security registrant information under a thin

201   Whois model. Today, for example, Whois data submission and display conventions vary among

202   registrars. The thin model is thus criticized for introducing variability among Whois services,

203   which can be problematic for legitimate forms of automation. It is this problem that prompted

---

[3] In addition, contact information of administrative and technical contact are also provided, but have been truncated here.
[4] See for example discussions outlined in this thread: http://gnso.icann.org/mailing-lists/archives/registrars/thrd35.html
[5] To be more precise, the data model for a thin registry has two "chunks". The registry still centrally manages all the domain name **related** data (it's in one place, under one administrator, etc.). Each registrar, in turn, manages its set of sponsored names – but these are **separate** databases, each is a unique database and not part of a decentralized one. The more accurate term might therefore be a hierarchical vs flat (monolithic) database model.

204   the IRTP B Working Group to recommend requiring thick Whois across incumbent registries – in

205   order to improve security, stability and reliability of the domain transfer process.

206

207   A thick Whois model also offers attractive archival and restoration properties. If a registrar were

208   to go out of business or experience long-term technical failures rendering them unable to

209   provide service, registries maintaining thick Whois have all the registrant information at hand

210   and could transfer the registrations to a different (or temporary) registrar so that registrants

211   could continue to manage their domain names. A thick Whois model also reduces the degree of

212   variability in display formats. Furthermore, a thick registry is better positioned to take measures

213   to analyze and improve data quality since it has all the data at hand.

214

215 ▪ **Situation of incumbent gTLDs**: The following table was developed by the IRTP Part A Working

216   Group and has been updated with the recent addition of .xxx as a gTLD:

217

gTLD	Thin	Thick
.AERO		✓
.ASIA		✓
.BIZ		✓
.CAT		✓[6]
.COM	✓	
.COOP		✓
.INFO		✓
.JOBS	✓	
.MOBI		✓
.MUSEUM		✓

---

[6] .CAT has requested changes to its agreement to allow for tiered access to Whois data in a similar way that .TEL currently provides (see http://www.icann.org/en/registries/rsep/index.html#2011007).

.NAME		✓[7]
.NET	✓	
.ORG		✓
.PRO		✓
.TEL		✓[8]
.TRAVEL		✓
.XXX		✓

218   ▪   **Thick Whois in new gTLDs**: Within the context of the new gTLD programme, new gTLD registries

219   will be required to operate a thick Whois model[9]. As outlined in the new gTLD Program

220   Explanatory Memorandum thick vs. thin Whois for new gTLDs:

221

222   *While current registry agreements have differing provisions with regards to the Whois*

223   *output specification, ICANN's intent with the next round of new gTLDs has been to have the*

224   *agreements as standard as possible, with minimal or no individual negotiation and variation*

225   *of provisions such as a registry's Whois output specification. In an attempt to standardize on*

226   *a one-size fits-all approach for new gTLDs, the first draft of the proposed new registry*

227   *agreement suggested a least-common denominator approach under which all registries*

228   *would have been required to be at least thin, but registries could opt on their own to collect*

229   *and display more information at their discretion. This was consistent with the approach used*

230   *by ICANN for at least the past five years in which registry operators have been free to*

231   *suggest their own preferred Whois data output and whatever specification each registry*

232   *proposed was incorporated into the that registry operator's agreement.*

233

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[7] Thick Whois information is available at the registry, but public access to the data is organized in four tiers. Full set of data is available to requesters if the requester enters into an agreement with the registry under the Extensive Whois Data tier. See http://www.icann.org/en/tlds/agreements/name/appendix-05-15aug07.htm for further details.

[8] Thick Whois information is available, but tiered access is provided consistent with a registry request approved by ICANN in order for the registry to harmonize with UK data protection requirements.

[9] To clarify, as was pointed out in the public comments, the requirement for 'thick' Whois for new gTLDs was not the result of a policy development process.

234   *Registrars would continue to display detailed contact information associated with*

235   *registrations, so there is no question about the total set of data elements that will be*

236   *published concerning each registration, the only question is whether all of the data will be*

237   *maintained/published by both the registry and the registrar, or whether the full data will be*

238   *displayed by the registrar* only *and the registry could, if it so elected, maintain just a subset*

239   *of data as in the example above.*

240

241   *Many commenters on the proposed registry agreement have requested a change to the*

242   *agreement to mandate thick Whois for all new registries. The commenters have suggested*

243   *that such a requirement would be in line with the status quo since most gTLD agreements*

244   *require thick Whois output (all except com, net and jobs, as noted above). Comments have*

245   *suggested substantial benefits from mandating thick instead of thin Whois, including*

246   *enhanced accessibility and enhanced stability*.

247

248   *Critics of the proposed thick Whois mandate have raised potential privacy concerns as a*

249   *reason to require thin Whois only, but proponents of thick Whois point to ICANN's*

250   *community-developed "Procedure For Handling Whois Conflicts with Privacy Law"*

251   *http://www.icann.org/en/processes/icann-procedure-17jan08.htm as a means for resolving*

252   *any potential situations where a registry operator's Whois obligations are alleged to be*

253   *inconsistent with local legal requirements concerning data privacy. Also it could be argued*

254   *that, as indicated above, all of the data that might be published by a thick registry is already*

255   *public data since it would already be published by the registrar. ICANN's Registrar*

256   *Accreditation Agreement obligates registrars to ensure that each registrant is notified and*

257   *consents to the purposes and recipients of any personal data collected from the registrant in*

258   *association with every domain registration http://www.icann.org/en/registrars/ra-*

259   *agreement-17may01.htm#3.7.7.4.*

260

261   *Proponents of requiring thick Whois argue that being able to access the thick data at both*

262   *the registry and the registrar level will ensure greater accessibility of the data. The draft*

263   *report of the Implementation Recommendations Team put together by ICANN's Intellectual*

264   *Property Constituency stated "the IRT believes that the provision of Whois information at the*

265   *registry level under the Thick Whois model is essential to the cost-effective protection of*

266   *consumers and intellectual property owners." http://icann.org/en/topics/new-gtlds/irt-draft-*

267   *report-trademark-protection-24apr09-en.pdf. There are at least two scenarios in which the*

268   *additional option of retrieving the data at the registry would be valuable:*

269   *1.   Where the registrar Whois service might be experiencing a short- or long-term outage (in*

270   *   violation of the registrar's accreditation agreement), and*

271   *2.   Where the registrar has implemented strong (or sometimes overly-defensive) measures*

272   *   to prevent large-scale automated harvesting of registrar data.*

273

274   *Also, in the event of a registrar business or technical failure, it could be beneficial to ICANN*

275   *and registrants to have the full set of domain registration contact data stored by four*

276   *organizations (the registry, the registry's escrow agent, the registrar, and the registrar's*

277   *escrow agent) instead of just two organizations (the registrar and the registrar's escrow*

278   *agent).*

279

280

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285

4.   Approach taken by the Working Group

The thick Whois PDP WG started its deliberations on 13 November 2012 where it was decided to continue the work primarily through weekly conference calls, in addition to e-mail exchanges. Furthermore, the WG decided to create a number of sub-teams to conduct some of the preparatory work on the different topics identified in its charter (see https://community.icann.org/x/v4BZAg).

The Working Group also prepared a work plan, which was reviewed on a regular basis. In order to facilitate the work of the constituencies and stakeholder groups, a template was developed that could be used to provide input in response for the request for constituency and stakeholder group statements (see Annex B). This template was also used to solicit input from other ICANN Supporting Organizations and Advisory Committees early on in the process.

4.1   Members of the Working Group

The members of the Working group are:

Name	Affiliation*	Meetings Attended (Total # of Meetings:)
Wilson Abigaba	NCUC	
Marc Anderson	RySG	
Titi Akinsanmi	At Large	
Roy Balleste	NCUC	
Iliya Bazlyankov	RrSG	
Don Blumenthal	RySG	
Bob Bruen	At Large	
Avri Doria	NCSG	
Amr Elsadr	NCSG	
Ray Fassett	RySG	
Christopher George	IPC	
Alan Greenberg	ALAC	
Volker Greimann (Council Liaison)	RrSG	
Frederic Guillemaut	RrSG	

Carolyn Hoover	RySG	
Susan Kawaguchi	CBUC	
Evan Leibovitch	ALAC	
Marie-Laure Lemineur	NPOC	
Steve Metalitz	IPC	
Jeff Neuman	RySG	
Ope Odusan	At Large	
Mikey O'Connor (Chair)	ISPCP	
Susan Prosser	RrSG	
Norm Ritchie	RySG	
Tim Ruiz	RrSG	
Carlton Samuels	ALAC	
Michael Shohat	RrSG	
Salanieta T. Tamanikaiwaimaro	At Large	
Christa Taylor	Individual	
Jill Titzer	RrSG	
Joe Waldron	RySG	
Rick Wesson	Individual	
Jennifer Wolfe	NomCom	
Jonathan Zuck	IPC	

302

303 The statements of interest of the Working Group members can be found at

304 https://community.icann.org/x/v4g3Ag.

305

306 The attendance records can be found at https://community.icann.org/x/_oVwAg.

307

308 The email archives can be found at http://forum.icann.org/lists/gnso-thickwhoispdp-wg/.

309 *

310 RrSG – Registrar Stakeholder Group

311 RySG – Registry Stakeholder Group

312 CBUC – Commercial and Business Users Constituency

313 NCUC – Non Commercial Users Constituency

314 IPC – Intellectual Property Constituency

315 ISPCP – Internet Service and Connection Providers Constituency

316

5.   Deliberations of the Working Group

This chapter provides an overview of the deliberations of the Working Group conducted both by conference call as well as e-mail threads. The points below are just considerations to be seen as background information and do not necessarily constitute any suggestions or recommendations by the Working Group. It should be noted that the Working Group will not make a final decision on which solution(s), if any, to recommend to the GNSO Council before a thorough review of the comments received during the public comment period on the Initial Report.

5.1   Initial Fact-Finding and Research

Per its Charter, the WG was tasked to review the following topics as part of its deliberations to consider the use of thick Whois by all gTLD registries:

- Response consistency
- Stability
- Access to Whois data
- Impact on privacy and data protection
- Cost implications
- Synchronization / migration
- Authoritativeness
- Competition in registry services
- Existing Whois applications
- Data escrow
- Registrar Port 43 Whois requirements

In order to obtain as much information as possible at the outset of the process and identify whether WG members had specific expertise and/or interest to support the deliberations on these topics, a survey was conducted amongst the WG membership (see results in Annex D). In addition, the WG requested input from GNSO Stakeholder Groups and Constituencies, as well as other ICANN Supporting Organizations and Advisory Groups (see Annex C and section 6 for further details).

346   Furthermore, the WG formed an ad-hoc expert group[10] consisting of a number of individuals that

347   had been involved in the transition of .org from thin to thick that took place in 2004 and reviewed

348   the PIR Post Transition Report.

349

350   Substantial preparatory work was carried out through the work of a number of sub-teams (see

351   https://community.icann.org/x/v4BZAg) that have contributed to the following sections of this

352   report.

353

354   **5.2   Response Consistency**

355

356   **Issue Description**

357   A thick registry can dictate the labelling and display of Whois information to be sure the information

358   is easy to parse, and all registrars / clients would have to display it accordingly. This could be

359   considered a benefit (response consistency) but also a potential cost (registrars / clients would be

360   required to display it as dictated by the registry). This might also be a benefit in the context of

361   internationalized registration data as even with the use of different scripts, uniform data collection

362   and display standards could be applied.

363

364   **Response Consistency in the current environment**

365   Currently there are no labelling or display requirements for thin or thick gTLD registries. As a result,

366   registrars, even for the same gTLD, may currently display data in inconsistent ways, which affects

367   efficiency in accessing and using the information. These problems may be exacerbated with

368   internationalized data items that do not employ Latin characters.

369

370   However the proposed 2013 RAA contains language that would require registrars to provide uniform

371   Whois output (see http://www.icann.org/en/resources/registrars/raa/proposed-whois-22apr13-

372   en.pdf for further details).

373

---

[10] For the list of experts and mailing list archives, please see http://forum.icann.org/lists/gnso-thickwhoispdp-experts/msg00000.html.

374 **Response Consistency in a thick Whois environment**

375 A thick gTLD registry could dictate labelling and display requirements for Whois information for all of

376 its gTLDs and that would result in consistency across its gTLDs, but that would not create consistency

377 across other gTLDs offered by different registry operators. In order to achieve consistency across

378 gTLDs, registry operators would need to be required to use the same labelling and display

379 requirements. In advance of possible changes to the Registry Agreement, the WG is considering

380 recommending that all thick gTLD registries follow the same labelling and display requirements, as

381 per the model outlined in Specification 4 of the proposed RA (See Annex E), but would welcome

382 community input on this proposal before taking a final decision.   The WG recognizes that a

383 recommendation of this nature will require special consideration of the timing, cost and

384 implementation implications for existing Thick Whois Registries.

385

386 **Improvements to response consistency under a thick Whois model**

387 Establishing requirements such as collecting uniform sets of data, and display standards, would

388 improve consistency across all gTLDs at all levels and result in better access to Whois data for all

389 users of Whois databases.

390

391 Collecting and displaying registration data presents difficult challenges when that data is being

392 provided by registrants whose primary language uses a script that does not employ Latin characters.

393 Those challenges are currently under study within ICANN; but however they are resolved, the

394 implementation of those recommendations will almost certainly be less complex if Whois data is

395 centralized at the registry level, rather than being held by hundreds or thousands of registrars, who

396 may apply data collection or display standards inconsistently.

397

398 **Possible downsides to response consistency under a thick Whois model**

399 The WG received comments suggesting that the opportunity for innovation and ingenuity may be

400 lost in the pursuit of response consistency. For example registrar innovation in the handling and

401 processing of different scripts might overcome barriers and challenges that centralized systems

402 organizations may not see or know. The working group concluded that on balance the opportunities

403 for improved response consistency dramatically outweighed these opportunities missed.

404

405   **Conclusion**

406   The working group finds that requiring thick Whois would improve response consistency.

407

408   **5.3   Stability**

409

410   **Issue Description**

411   The Working Group used the following definition in its deliberations about the issue of stability:

412   "Availability of Whois data in the case of a business or technical failure".

413

414   **Stability in a thin Whois environment**

415   In a thin Whois model, there are two sources of copies of Whois information in case of a business or

416   technical failure; the registrar and the escrow service used by the registrar. In case of the failure of

417   one of these two sources, there is one fallback copy of Whois data available for recovery efforts.

418

419   **Stability in a thick Whois environment**

420   Under the current policies, under a thick Whois model, the two sources identified in the 'Stability in

421   a thin Whois environment' section are available as well as two additional sources, namely the

422   registry and the escrow service used by the registry. This results in a total of up to four separate

423   locations where the data is stored, depending on whether the same escrow provider is used by the

424   registry and registrar. In the cases of a failure there are at least two remaining sources of data

425   available for recovery.

426

427   **Possible advantages for stability in a thick Whois environment**

428   The WG noted that a thick Whois model provides at least two fallback sources in the case of a

429   failure, compared to one in the thin model. Since most catastrophic failures are often the result of

430   multiple failures, having multiple geographically dispersed backups is preferred.

431

432   **Possible downsides for stability in a thick Whois environment**

433   Some WG participants noted that having personal data at multiple sites makes that data more

434   susceptible to attack or misuse. This issue is addressed in the section on privacy and data protection.

435

436   Some WG participants asked if there might be an increased risk of inconsistencies by having up to

437   four copies of the same data. The working group concluded that there are well-established

438   mechanisms to mitigate this risk through the use of various techniques[11].

439

440   **Conclusion**

441   The working group finds that requiring thick Whois would improve stability.

442

443   **5.4   Access to Whois Data**

444

445   **Issue Description**

446   Per its charter the WG addressed the issue of whether the ability to access Whois information at the

447   registry level under the thick Whois model is more efficient and cost-effective than a thin model in

448   protecting consumers and users of Whois data and intellectual property owners.

449

450   **Access to Whois data in the current Whois environment**

451   In thin gTLD registries, data associated with the registrant of the domain is only available via the

452   registrar's Whois services, while the data associated with the domain name is published both by the

453   registrar as well as the registry. In thick registries both sets of data (that associated with the domain

454   name as well as with the registrant) are published by the registrar and the registry. It was noted that

455   the NORC Draft Report for the Study of the Accuracy of Whois Registrant Contact Information[12]

456   (commissioned by ICANN in 2010) found that the Whois data for the domain names selected was

---

[11] The working group discussed one example of such a mitigation approach -- the use of multi-master replication across the data. However the WG identified several issues that indicate that this probably isn't the best approach. Registrars currently escrow their data on a particular schedule that is inconsistent with the schedule at which registries escrow data. Similarly, registrars are not required to post new data to registries instantaneously so a registry and registrar could reasonably be out of sync frequently. Finally, at least four sets of contracts would have to be amended in order to change the current model by which data is backed up through escrow. See http://en.wikipedia.org/wiki/Multi-master_replication
[12] See http://www.icann.org/en/compliance/reports/whois-accuracy-study-17jan10-en.pdf

457   accessible 100% of the time for the thick Whois registries sampled (.org, .biz and .info), while Whois

458   data availability was only 97.5% for .com and 98.5% for .net. The WG received comments pointing

459   out difficulties that have been experienced in accessing registrar-based Whois services.

460   Commenters also noted restrictions on access to data due to Registrar-imposed limits to queries

461   under thin registries as certain information is only available at the registrar. Others pointed out that

462   the Whois Audit Access Report[13] (2012) produced by ICANN Contractual Compliance found that only

463   94% of registrars provided consistent access to Whois data compliant with Section 3.3 of the RAA.

464   The report did point out that 'Registrar compliance rate with the RAA to provide Whois access

465   service has declined from last year's results from 99% to 94%. This decline is likely due to proactive

466   monitoring, tool enhancements and enforcement of this RAA obligation'.

467

468   **Access to Whois data in a thick Whois environment**

469   If all registries were to operate under a thick Whois model, all Whois information associated with

470   the domain name as well as the registrant would be accessible via both the registrar and registry

471   Whois services[14].

472

473   **Possible advantages for access to Whois data under a thick Whois model**

474   Proponents of requiring thick Whois argue that being able to access the thick data at both the

475   registry and the registrar level will improve accessibility of the data. The draft report[15] of the

476   Implementation Recommendations Team put together by ICANN's Intellectual Property

477   Constituency stated, "*the IRT believes that the provision of Whois information at the registry level*

478   *under the Thick Whois model is essential to the cost-effective protection of consumers and*

479   *intellectual property owners."* There are at least two scenarios in which the additional option of

480   retrieving the data at the registry would be valuable:

481

482   •   The registrar Whois service is experiencing a short- or long-term outage (in violation of the

---

[13] See https://www.icann.org/en/resources/compliance/update/update-whois-access-audit-report-port43-30apr12-en.pdf

[14] Note: under the proposed 2013 RAA the requirement for registrars to provide Whois in thick registries at port 43 would be eliminated, but leaving the web-based Whois service in place.

[15] See http://icann.org/en/topics/new-gtlds/irt-draft-report-trademark-protection-24apr09-en.pdf.

483   registrar's accreditation agreement), and

484   • The registrar has implemented strong (or sometimes overly-defensive) measures to prevent

485   large-scale automated harvesting of registrar data.

486

487   It would also be beneficial to ICANN and registrants to have the full set of domain registration

488   contact data stored by four organizations (the registry, the registry's escrow agent, the registrar, and

489   the registrar's escrow agent) instead of just two organizations (the registrar and the registrar's

490   escrow agent) in the event of a registrar business or technical failure.

491

492   The IRTP-B Working Group and comments received by this working group have also pointed out that

493   the use of a common format and location to find information for a given gTLD is an advantage for

494   Whois users.

495

496   **Possible downsides for access to Whois data under a thick Whois model**

497   The WG received comments suggesting that it may be difficult to suppress data that has already

498   been published should there be any changes in the future to the Whois model, e.g. if certain

499   information is no longer required to be published. The WG concluded that this would be a broader

500   issue as all the Whois registrant information is currently already publicly available both in the thin

501   model (published by the registrar) as well as the thick model (published by both the registrar and

502   registry).

503

504   As discussed in the section on data escrow, there is some question as to whether four sets of the

505   same data are really necessary and whether maintaining them result in additional costs for

506   contracted parties as well as registrants. The WG concluded that this is at most an incremental cost

507   increase and further concluded that this is a topic better pursued in broader discussions of data

508   escrow for all thick registries (such as the RAA negotiation).

509

510   The WG received comments pointing out that centralizing the accessibility of Whois information at

511   the registry is a natural efficiency for users of Whois data when considering one gTLD at a time in

512   the current environment. However, with the introduction of new gTLDs the number of registries

513   may exceed the number of registrars; therefore, a Whois user may need to access dozens or

514   hundreds of registries to obtain responses for a common second level string that is registered across

515   multiple registries. Thus there may be an advantage to the thin Whois model in that information

516   from multiple gTLDs could be obtained through a single registrar, although identifying the

517   appropriate registrar is not certain from the domain name itself. The WG concluded that this

518   advantage is incremental at best, especially considering that ICANN is implementing the Whois

519   Review Team recommendation #11 *("Overhaul of the Internic to provide enhanced usability for*

520   *consumers, including the display of full registrant data for all gTLD domain names; operational*

521   *improvements to include enhanced user awareness")*. The WG also notes that 3rd party services are

522   available that provide aggregation of Whois from multiple sources, which can be used when efficient

523   and cost-effective accessibility across multiple gTLDs is needed.

524

525   **Conclusion**

526   The working group finds that requiring thick Whois would improve access to Whois data.

527

528   **5.5   Impact on privacy and data protection**

529

530   **Issue Description**

531   Whois records contain domain registrants' names, addresses, email addresses, and phone numbers.

532   These details would be considered personal information in colloquial use and are provided legal

533   protection in regimes that provide data protection to personal information. The fundamental

534   question before the thick Whois PDP WG is whether thin and thick registry models present different

535   risks with respect to data protection and privacy. These risks might arise with respect to data at rest,

536   information held in registry databases, and data in motion, records being transferred from registrars

537   to registries in a thick model.

538

539   "Risks" include unauthorized disclosure in a security sense and issues related to information

540   disclosure in violation of local law and regulations. They also include the possibility that information

541   could be deleted or altered inadvertently or deliberately, possibly a more significant consideration

542   for those individuals who believe that Whois information is public and therefore cannot be

543   "disclosed" in an unauthorized manner.

544

545   The WG notes that its discussions of information security were simplified for purposes of clarity.

546   Detailed risk analyses were beyond the capacity and scope of the WG given the complexity of issues

547   and variety of possible system configurations. As an example, the WG will focus on the necessity for

548   data to be transferred in a thick Whois model. The WG will not discuss whether data may in fact

549   move when a registrar in a thin environment has redundant systems.

550

551   As an explanation in advance, "data at rest" is stored information. For our simplified purposes, it

552   includes data in use, a common term that is not useful for our construct. "Data in motion" is

553   information that is being transferred between computer systems.

554

555   **Data Protection and Privacy in a thin Whois environment**

556   Data at rest: Information will be protected to the extent that registrars' security safeguards are in

557   place. Such safeguards, both here and in the discussions that follow, include measures to protect

558   against unauthorized duplication, deletion, or alternation of information.

559

560   Data in motion: Information is not transferred to registries in a thin model.

561

562   Data protection laws: Whois records must be made public under ICANN rules. At first glance, any

563   applicable data protection laws will be the rules of the location of a registrar. However, it is possible

564   that a registrant's location might be determinative where a registrant and registrar are not in the

565   same jurisdiction.

566

567   **Data Protection and Privacy in a thick Whois environment**

568

569   Data at rest: Information will be protected to the extent that security safeguards are in place in

570   registrar or registry systems.

571

572   Data in motion: Information transfer between registrar and registry introduces the need for

573   additional information security safeguards beyond measures required for data that remains with a

574   registrar. These additional safeguards have purposes similar to those measures that must be in

575   place for data at rest, but have the added complexity of protections interception and possibly

576   reinsertion of information while it is in transit.

577

578   Data protection laws: Whois records must be made public under ICANN rules. Thick Whois models

579   present additional challenges with respect to possible data protection conflicts. Do rules governing

580   registrars apply because registrant contracts are signed in their countries, or does a registry's regime

581   govern because the registry publishes the data? How relevant is the location of the registrant?

582

583   **Possible advantages for Data Protection and Privacy in a thick Whois environment**

584   Data at rest: Whois databases would be held by the registry and not necessarily multiple registrars.

585   This single point of failure instead of multiple ones would increase data protection. In addition, it

586   may be that a registry, being in most cases larger than registrars, will be able to institute better

587   security safeguards.

588

589   Data in motion: Thick registries provide no advantage in this category.

590

591   Data protection laws: To the extent that controlling data protection laws and regulations are

592   deemed to be those of the registry, a thick Whois environment will provide additional assurances

593   where local rules limit information disclosure more than in the locale of an applicable registrar. The

594   WG must stress however, that any discussion of laws that might apply is speculation. It is beyond

595   the capacity and scope of the work group to do an exhaustive review of applicable rules and

596   contract provisions.

597

598   **Possible downsides for Data Protection and Privacy in a thick Whois environment**

599   Data at rest: More copies of Whois records will exist. The level of risk will depend on decisions

600   concerning, for example, who must maintain escrow systems, but registrars certainly still will have

601   the Whois information even if it is not contained in defined Whois databases.

602

603   Data in motion: Thick Whois models introduce the necessity for data transfer, which requires

604   additional security measures beyond what are needed for information that remains in a single

605   system.

606

607   Data protection laws: As a counterpoint to possible increased legal protection when laws in a

608   registry's jurisdiction allow less information disclosure than an applicable registrant's, rules

609   governing a registry's may in fact be less restrictive. In addition, questions concerning whether

610   registry or registrar location controls may add a level of complexity for the overall system and of

611   confusion for a registrant. We do note however that we are unaware of any such instances that

612   have arisen in current thick Whois environments.

613

614   **Discussion**

615   Data at rest: The WG cannot identify an advantage between a thin and thick environment. The same

616   information is contained in Whois databases in the two models. While ostensibly all Whois data as

617   such will be in a single system in a thick environment, the data elements still will be kept by

618   registrars. While more official copies of Whois information may exist in a thick environment, the fact

619   is that bulk record access[16] is available to the public and the likely magnitude of those copies in the

620   hands of individual analysts or of aggregators makes the value of a discussion questionable.

621

622   Data in motion: The WG cannot identify an advantage between a thin and thick environment. On

623   the surface, the need for Whois transfers from registrars to registries presents an additional point of

624   data vulnerability and need for additional security measures. However, Whois information regularly

625   moves through downloads and replication, as well as through transfer of data from registrars to

626   registries in the existing thick registries. The WG finds it hard to conclude that risks of data leakage

627   will increase at an identifiable level when thin registries move to a thick model.

628

629   Data Protection Laws: This subject is especially complex when it comes to drawing conclusions. It

630   raises a level of complexities, uncertainties, and emotions that are beyond the capacity of the WG to

---

[16] The WG does note that changes to bulk access are proposed under the 2013 RAA.

631 address conclusively given available resources and time constraints, and that also may spill beyond

632 the bounds of the scope of this WG in the case of certain issues.

633

634 Thick registries have existed for many years, and the .org registry transitioned from a thin to a thick

635 environment. The WG has not been able to identify a formal analysis of data protection laws in the

636 context of Whois information with respect to thin or thick models or the transition from one to

637 another. The WG would hope that analyses have been done, and the fact that it can find no public

638 objections from the registry or registrar community indicates that no problems have been identified.

639

640 In addition, the WG is not aware of any formal government actions against registries or registrars for

641 maintaining Whois systems in accordance with ICANN requirements. In particular, no registrar has

642 sought to adjust contract requirements pursuant to ICANN Procedure for Handling Whois Conflicts

643 with Privacy Laws (http://www.icann.org/en/resources/registrars/whois-privacy-conflicts-

644 procedure-17jan08-en.htm), which permits exceptions if a government begins an inquiry under data

645 protection laws and regulations. Further, the comment on thick vs. thin Whois that was submitted

646 by the Registrar Stakeholder Group did not raise privacy or data protection concerns.

647

648 However, the fact that the WG has not seen analyses or objections from the contracted party

649 community does not prove a lack of problems. In addition, data protection and privacy laws and

650 regulations change over time so any analyses from the past might need to be revisited periodically.

651 RSEPs (Registry Services Evaluation Panel) initiated by .cat and .tel suggest that they have identified

652 data protection and privacy legal issues that they considered valid even if no formal government

653 action was initiated. While registrars are required under the Registrar Accreditation Agreement to

654 obtain registrants' consent to uses made of data collected from them, whether registrants are

655 aware of the full ramifications of data publication, legal or real, might be questioned, and local rules

656 concerning coercive contract provisions conceivably could come into play.

657

658 The WG has made every effort to examine thin vs. thick registry models in a broad sense. However,

659 any requirement that all registries use the thick model will require that existing thin registries move

660 to thick environments. This situation will raise concerns that, while limited in the long run, are

Berry Cobb 3/6/13 10:52
Deleted:

662   significant given the numbers of domains and registrants involved. The WG expects that data

663   transfers will be in volumes unprecedented in Whois operations and urges that increased

664   information systems and protections are put in place, which are appropriate to handle the volumes.

665

666   Some registrations may have occurred based on a registrant's consideration of local rules governing

667   a registrar or registry. In that event, registrants' data protection expectations will be affected when

668   publication of Whois data moves to a registry that is in a different jurisdiction from the relevant

669   registrar. Thorough examination must be given to the extent to which data protection guarantees

670   governing a registrar can be binding on a registry. Should data protections in the jurisdiction of a

671   registrant, registrar, or registry control? Should registry or registrar accreditation agreements

672   contain language that specifies whose protection environment applies?

673

674   Again, these questions must be explored in more depth by ICANN Staff, starting with the General

675   Counsel's Office, and by the community, with registries and registrars taking the lead. As an added

676   benefit, analyses concerning change of applicable laws with respect to transition from a thin to a

677   thick environment also may prove valuable in the event of changes in a registry's management,

678   presumably an increasing likelihood given the volume of new gTLDs on the horizon.

679

680   **Conclusion**

681

682   Data Protection: The WG finds that requiring thick Whois for all gTLD registries does not raise data

683   protection issues that are specific to thin vs. thick Whois, as those that have been identified already

684   exist in the current environment and should be considered as part of the broader Whois debate.

685

686   Privacy: There are currently issues with respect to privacy related to Whois, and these will only

687   grow in the future. Those issues apply to other gTLDs as well, and thus will need to be addressed by

688   ICANN. Existing registry policy and practice allows flexibility when needed, and the new draft RAA

689   provides similar options for registrars. None of these issues seem to be related to whether a thick or

690   thin Whois model is being used. The support of the Registrar Stakeholder Group related to a thin-to-

691   thick transition implies that they perceive no immediate issue. There are still WG participants who

692 feel uneasy with the vast amounts of data that will need to be transferred across jurisdictional

693 boundaries, but those have not translated into concrete concerns. So although privacy issues may

694 become a substantive issue in the future, and should certainly be part of the investigation of a

695 replacement for Whois, it is not a reason to not proceed with this PDP WG recommending thick

696 Whois for all.

697

698 **5.6   Cost implications**

699

700 **Issue Description**

701 What are the cost implications of a transition to thick Whois for registries, registrars, registrants and

702 other parties for all gTLDs? Conversely, what are the cost implications to registries, registrars,

703 registrants and other parties if no transition is mandated?

704

705 Discussion

706 The WG has chosen to identify broad components of on-going and transition costs, and in some

707 cases base its analysis on projects that are of comparable scope and complexity. The WG did not

708 have the capacity to develop detailed cost comparisons and does not consider them to be required

709 in order to reach valid conclusions regarding the cost impact of requiring thick Whois for all gTLD

710 registries.

711

712

713   **Cost Implications of requiring thick Whois – On going costs**

714

715   Escrow costs

716

717   Registrars: **No change**

718   Registries: **Incrementally higher** -- increased data-storage and data transfer costs. Estimating

719   guideline: data volume will increase from domain-information-only to domain-and-contact

720   information. The WG offers a SWAG estimate of roughly doubled volume of escrow data-storage

721   and transfer. The cost is paid by the registry.

722   Data consumers**: No change**

723

724   Port 43 Whois server costs

725

726   Registrars: **No change or lower** – depending on whether Port 43 Whois requirements for thick

727   Whois registries are eliminated in the new RAA

728   Registries: **Incrementally higher** – due to increase in the size of the data payload for each Whois

729   query (roughly double). Estimating guideline: Whois server costs are a small fraction of the cost of

730   operating the front-facing server for a registry, and the incremental impact of increased processing

731   and bandwidth by these relatively simple systems is negligible.

732   Data consumers: **Lower** – due to reduced cost of automation resulting from more consistent access

733   methods and format of the data

734

735   Web-based Whois server costs

736

737   Registrars: **No change or incrementally lower** – depending on the extent to which Whois-query

738   demand shifts from registrars to registries

739   Registries: **No change or incrementally higher** – depending on the extent to which Whois-query

740   demand shifts from registrars to registries. Estimating guideline: Whois server costs are a small

741   fraction of the cost of operating the front-facing server for a registry, the incremental impact of

742   increased processing and bandwidth is negligible.

743   Data consumers: **Lower** – due to reduced errors resulting from more consistent access methods and

744   format of the data

745

746   **Cost Implications of requiring thick Whois – Transition costs**

747

748   Registrars: **Less than adding a new gTLD** – the WG anticipates that registrars will only be required to

749   reconfigure systems and processes that they already support rather than having to develop new

750   ones. Those changes will require reconfiguring Whois systems from the exception (process in a thin-

751   Whois manner) to the norm (process in a thick-Whois manner). The WG views the initial transfer of

752   contact data to the registry as similarly straightforward – and could be as simple as using the escrow

753   data as the data-source for the transfer. Estimating guideline: a comparable effort might be a

754   project to start up escrow.

755   Registries: **Less than adding a new gTLD** – the WG similarly anticipates that registries will also be

756   reconfiguring systems and processes that they already support, as all of them support thick Whois

757   for other gTLDs already. Again the WG anticipates a highly automated process will be used to

758   transfer and populate contact data, which is likely to require minimal training or manual

759   intervention. Estimating guideline: a comparable effort might be a project to start up escrow.

760   Data consumers: **Less than adding a new gTLD** – data consumers will likewise be required to

761   reconfigure systems and processes to switch from the exception (thin Whois) to the norm (thick

762   Whois), but again they will merely be reconfiguring systems and not developing new ones.

763

764   **Cost Implications of not requiring thick Whois**

765   The WG received comments that noted that the costs associated with not having easy access to

766   Whois data is significant, not only to rights owners, but also victimized Internet users. The WG

767   acknowledges that this may be true, but has concluded that analysing the nature and scale of costs

768   of this type are outside its charter

769

770   **Conclusion**

> **Berry Cobb 6/6/13 17:08**
> **Comment [2]:** This is where we stopped on 4 June
>
> **Marika Konings 6/6/13 17:08**
> **Comment [3]:** This may not be completely accurate. What happens to the registrars who do nothing? Some may not undertake any action until they are threatened with termination.

771 The working group finds that requiring thick Whois would not have overly burdensome cost impacts

772 on providers of Whois data and could reduce acquisition and processing costs for consumers of that

773 data.

774

775 **5.7   Synchronization / migration**

776

777 **Issue Description**

778 Synchronization refers to updating the Whois information in an immediate and accurate manner so

779 that both data sets, registrar and registry, are exact duplicates. Synchronization of data must occur

780 when either the registrar provides new information to the registry or the registry updates a Whois

781 record directly. The WG was asked to address the impact on synchronization between the registry

782 and registrar Whois and EPP systems for those Registries currently operating a thin registry, both in

783 the migration[17] phase to thick Whois as well as ongoing operations.

784

785 **Synchronization in a thin Whois environment**

786 The registrar collects the Whois data from the registrant but only transmits a limited subset of that

787 data to the registry. This limited subset must be updated in an immediate and accurate manner to

788 insure that both subsets of data are exactly the same.

789

790 **Synchronization in a thick Whois environment**

791 The only difference in a thick Whois environment is that all of the Whois data collected by the

792 registrar is transmitted to the registry. As in the thin Whois environment the information must be

793 updated in an immediate and accurate manner[18].

794

---

[17] Please note that issues related to a possible transition of existing thin gTLD registries to a 'thick' model are covered in a different section of this report.

[18] The RAA gives registrars a matter of days to update registry data (5 business days under the 2009 RAA and 7 calendar days under the proposed 2013 RAA) and up to 24 hours to update their own Whois records.

795   **Possible disadvantages for synchronization in a thick Whois environment**

796

797   The WG received no concrete examples of synchronization issues in converting from a thin Whois

798   environment to a thick Whois environment in the comments received. Most of the comments

799   addressing this topic emphasized the need for being mindful of the following:

800   1.   Cost

801   2.   Stability when transitioning the data

802   3.   Number of records involved

803

804   **Synchronization Inconsistencies**

805   The WG notes that there are risks of inconsistencies between the data output of the registrar and

806   the registry under both the thin and thick models. By having additional data shared between a

807   registry and registrar in a thick Whois model, this risk for inconsistencies may increase.

808

809   For example, inconsistencies may arise when the registry updates Whois records directly, as may be

810   required by a (closed) court order. In circumstances where a domain name is being transferred by

811   the registry without the losing registrar's knowledge, this may lead to the losing registrar publishing

812   outdated Whois data for a domain name no longer under it's control. Effectively, one domain name

813   could have two or more registrars publishing completely different data for the same domain name.

814   While the registry will reference the correct registrar, a third party may obtain differing results

815   depending on where they perform their lookup. In thick registries, inconsistencies between the

816   registrar Whois and the registry Whois contact information may also arise, as again such

817   modifications are not necessarily transmitted to the losing registrar. Effectively, registries and losing

818   registrars could conceivably output completely different Whois data. It was suggested that this

819   could be fixed by removing the port 43 Whois requirement[19] for registrars in thick registries,

820   although some explained that currently some registrars already pass on registrar port 43 queries to

821   the registry in the case of thick Whois, which also eliminates the risk of inconsistencies. The WG

---

[19] Only the port 43 Whois requirement is an issue as it cannot be mirrored to the registry web-based Whois output and can therefore cause synchronization issues, for web-based Whois registrars would actually be permitted to mirror the registry web-based Whois output or use the registry port 43 Whois.

822   notes that the proposed 2013 Registrar Accreditation Agreement (RAA) provides for the removal of

823   the port 43 requirement for thick gTLD registries (see section 3.3.1 -

824   https://www.icann.org/en/resources/registrars/raa/proposed-agreement-22apr13-en.pdf).

825

826   **Conclusion**

827   The WG finds that a transition to thick Whois for all gTLD registries will have no detrimental effects

828   on data synchronization.

829

830   **5.8   Authoritativeness**

831

832   **Issue Description**

833   Here is the working definition used by the WG while analysing this issue: "Authoritative, with

834   respect to provision of Whois services, shall be interpreted as to signify the single database within a

835   hierarchical database structure holding the data that is assumed to be the final authority regarding

836   the question of which record shall be considered accurate and reliable in case of conflicting records;

837   administered by a single administrative [agent] and consisting of data provided by the registrants of

838   record through their registrars." A proposed shorter version is "the data set to be relied upon in case

839   of doubt". There is currently no definition of an 'authoritative' Whois record/source, but the RAA

840   requires registrars to update their own Whois services sooner (within 1 day) than they are required

841   to update registries (who could not publish the updated data until they receive it). Therefore, in case

842   of conflict, the registrar's Whois output should generally be considered more accurate (though some

843   exceptions could exist).

844

845   **Authoritativeness in a thin Whois environment**

846   Since the registrar alone holds most Whois data, its data is necessarily authoritative as to those data

847   elements (e.g., name of registrant). For that data held by both registrar and registry (e.g., name of

848   registrar), it appears that registry data is generally treated as authoritative, but the WG is not aware

849   of any official ICANN policy statement on this. The WG observes that in the case of the Uniform

850   Dispute Resolution Policy (UDRP), UDRP Providers treat the registrar Whois information as

Marika Konings 31/5/13 17:29
Deleted: recommends

Marika Konings 6/6/13 17:08
Comment [4]: For review / discussion – based on the WGs feedback, additional changes may need to be made to other parts of this section.

852   authoritative, which may be the result of the UDRP having been adopted prior to the emergence of

853   thick gTLD registries.

854

855   **Authoritativeness in a thick Whois environment**

856   Most comments that addressed this question stated that registry data is considered authoritative in

857   the thick environment. Only one stated that the registrar data was authoritative. Again, the WG is

858   not aware of any official ICANN policy statement on this question. The WG notes that the registrar

859   remains responsible for the accuracy of the data under either the thick or thin model, as the

860   relationship with the registrant remains with the registrar.

861

862   **Possible advantages for authoritativeness in a thick Whois environment**

863   Several comments cited efficiency and trust as advantages of treating the registry Whois data as

864   authoritative. The WG supports the view that the registry will hold the entire data set, and is able to

865   change the data without informing the registrar (due to closed court orders or similar events).

866   Therefore, the only authoritative data source can be the registry as it holds the ultimate sway over

867   the data. A registrar updates the data at customer request and is responsible for its accuracy, but

868   such changes would only become authoritative once the registry Whois reflects the change.

869

870   **Possible downsides for authoritativeness in a thick Whois environment**

871   Several comments noted that registrars remain responsible for collecting the data and (to an extent

872   governed by contract with ICANN) for its accuracy. One contribution felt this was inconsistent with a

873   conclusion that registry Whois would be authoritative in the thick environment. The WG did not

874   agree that this inconsistency was problematic (primarily on the grounds stated above that the WG

875   assumes that any data collected by the registrar becomes authoritative only after it is incorporated

876   in the registry database[20]).

877

878   **Conclusion**

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[20] It should be noted though that there may be exceptions, for example, the registered name holder is the person with whom the registrar holds a registration agreement, not necessarily the person the registry thinks is the registrant (because the update by the registrar wasn't instantaneous). See also footnote 18.

879   The WG finds that a transition from thin to thick Whois will have no detrimental effect on

880   authoritativeness. The WG reviewed the question as to whether it is necessary for this WG to

881   recommend a policy on this issue. Based on that review, the WG has concluded that this is not

882   necessary, given that thick registries have functioned for many years without requiring a formal

883   position on authoritativeness, and the lack of evidence that this created any problem during

884   previous thin-to-thick transitions such as .org.

885

886   **5.9   Competition in registry services**

887

888   **Issue Description**

889   The WG was tasked to consider what the impact would be on competition in registry services should

890   all registries be required to provide Whois service using the thick Whois model – would there be

891   more, less or no difference with regard to competition in registry services.

892

893   **Competition in registry Services in the current Whois environment**

894   Today, the two largest gTLD registries (.com and .net) are exempt from the requirement to operate

895   under the thick Whois model, as well as .jobs. All other registries, including new gTLDs, are required

896   to operate under a thick Whois model.

897

898   **Competition in registry Services in a thick Whois environment**

899   The WG observes that all registries would be operating on a level playing field as they would all

900   operate under the same model in a thick Whois environment.

901

902   **Possible advantages for competition in registry services under a thick Whois model**

903   The WG concludes that requiring thick Whois would create a level playing field among registries. The

904   WG also observes that diversity in Whois data models is inappropriate as a matter of competitive

905   advantage among registries.

906

907   **Possible downsides for competition in registry services under a thick Whois model**

908 The position was put forward that creating a level playing field and requiring the provision of the

909 same Whois services would reduce competition as there would be no difference in the Whois model

910 offered and registrants could only choose the same standardized Whois services. As noted above,

911 the WG did not find this to be a compelling argument and is of the view that standardized Whois

912 services are much more attractive than any innovations that were restricted to a single registry

913 provider.

914

915 **Conclusion**

916 The working group finds that requiring thick Whois would provide a more level playing field

917 between registry providers. Furthermore, the WG was not able to identify any substantive

918 examples as to why a differentiated approach in provision of Whois services would be better for

919 competition.

920

921 **5.10   Existing Whois applications**

922

923 **Issue Description**

924 What, if anything, are the potential impacts on the providers of third-party Whois-related

925 applications if thick Whois would be required for all gTLDs? Do these applications need to be

926 updated / changed and how would that impact users of those applications?

927

928 **Possible advantages to existing Whois Applications under a thick Whois model**

929 The WG observes that the transition to thick gTLD registries may have a small transitional impact on

930 third-party providers. But in the long term that transition would allow them to use a simpler data-

931 gathering model and they could eliminate the issues associated with registrar-specific Whois data

932 access. Whois data providers will also benefit from having to implement and parse only one

933 authoritative data source instead of one per registrar.

934

935 **Possible downsides to existing Whois Applications under a thick Whois model**

936 There is the possibility that the transition to thick Whois may disrupt third-party Whois applications

937 due to the change in location and format of the data. Furthermore, the ability and incentive for

938 third-party providers to innovate in providing new services to address the yet unsolved problems of

939 internationalized domain name data may be diminished.

940

941 **Conclusion**

942 The WG finds that a transition from thin to thick Whois will have no substantive detrimental effect

943 on existing 3rd-party Whois service providers and will reduce the variability and cost of data

944 acquisition for those providers.

945

946 **5.11   Data escrow**

947

948 **Issue Description**

949 Data Escrow is the act of storing data with a neutral third party in case of registry or registrar failure,

950 accreditation termination, or accreditation expiration without renewal. ICANN requires all registrars

951 and gTLD registries to contract with a data escrow provider in order to safeguard registrants. Both

952 registrar and registry escrows follow the same system: a weekly full deposit on Sundays, and a

953 partial deposit on all other days containing all new data since the last full deposit[21]. .

954

955 **Data Escrow in a thick Whois environment**

956 Registrars and the registries store Whois data in different, unrelated escrow accounts. In the case of

957 thick registries, personal Whois data is also escrowed by the registry. Thus the Whois data is stored

958 in four logical locations (registry, registrar, escrow accounts). In the case of a failure, the data could

959 be available from up to three other locations. The WG notes that this number may decline if the

960 registry and the registrar use the same data escrow provider and care is not taken to store the data

961 in separate physical locations.

962

963 **Data Escrow in a thin Whois environment**

964 Under the thin Whois model, the registrar stores its Whois data (the contact data) in its escrow

965 location and the registry stores its domain data in its escrow account. Thus, for any single data

966 element there is one location available for backup data in the event of a failure.

---

[21] http://icannwiki.com/index.php/Data_Escrow

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Comment [5]: This is not correct. Registrars don't deposit on the same schedule as each other registrars and registries do not deposit on the same schedule as registrars.

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975

Conclusion

The working group finds that requiring thick Whois would result in more copies of escrowed data in the event of a failure[22].

979

5.12   Registrar Port 43 Whois requirements

981

Issue Description

Under the current Registrar Accreditation Agreement (RAA), registrars are required to provide access to Whois data to the public via two ways:

1. An interactive web page provided on the registrar's website, and
2. Port 43 lookup accessed in several ways (such as through command line utility, Whois lookup software, and third party websites)

988

Registrars suggest that with thick registries online, the need for Port 43 access on the registrar level is becoming irrelevant. In their view it does not make sense to provide this data if it is not referred to by the registry and the duplication of the services from multiple data sources may lead to inconsistencies in the results displayed (see also the section on synchronization / migration). If the registry displays the Whois data, and therefore the registry no longer points to the Whois server of the registrar, that server becomes redundant.

995

Recent developments

The proposed 2013 RAA includes a provision that the current requirement for registrars to provide Port 43 Whois service is no longer required for thick gTLD registries. The proposed language reads: 'At its expense, Registrar shall provide an interactive web page and, with respect to any gTLD operating a "thin" registry, a port 43 Whois service (each accessible via both IPv4 and IPv6) providing free public query‑‑‑based access to up‑‑‑to‑‑‑date (i.e., updated at least daily) data

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[22] ICANN Staff noted that in the case of registrar failure, the registrar escrow data has often been found to be incomplete or formatted incorrectly, and in some cases not available at all. In those instances, thick registry data has proven invaluable in standing up failed registrars.

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1002   concerning all active Registered Names sponsored by Registrar in any gTLD'. As a result, the WG did

1003   not consider this issue in further detail.

1004

1005   **Conclusion**

1006   The WG finds that the RAA negotiation is on track to resolve this question and defers to the

1007   conclusions arrived at through that process.

1008

1009

Community Input

6.1   Request for Input

As outlined in its Charter, 'the PDP WG is also expected to consider any information and advice provided by other ICANN Supporting Organizations and Advisory Committees on this topic. The WG is strongly encouraged to reach out to these groups for collaboration at an early stage of its deliberations, to ensure that their concerns and positions are considered in a timely manner'. As a result, the WG reached out to all ICANN Supporting Organizations and Advisory Committees as well as GNSO Stakeholder Groups and Constituencies with a request for input (see Annex B and C) at the start of its deliberations. In response, statements were received from:

- The GNSO Business Constituency (BC)
- The GNSO Intellectual Property Constituency (IPC)
- The GNSO Non-Commercial Users Constituency (NCUC)
- Verisign
- The GNSO Registry Stakeholder Group (RySG)
- The GNSO Registrar Stakeholder Group (RrSG)
- The At-Large Advisory Committee (ALAC)

The full statements can be found here: https://community.icann.org/x/WIRZAg.

6.2   Review of Input Received

The WG developed a matrix (located in Annex F) that it used to assess the input received in relation to the Charter Topics. This matrix, in addition to the summary of the comments, formed the basis for sub-team as well as Working Group discussions in relation to the different topics, the results of which have been outlined in section 5 of this report.

6.   Working Group Preliminary Recommendations and Observations

7.1   Preliminary Recommendation

The WG was tasked to provide the GNSO Council with 'with a policy recommendation regarding the use of thick Whois by all gTLD registries, both existing and future'. Following its analysis of the different elements, as outlined in the WG Charter, which has been detailed in section 5 of this report, on balance the Working Group concludes that there are more benefits than disadvantages to requiring thick Whois for all gTLD registries. As a result, the Working Group recommends that:

The provision of thick Whois services should become a requirement for all gTLD registries, both existing and future.

Preliminary level of consensus for this recommendation: The Working Group has arrived at preliminary consensus on this recommendation. A final consensus call will be conducted once the recommendation is finalized following review of the public comments received on this Initial Report.

Expected impact of the proposed recommendation:

As outlined in section 5, the WG expects numerous benefits as a result of requiring thick Whois for all gTLD registries. Nevertheless, the WG recognizes that a transition of the current thin gTLD registries would affect over 120 million domain name registrations and as such it should be carefully prepared and implemented. In section 7.3 the WG also provides other observations that emerged from this discussion which while not directly related to the question of thin or thick did and should receive due consideration by other bodies.

7.2   Implementation Considerations

Per its Charter and given the recommendation that thick Whois services become a requirement for all gTLD registries, the WG is also charged with considered the following questions:

1067

1068   •   **Cost implications for gTLD registries, registrars and registrants of a transition to thick Whois**

1069   The WG notes that some of these considerations have already been covered in section 5.6 - cost

1070   implications. Overall, the WG expects that there will be a one-off cost involved in the actual

1071   transition from thin to thick, but the WG also notes that considering synergies in the

1072   implementation process may minimize such costs. For example, instead of requiring all registrar

1073   data to be transferred to the registry at a certain point in time, this could coincide with the

1074   submission by the registrar of the data to the escrow agent so that it may only involve minor

1075   adjustments to submit that data to the gTLD operator. Also, as virtually all registrars already

1076   deal with thick TLDs and the only registry currently operating thin gTLDs also operates thick

1077   gTLDs, it is the expectation that there is hardly no learning curve or software development

1078   needed. The WG would welcome further input on this question as part of the public comment

1079   forum.

1080

1081   •   **Guidelines as to how to conduct such a transition (timeline, requirements, potential changes**

1082   **to Registration Agreements, etc.)**

1083   The WG notes that valuable information may be learned from the PIR Post Transition Report

1084   that describes the transition of .org from thin to ==thick and is considering whether specification 4==

1085   ==of the proposed new gTLD Registry Agreement could serve as a model for implementation,== but

1086   ==would welcome further community input before making a final decision on its implementation==

1087   ==recommendations==. The WG does recommend that as part of the implementation a team is

1088   formed consisting of experts from the parties that will be most affected by this transition,

1089   together with ICANN Staff, to work out such details. It is the expectation that any

1090   implementation plan would be shared with the ICANN Community for input. Any further input

1091   on this question would be welcomed.

1092

1093   •   **Are special provisions and/or exemptions needed for gTLD registries which operate a thick**

1094   **Whois but provide tiered access, for example?**

1095   The WG notes that ICANN already has a Procedure for Handling Whois Conflicts with Privacy

1096   Law in place. Furthermore, the WG notes that the proposed 2013 RAA also includes a proposed

Marika Konings 1/6/13 12:10
Deleted: the WG does not have any further guidance to offer at this stage

1099   mechanism for a registrar to request a waiver if the collection and/or retention of any data

1100   element violate applicable local law. The WG does not intend or expect that any of these

1101   exemptions or special provisions granted under these procedures are affected by a requirement

1102   for thick Whois for all gTLD registries.

1103

1104   The WG would like to encourage commenters on this Initial Report to raise any other issues or

1105   questions that the WG should consider as part of possible implementation guidance on this issue as

1106   part of the public comment forum.

1107

1108   **7.3   Additional Observations**

1109   The WG would like to share the following observations that emerged as part of its deliberations on

1110   the different elements as outlined in section 5. These are not within scope of its Charter, but the WG

1111   would nevertheless like to document them so that the GNSO Council / ICANN Staff can take further

1112   action if deemed appropriate and timely.

1113

1114   **Data Escrow**: The WG suggests that ICANN consider exploring the implications of two escrows,

1115   which could conceivably be stored at the same site removing the benefit of the duplication, and the

1116   implications of registrar/registry integration which could result in those "two" sites being co-located.

1117

1118   **Authoritativeness**: The WG observes that UDRP providers consider registrar data to be authoritative

1119   (whether it is thick or thin), while in all other circumstances the registry data is considered

1120   authoritative under the thick Whois model. The WG suggests that the GNSO Council further

1121   consider this issue.

1122

1123   **Privacy & Data Protection**: The WG notes the increasing number of data protection and privacy laws

1124   and regulations around the world, as well as specific Whois-related concerns raised by the public.

1125   While recognizing that this exceeds the scope of our remit, we suggest that, as part of the

1126   development of the registration data directory system model currently in process, ICANN ensure

1127   that the ramifications of data protection and privacy laws and regulations with respect to Whois

1128   requirements be examined thoroughly. We make these points as part of that suggestion:

1129

1130   1) Examinations must include data collection, data disclosure, and data retention laws, as well as
1131   data quality requirements under data protection principles. These examinations must be
1132   ongoing, as new data protection laws take effect and old ones are amended on a continual
1133   basis. The European Union Data Privacy Framework is well known and proposed amendments
1134   have received much attention. Additionally, the Singapore Personal Data Protection Commission
1135   will just begin its work in May, 2013.

1136

1137   2) Government inquiries can be expensive for a registrar or registry even if they do not lead to
1138   formal action. We suggest specifically that the procedures cited above for handling conflicts
1139   with privacy laws be reviewed to ensure that they can be invoked on the basis of documented
1140   and objectively well-founded concrete concerns about conflicts with local rules.
1141   Accommodations for conflicts between Whois requirements and data protection laws have been
1142   made without a requirement of law enforcement inquiry through RSEPs initiated by .cat and .tel;

1143

1144   3) Reviews of the relevant questions already are occurring or have occurred, as evidenced by, for
1145   example, the Data Retention Specification in the Draft RAA currently open for public comment
1146   and Section 7.13, Severability; Conflicts with Laws of the draft RA also in the ICANN comment
1147   phase. However,

1148

1149   4) Given the dynamic nature of laws and contracts that may address what data protections should
1150   be in place, as well as increasing complexities, the examinations must be limited to: provisions
1151   that have the force of law at any given time, authoritative statements from relevant
1152   governments about those provisions, or contract provisions that are final. If a decision is made
1153   to examine broader frameworks, those analyses must focus on what exists, not changes that
1154   may happen. It is not possible to anticipate what will happen or address all possibilities.

1155

1156   5) Some level of real world review of the efficacy of data protection provisions must occur as part
1157   of any reviews. As examples, a) what is the real effect of data retention provisions or b) do safe
1158   harbor laws really provide data protection assurances.

1159

1160
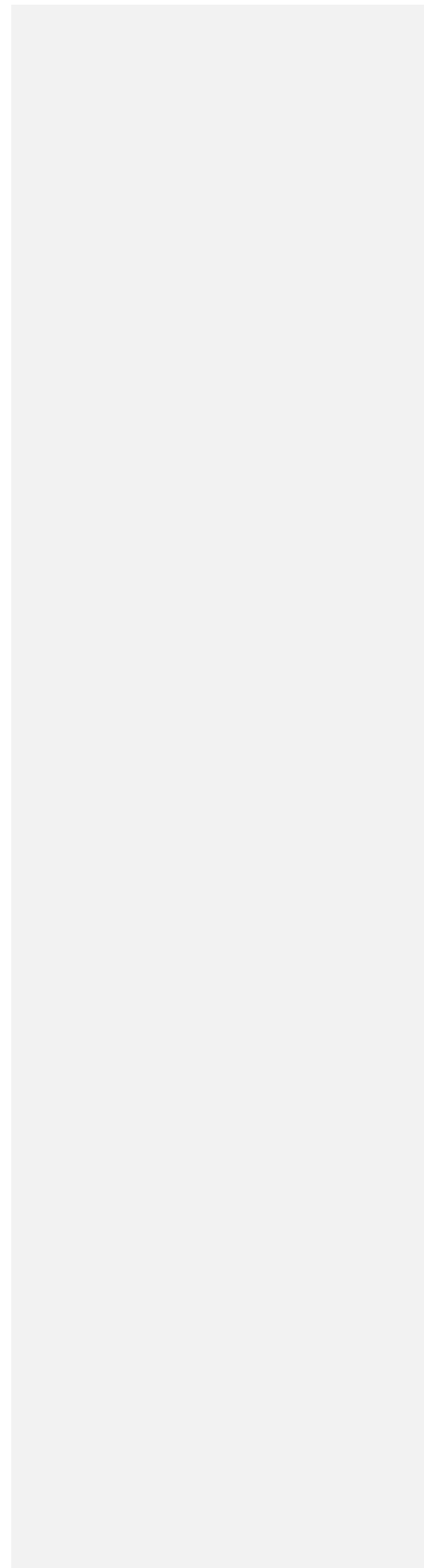
1161 # 7.   Conclusions and Next Steps

1162 The Working Group aims to complete this section of the report in the second phase of the PDP,

1163 following a public comment period on this Initial Report.

1164

1165

1166   Annex A – PDP WG Charter

WG Name:	Thick Whois PDP Working Group	
Section I: Working Group Identification		
Chartering Organization(s):	GNSO Council	
Charter Approval Date:	17 October 2012	
Name of WG Chair:	Mikey O'Connor	
Name(s) of Appointed Liaison(s):	Volker Greimann	
WG Workspace URL:	https://community.icann.org/display/PDP/Home	
WG Mailing List:	http://forum.icann.org/lists/gnso-thickwhois-wg/	
GNSO Council Resolution:	**Title:**	Motion to approve the Charter for the thick Whois PDP Working Group
	Ref # & Link:	http://gnso.icann.org/en/resolutions#20121017-3
Important Document Links:	• Thick Whois Final Issue Report (http://gnso.icann.org/issues/whois/final-report-thick-whois-02feb12-en.pdf) • GNSO Working Group Guidelines (http://gnso.icann.org/council/annex-1-gnso-wg-guidelines-08apr11-en.pdf) • GNSO PDP Manual (http://gnso.icann.org/council/annex-2-pdp-manual-16dec11-en.pdf) • Annex A – GNSO Policy Development Process of the ICANN Bylaws (http://www.icann.org/en/about/governance/bylaws#AnnexA)	
Section II: Mission, Purpose, and Deliverables		
Mission & Scope:		
Background ICANN specifies Whois service requirements through Registry Agreements (RAs) and the Registrar Accreditation Agreement (RAA) for the generic top-level domain (gTLD) registries.		

Registries have historically satisfied their Whois obligations under two different models. The two models are often characterized as "thin" and "thick" Whois registries. This distinction is based on how two distinct sets of data are maintained.

Whois contains two kinds of data about a domain name; one set of data is associated with the domain name (this information includes data sufficient to identify the sponsoring registrar, status of the registration, creation and expiration dates for each registration, name server data, the last time the record was updated in the registry database, and the URL for the registrar's Whois service), and a second set of data that is associated with the registrant of the domain name.

In a thin registration model the registry only collects the information associated with the domain name from the Registrar. The registry in turn publishes that information along with maintaining certain status information at the registry level. Registrars maintain data associated with the registrant of the domain and provide it via their own Whois services, as required by Section 3.3 of the RAA for those domains they sponsor [1] .

In a thick registration model the registry collects both sets of data (domain name and registrant) from the Registrar and in turn publishes that data via Whois.

Mission and Scope

The PDP Working Group 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 on this issue, the PDP WG should, at a minimum, consider the following elements as detailed in the Final Issue Report:

- 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.

- 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.

- 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?

- 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?

- 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?

- 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?

- 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.

- 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?

- 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?

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

- Registrar Port 43 Whois requirements: thick Whois could make the requirement for registrars to maintain Port 43 Whois access redundant.

Should the PDP WG reach consensus on a recommendation that thick Whois should be required for all gTLDs, the PDP WG is also expected to consider:

- Cost implications for gTLD registries, registrars and registrants of a transition to thick Whois

- Guidelines as to how to conduct such a transition (timeline, requirements, potential changes to Registration Agreements, etc.)

- Are special provisions and/or exemptions needed for gTLD registries which operate a thick Whois but provide tiered access [2] , for example?

In addition, the PDP WG should take into account other ICANN initiatives that may help inform the deliberations limited to this specific topic such as;

- Registry/registrar separation and related developments with regards to access to customer data;

- Output from any/all of the four Whois Studies chartered by the GNSO Council, if completed in time for consideration by the WG;

- The 2004 transition of .ORG from thin to thick;

- The work being done concurrently on the internationalization of Whois and the successor to the Whois protocol and data model;

- Results of the RAA negotiations, and

- Recommendations of the Whois Review Team.

The PDP WG is also expected to consider any information and advice provided by other ICANN Supporting Organizations and Advisory Committees on this topic. The WG is strongly encouraged to reach out to these groups for collaboration at an early stage of its deliberations, to ensure that their concerns and positions are considered in a timely manner.

Objectives & Goals:

To develop, at a minimum, an Initial Report and a Final Report regarding the use of thick Whois by all gTLD registries, both existing and future to be delivered to the GNSO Council, following the processes described in Annex A of the ICANN Bylaws and the GNSO PDP Manual.

Deliverables & Timeframes:

The WG shall respect the timelines and deliverables as outlined in Annex A of the ICANN Bylaws and the PDP

Manual. As per the GNSO Working Group Guidelines, the WG shall develop a work plan that outlines the necessary steps and expected timing in order to achieve the milestones of the PDP as set out in Annex A of the ICANN Bylaws and the PDP Manual and submit this to the GNSO Council.

Section III: Formation, Staffing, and Organization

Membership Criteria:

The Working Group will be open to all interested in participating. New members who join after certain parts of work has been completed are expected to review previous documents and meeting transcripts.

Group Formation, Dependencies, & Dissolution:

This WG shall be a standard GNSO PDP Working Group. The GNSO Secretariat should circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the Working Group, including:

- Publication of announcement on relevant ICANN web sites including but not limited to the GNSO and other Supporting Organizations and Advisory Committee web pages; and
- Distribution of the announcement to GNSO Stakeholder Groups, Constituencies and other ICANN Supporting Organizations and Advisory Committees

Working Group Roles, Functions, & Duties:

The ICANN Staff assigned to the WG will fully support the work of the Working Group as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate.

Staff assignments to the Working Group:

- GNSO Secretariat
- 1 ICANN policy staff member (Marika Konings)

The standard WG roles, functions & duties shall be applicable as specified in Section 2.2 of the Working Group Guidelines.

Statements of Interest (SOI) Guidelines:

Each member of the Working Group is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.

Section IV: Rules of Engagement

Decision-Making Methodologies:

{Note: The following material was extracted from the Working Group Guidelines, Section 3.6. If a Chartering Organization wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision-making methodology, this section should be amended as appropriate}.

The Chair will be responsible for designating each position as having one of the following designations:

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus.**

- **Consensus** - a position where only a small minority disagrees, but most agree. *[Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.]*

- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.

- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.

- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus** , **Strong support but significant opposition** , and **No Consensus;** or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence,** the WG Chair should encourage the submission of minority

viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

    i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.

    ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.

    iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.

    iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:

        o   A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.

        o   It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence.**

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls where taken.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the

designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants (see Note 1 below) in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO (see Note 2 below).

Note 1: Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or Liaison of their issue and the Chair and/or Liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

Note 2: It should be noted that ICANN also has other conflict resolution mechanisms available that could be

considered in case any of the parties are dissatisfied with the outcome of this process.
Status Reporting:
As requested by the GNSO Council, taking into account the recommendation of the Council liaison to this group.
Problem/Issue Escalation & Resolution Processes:
{Note: the following material was extracted from Sections 3.4, 3.5, and 3.7 of the Working Group Guidelines and may be modified by the Chartering Organization at its discretion} The WG will adhere to ICANN's Expected Standards of Behavior as documented in Section F of the ICANN Accountability and Transparency Frameworks and Principles, January 2008. If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison and, if unsatisfactorily resolved, to the Chair of the Chartering Organization or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that WG members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above. The Chair, in consultation with the Chartering Organization liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the Chartering Organization. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed. Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the Chartering Organization or their designated representative. In addition, if any member of the WG is of the opinion that someone is not performing their role according to

the criteria outlined in this Charter, the same appeals process may be invoked.

Closure & Working Group Self-Assessment:

The WG will close upon the delivery of the Final Report, unless assigned additional tasks or follow-up by the GNSO Council.

Section V: Charter Document History		
Version	**Date**	**Description**
1.0	8 October 2012	Final version submitted by the DT to the GNSO Council for consideration

Staff Contact:	Marika Konings	**Email:**	Policy-staff@icann.org

1167

1168 _____

1169 [1] 'A Registered Name is "sponsored" by the registrar that placed the record associated with that registration

1170 into the registry. Sponsorship of a registration may be changed at the express direction of the Registered

1171 Name Holder or, in the event a registrar loses accreditation, in accordance with then-current ICANN

1172 specifications and policies' (see http://www.icann.org/en/resources/registrars/raa/ra-agreement-21may09-

1173 en.htm)

1174 [2] For some registries, Thick Whois information is available at the registry, but public access to the data is

1175 organized in tiers. For example, for .name, the full set of data is available to requesters if the requester enters

1176 into an agreement with the registry under the Extensive Whois Data tier. See

1177 http://www.icann.org/en/tlds/agreements/name/appendix-05-15aug07.htm for further details.

1178

1179 Annex B – Template for Constituency & Stakeholder Group

1180 Statement

1181 **Stakeholder Group / Constituency / Input Template**

1182 **thick Whois PDP Working Group**

1183

1184 PLEASE SUBMIT YOUR RESPONSE AT THE LATEST **BY 9 January 2013** TO THE GNSO SECRETARIAT

1185 (gnso.secretariat@gnso.icann.org), which will forward your statement to the Working Group. If

1186 additional time is needed by your SG / C to provide your feedback, please inform the secretariat

1187 accordingly, including the expected delivery date so that this can be factored in by the WG.

1188

1189 The GNSO Council has formed a Working Group of interested stakeholders and Stakeholder Group /

1190 Constituency representatives, to collaborate broadly with knowledgeable individuals and

1191 organizations, in order to consider recommendations in relation to thick Whois.

1192

1193 Part of the working group's effort will be to incorporate ideas and suggestions gathered from

1194 Stakeholder Groups, Constituencies through this template Statement. Please note that the WG is

1195 currently in an information-gathering phase. Inserting your response in this form will make it much

1196 easier for the Working Group to summarize the responses. This information is helpful to the

1197 community in understanding the points of view of various stakeholders. However, you should feel

1198 free to add any information you deem important to inform the working group's deliberations, even

1199 if this does not fit into any of the questions listed below.

1200

1201 For further information, please visit the WG Workspace

1202 (https://community.icann.org/display/PDP/Home).

1203

1204 **Process**

1205 -   Please identify the member(s) of your stakeholder group / constituency who is (are)

1206   participating in this working group

1207   -   Please identify the members of your stakeholder group / constituency who participated in

1208   developing the perspective(s) set forth below

1209   -   Please describe the process by which your stakeholder group / constituency arrived at the

1210   perspective(s) set forth below

1211   -   If not indicated otherwise, the WG will consider your submission a SG / C position / contribution.

1212   Please note that this should not prevent the submission of individual and/or minority views as

1213   part of your submission, as long as these are clearly identified.

1214

1215   **Topics:**

1216

1217   The WG is tasked to provide the GNSO Council with a policy recommendation regarding the use of

1218   thick Whois by all gTLD registries, both existing and future. As part of its deliberations, the WG is

1219   expected to consider the topics listed below in the context of thick Whois. Please provide your

1220   stakeholder group's / constituency's views, including quantitative and/or empirical information

1221   supporting your views, on these topics in relation to whether or not to require thick Whois for all

1222   gTLDs and/or provide any information that you think will help the WG in its deliberations (for

1223   further information on each of these topics, please see the WG Charter

1224   https://community.icann.org/x/vIg3Ag):

1225

1226   •   Response consistency - a thick registry can dictate the labeling and display of Whois information

1227   to be sure the information is easy to parse, and all registrars/clients would have to display it

1228   accordingly. This could be considered a benefit but also a potential cost. This might also be a

1229   benefit in the context of internationalized registration data as even with the use of different

1230   scripts, uniform data collection and display standards could be applied.

1231   **Your view:**

1232

1233   •   Stability - in the event of a Registrar business or technical failure, it could be beneficial to ICANN

1234   and registrants to have the full set of domain registration contact data stored by four

1235   organizations (the registry, the registry's escrow agent, the Registrar, and the Registrar's escrow

1236   agent), which would be the case in a thick registry.

1237   **Your view:**

1238

1239   • Accessibility - is the provision of Whois information at the registry level under the thick Whois

1240   model more effective and cost-effective than a thin model in protecting consumers and users of

1241   Whois data and intellectual property owners?

1242   **Your view:**

1243

1244   • Impact on privacy and data protection - how would thick Whois affect privacy and data

1245   protection, also taking into account the involvement of different jurisdictions with different laws

1246   and legislation with regard to data privacy as well as possible cross border transfers of registrant

1247   data?

1248   **Your view:**

1249

1250   • Cost implications - what are the cost implications of a transition to thick Whois for registries,

1251   registrars, registrants and other parties for all gTLDs? Conversely, what are the cost implications

1252   to registries, registrars, registrants and other parties if no transition is mandated?

1253   **Your view:**

1254

1255   • Synchronization/migration - what would be the impact on the registry and registrar Whois and

1256   EPP systems for those registries currently operating a thin registry, both in the migration phase

1257   to thick Whois as well as ongoing operations?

1258   **Your view:**

1259

1260   • Authoritativeness - what are the implications of a thin registry possibly becoming authoritative

1261   for registrant Whois data following the transition from a thin-registry model to a thick-registry

1262   model. The Working Group should consider the term "authoritative" in both the technical (the

1263   repository of the authoritative data) and policy (who has authority over the data) meanings of

1264   the word when considering this issue.

1265   **Your view:**

1266

1267   •   Competition in registry services - what would be the impact on competition in registry services

1268   should all registries be required to provide Whois service using the thick Whois model – would

1269   there be more, less or no difference with regard to competition in registry services?

1270   **Your view:**

1271

1272   •   Existing Whois Applications - What, if anything, are the potential impacts on the providers of

1273   third-party Whois-related applications if thick Whois is required for all gtLDs?

1274   **Your view:**

1275

1276   •   Data escrow - thick Whois might obviate the need for the registrar escrow program and

1277   attendant expenses to ICANN and registrars.

1278   **Your view:**

1279

1280   •   Registrar Port 43 Whois requirements - thick Whois could make the requirement for registrars

1281   to maintain Port 43 Whois access redundant.

1282   **Your view:**

1283

1284   Based on your assessment of these topics, you are also encouraged to indicate whether you think

1285   there should or there shouldn't be a requirement for thick Whois by all gTLD registries.

1286   **Your view:**

1287

1288   If there is any other information you think should be considered by the WG as part of its

1289   deliberations, please feel free to include that here.

1290   **Other information:**

1291

1292   ## Annex C – Request for input from ICANN SO / ACs

1293
1294   Dear SO/AC Chair,
1295
1296   As you may be aware, the GNSO Council recently initiated a Policy Development Process (PDP) on
1297   thick Whois. As part of its efforts to obtain input from the broader ICANN Community at an early
1298   stage of its deliberations, the Working Group that has been tasked with addressing this issue is
1299   looking for any input or information that may help inform its deliberations. You are strongly
1300   encouraged to provide any input or information you or members of your respective communities
1301   may have to the GNSO Secretariat (gnso.secretariat@gnso.icann.org).
1302
1303   For further background information on the WG's activities to date, please see
1304   https://community.icann.org/display/PDP/Home. Below you'll find an overview of the issues that
1305   the WG's has been tasked to address per its charter.
1306
1307   If possible, the WG would greatly appreciate if it could receive your input by 9 January 2012 at the
1308   latest. If you cannot submit your input by that date, but your group would like to contribute, please
1309   let us know when we can expect to receive your contribution so we can plan accordingly. Your input
1310   will be very much appreciated.
1311
1312   With best regards,
1313
1314   Mikey O'Connor, Chair of the thick Whois PDP Working Group
1315
1316   **From the Charter** (see https://community.icann.org/x/vIg3Ag):
1317
1318   The PDP Working Group is tasked to provide the GNSO Council with a policy recommendation
1319   regarding the use of thick Whois by all gTLD registries, both existing and future. As part of its
1320   deliberations on this issue, the PDP WG should, at a minimum, consider the following elements as
1321   detailed in the Final Issue Report:
1322
1323   -   Response consistency: a thick registry can dictate the labeling and display of Whois information
1324   to be sure the information is easy to parse, and all registrars/clients would have to display it
1325   accordingly. This could be considered a benefit but also a potential cost. This might also be a
1326   benefit in the context of internationalized registration data as even with the use of different
1327   scripts, uniform data collection and display standards could be applied.
1328   -   Stability: in the event of a Registrar business or technical failure, it could be beneficial to ICANN
1329   and registrants to have the full set of domain registration contact data stored by four
1330   organizations (the registry, the registry's escrow agent, the Registrar, and the Registrar's
1331   escrow agent), which would be the case in a thick registry.
1332   -   Accessibility: is the provision of Whois information at the registry level under the thick Whois
1333   model more effective and cost-effective than a thin model in protecting consumers and users
1334   of Whois data and intellectual property owners?

1335   -   Impact on privacy and data protection: how would thick Whois affect privacy and data
1336   protection, also taking into account the involvement of different jurisdictions with different
1337   laws and legislation with regard to data privacy as well as possible cross border transfers of
1338   registrant data?
1339   -   Cost implications: what are the cost implications of a transition to thick Whois for registries,
1340   registrars, registrants and other parties for all gTLDs? Conversely, what are the cost
1341   implications to registries, registrars, registrants and other parties if no transition is mandated?
1342   -   Synchronization/migration: what would be the impact on the registry and registrar Whois and
1343   EPP systems for those registries currently operating a thin registry, both in the migration phase
1344   to thick Whois as well as ongoing operations?
1345   -   Authoritativeness: what are the implications of a thin registry possibly becoming authoritative
1346   for registrant Whois data following the transition from a thin-registry model to a thick-registry
1347   model. The Working Group should consider the term "authoritative" in both the technical (the
1348   repository of the authoritative data) and policy (who has authority over the data) meanings of
1349   the word when considering this issue.
1350   -   Competition in registry services: what would be the impact on competition in registry services
1351   should all registries be required to provide Whois service using the thick Whois model – would
1352   there be more, less or no difference with regard to competition in registry services?
1353   -   Existing Whois Applications: What, if anything, are the potential impacts on the providers of
1354   third-party Whois-related applications if thick Whois is required for all gtLDs?
1355   -   Data escrow: thick Whois might obviate the need for the registrar escrow program and
1356   attendant expenses to ICANN and registrars.
1357   -   Registrar Port 43 Whois requirements: thick Whois could make the requirement for registrars
1358   to maintain Port 43 Whois access redundant.
1359
1360   Should the PDP WG reach consensus on a recommendation that thick Whois should be required for
1361   all gTLDs, the PDP WG is also expected to consider:
1362   -   Cost implications for gTLD registries, registrars and registrants of a transition to thick Whois
1363   -   Guidelines as to how to conduct such a transition (timeline, requirements, potential changes to
1364   Registration Agreements, etc.)
1365   -   Are special provisions and/or exemptions needed for gTLD registries which operate a thick
1366   Whois but provide tiered access, for example?
1367
1368   In addition, the PDP WG should take into account other ICANN initiatives that may help inform the
1369   deliberations limited to this specific topic such as;
1370   •   Registry/registrar separation and related developments with regards to access to customer data;
1371   •   Output from any/all of the four Whois Studies chartered by the GNSO Council, if completed in
1372   time for consideration by the WG;
1373   •   The 2004 transition of .ORG from thin to thick;
1374   •   The work being done concurrently on the internationalization of Whois and the successor to the
1375   Whois protocol and data model;
1376   •   Results of the RAA negotiations, and
1377   •   Recommendations of the Whois Review Team.
1378

Annex D – Topics Poll Results

thick Whois PDP WG - Topics Poll

Introduction

This is a quick survey to collect two kinds of information – your interest in participating in

sub-groups focused on each of our topics, and your suggestions as to sources of information

or experts about those topics.

You are welcome to offer information-source and expert suggestions for all topics, not just

the ones that you are volunteering to focus on.

Questions

1. **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.

I would like to participate in the sub-team for this topic:

- Jill Titzer (RrSG)
- Titi Akinsanmi (ALAC)
- Amr Elsadr (NCSG)
- Tim Ruiz (RrSG)
- Jeff Neuman (RySG)
- Steve Metalitz (IPC)

Here are my suggested information-sources (or experts who would be good advisors)

about this topic:

1410

1411   2. **Stability:** in the event of a Registrar business or technical failure, it could be beneficial
1412   to ICANN and registrants to have the full set of domain registration contact data stored
1413   by four organizations (the registry, the registry's escrow agent, the Registrar, and the
1414   Registrar's escrow agent), which would be the case in a thick registry.
1415

1416   **I would like to participate in the sub-team for this topic**:

1417   • Alan Greenberg (ALAC)
1418   • Carolyn Hoover (RySG)
1419   • Tim Ruiz (RrSG)
1420   • Jeff Neuman (RySG)
1421   • Christopher E George (IPC)
1422
1423   **Here are my suggested information-sources (or experts who would be good advisors)**

1424   **about this topic**:

1425

1426   3. **Data escrow:** thick Whois might obviate the need for the registrar escrow program and
1427   attendant expenses to ICANN and registrars.
1428

1429   **I would like to participate in the sub-team for this topic**

1430   • Alan Greenberg (ALAC)
1431   • Carolyn Hoover (RySG)
1432   • Frederic Guillemaut (RrSG)
1433   • Tim Ruiz (RrSG)
1434
1435   **Here are my suggested information-sources (or experts who would be good advisors)**

1436   **about this topic**:

1437

1438   4. **Synchronization/migration:** what would be the impact on the registry and registrar
1439   Whois and EPP systems for those registries currently operating a thin registry, both in
1440   the migration phase to thick Whois as well as ongoing operations?
1441

1442   **I would like to participate in the sub-team for this topic:**

1443   • Jill Titzer (RrSG)

1444   •   Susan Kawaguchi (BC)
1445

1446   **Here are my suggested information-sources (or experts who would be good advisors)**

1447   **about this topic**:

1448

1449   5. **Response consistency:** a thick registry can dictate the labeling and display of Whois
1450   information to be sure the information is easy to parse, and all registrars/clients would
1451   have to display it accordingly. This could be considered a benefit but also a potential
1452   cost. This might also be a benefit in the context of internationalized registration data as
1453   even with the use of different scripts, uniform data collection and display standards
1454   could be applied.
1455

1456   **I would like to participate in the sub-team for this topic**:

1457   •   Jill Titzer (RrSG)
1458   •   Carlton Samuels (ALAC)
1459   •   Carolyn Hoover (RySG)
1460   •   Michael Shohat (RrSG)
1461   •   Susan Prosser (RrSG)
1462   •   Tim Ruiz (RrSG)
1463   •   Marie-laure Lemineur (NPOC)
1464   •   Susan Kawaguchi (BC)
1465   •   Christopher E George (IPC)
1466
1467   **Here are my suggested information-sources (or experts who would be good advisors)**

1468   **about this topic**:

1469

1470   6. **Accessibility:** is the provision of Whois information at the registry level under the thick
1471   Whois model more effective and cost-effective than a thin model in protecting
1472   consumers and users of Whois data and intellectual property owners?
1473

1474   **I would like to participate in the sub-team for this topic**:

1475   •   Jill Titzer (RrSG)
1476   •   Carlton Samuels (ALAC)
1477   •   Titi Akinsanmi (ALAC)
1478   •   Amr Elsadr (NCSG)

1479   •   Jennifer Wolfe (NomCom)
1480   •   Michael Shohat (RrSG)
1481   •   Evan Leibovitch (ALAC)
1482   •   Susan Prosser (RrSG)
1483   •   Tim Ruiz (RrSG)
1484   •   Jeff Neuman (RySG)
1485   •   Susan Kawaguchi (BC)
1486   •   Christopher E George (IPC)
1487

1488   **Here are my suggested information-sources (or experts who would be good advisors)**

1489   **about this topic**:

1490   •   NORC study commissioned by ICANN. See
1491   http://www.icann.org/en/compliance/reports/whois-accuracy-study-17jan10-en.pdf);
1492   Whois Policy Review Team Final Report, http://www.icann.org/en/about/aoc-
1493   review/whois/final-report-11may12-en.pdf , at 15. (suggested by Steve Metalitz)
1494

1495   7. **Impact on privacy and data protection:** how would thick Whois affect privacy and data
1496   protection, also taking into account the involvement of different jurisdictions with
1497   different laws and legislation with regard to data privacy as well as possible cross border
1498   transfers of registrant data?
1499

1500   **I would like to participate in the sub-team for this topic:**

1501   •   Alan Greenberg (ALAC)
1502   •   Carlton Samuels (ALAC)
1503   •   Titi Akinsanmi (ALAC)
1504   •   Amr Elsadr (NCSG)
1505   •   Roy Balleste (NCUC)
1506   •   Jennifer Wolfe (NomCom)
1507   •   Michael Shohat (RrSG)
1508   •   Susan Prosser (RrSG)
1509   •   Marie-laure Lemineur (NPOC)
1510
1511   **Here are my suggested information-sources (or experts who would be good advisors)**

1512   **about this topic:**

1513   •   Dr. Joanna Kulesza, Faculty of Law and Administration, University of Lodz (Suggested by
1514   Roy Balleste, NCUC)

1515

1516 8. **Competition in registry services:** what would be the impact on competition in registry
1517   services should all registries be required to provide Whois service using the thick Whois
1518   model – would there be more, less or no difference with regard to competition in
1519   registry services?
1520

1521 **I would like to participate in the sub-team for this topic**:

1522 •   Alan Greenberg (ALAC)
1523 •   Jill Titzer (RrSG)
1524 •   Amr Elsadr (NCSG)
1525 •   Jeff Neuman (RySG)
1526 •   Jonathan Zuck (IPC)
1527 •   Steve Metalitz (IPC)
1528

1529 **Here are my suggested information-sources (or experts who would be good advisors)**

1530 **about this topic**:

1531 •   Need to look at survey and sales data for both kinds of registries (suggested by Jonathan
1532   Zuck)
1533

1534 9. **Existing Whois Applications:** What, if anything, are the potential impacts on the
1535   providers of third-party Whois-related applications if thick Whois is required for all
1536   gtLDs?
1537

1538 **I would like to participate in the sub-team for this topic:**

1539 •   Titi Akinsanmi (ALAC)
1540 •   Susan Prosser (RrSG)
1541 •   Susan Kawaguchi (BC)
1542
1543 **Here are my suggested information-sources (or experts who would be good advisors)**

1544 **about this topic**:

1545

1546 10. **Registrar Port 43 Whois requirements:** thick Whois could make the requirement for
1547   registrars to maintain Port 43 Whois access redundant.
1548

1549   **I would like to participate in the sub-team for this topic**:

1550   • Alan Greenberg (ALAC)
1551   • Carlton Samuels (ALAC)
1552   • Frederic Guillemaut (RrSG)
1553   • Tim Ruiz (RrSG)
1554   • Steve Metalitz (IPC)
1555
1556   **Here are my suggested information-sources (or experts who would be good advisors)**

1557   **about this topic**:

1558   • Registrar Constituency (Suggested by Frederic Guillemaut, RrSG)
1559

1560   11. **Cost implications:** what are the cost implications of a transition to thick Whois for
1561   registries, registrars, registrants and other parties for all gTLDs? Conversely, what are
1562   the cost implications to registries, registrars, registrants and other parties if no
1563   transition is mandated?
1564

1565   **I would like to participate in the sub-team for this topic**

1566   • Alan Greenberg (ALAC)
1567   • Jill Titzer (RrSG)
1568   • Michael Shohat (RrSG)
1569   • Jeff Neuman (RySG)
1570   • Christopher E George (IPC)
1571

1572   **Here are my suggested information-sources (or experts who would be good advisors)**

1573   **about this topic**:

1574

Annex E – Agreement Excerpts on WHOIS Response Format

1575

1576

1577   **Excerpt from Proposed RA (Spec 4)[23]:**

1578   1.1. The format of responses shall follow a semi-free text format outline below, followed by a blank

1579   line and a legal disclaimer specifying the rights of Registry Operator, and of the user querying the

1580   database.

1581   1.2. Each data object shall be represented as a set of key/value pairs, with lines beginning with keys,

1582   followed by a colon and a space as delimiters, followed by the value.

1583   1.3. For fields where more than one value exists, multiple key/value pairs with the same key shall be

1584   allowed (for example to list multiple name servers). The first key/value pair after a blank line should

1585   be considered the start of a new record, and should be considered as identifying that record, and is

1586   used to group data, such as hostnames and IP addresses, or a domain name and registrant

1587   information, together.

1588   1.4. The fields specified below set forth the minimum output requirements. Registry Operator may

1589   output data fields in addition to those specified below, subject to approval by ICANN.

1590

1591   **Excerpt From Proposed RAA (REGISTRATION DATA DIRECTORY SERVICE (WHOIS)**

1592   **SPECIFICATION)[24]:**

1593   1.1. The format of responses shall follow a semi---free text format outline below, followed by a

1594   blank line and a legal disclaimer specifying the rights of Registrar, and of the user querying the

1595   database.

1596   1.2. Each data object shall be represented as a set of key/value pairs, with lines beginning with keys,

1597   followed by a colon and a space as delimiters, followed by the value.

1598   1.3. For fields where more than one value exists, multiple numbered key/value pairs with the same

1599   key shall be allowed (for example to list multiple name servers). The first key/value pair after a

1600   blank line should be considered the start of a new record, and should be considered as identifying

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[23] RA: http://newgtlds.icann.org/en/applicants/agb/base-agreement-specs-29apr13-en.pdf
[24] http://www.icann.org/en/resources/registrars/raa/proposed-whois-22apr13-en.pdf

1601   that record, and is used to group data, such as hostnames and IP addresses, or a domain name and

1602   registrant information, together.

1603   1.4. Domain Name Data:

1604   1.4.1. Query

1605   format: whois –h whois.example---registrar.tld EXAMPLE.TLD

1606   1.4.2. Response format:

1607   The format of responses shall contain all the elements and follow a semi---free text format outline

1608   below.

1609   Additional data elements can be added at the end of the text

1610   ## Annex F – Table Comparison Matrix

Expected Impacted of Requiring thick Whois	IPC	BC	ALAC	NPOC	Verisign	RySG	RrSG	NCUC	Preliminary Conclusion	
Response Consistency	✔	✔	✔	✔	✔	✔	✔	✗	Almost all agree that from the perspective of response consistency, requiring thick Whois could be considered a benefit	✔ = Positive impact ✗ = Negative impact
Stability	✔	✔	✔	✗	✗	✔	✔	✗	Most agree that from the perspective of stability, requiring thick Whois could be considered a benefit	✔ = Positive impact ✗ = Negative impact
Accessibility	✔	✔	✔	✗	✗	✔	✔	✗	Most agree that from the perspective of accessibility, requiring thick Whois could be considered a benefit	✔ = Positive impact ✗ = Negative impact
Cost Implications	✗	✗	✗	?	?	✗	✗	?	More information needed, but in principle most agree that there is no negative impact expected with regard to cost implications from requiring thick Whois	✗ = no negative impact expected with regard to costs ? = More information needed

Synchronization / Migration	?	✔	✔	?	?	?	?	?	More information needed	✔= No significant impact expected ? = More information needed
Competition in registry services	✔	✔	✔	✗	0	/	/	✗	Most agree that there will be more, or no difference in competition if thick Whois would be required.	✔= More competition / = no difference ✗= less competition 0 = no comment
Existing Whois applications	/	✔	✔	0	0	/	✔	✗	Almost all agree that there will a positive, or no impact on existing Whois applications if thick Whois would be required.	✔ = Positive impact / = no difference ✗ = Negative impact 0 = no comment
Registrar Port 43 Whois Requirements	✗	✗	✗	0	0	✗	✔	0	Almost all agree that Port 43 Whois Requirements should be maintained if thick Whois would be required	✔ = Makes Port 43 redundant ✗ = Does not make Port 43 redundant 0 = no comment
Privacy & Data Protection	✔	✔	✔	✗	✗	✔	✔	✗	Most agree that from the perspective of Privacy & Data Protection there are no significant issues if thick Whois would be required	✔ = Not an issue / not specific to thick Whois ✗ = Is a problem

Authoritativeness	?	✔	?	?	?	✔	✔	✗	More information needed	✔ = registry would become authoritative ✗ = Registrar should remain authoritative ? = More information needed
Data Escrow	0	✔	✔	0	✔	0	✗	✔	Almost all agree that there should be no change to the current data escrow requirements if thick Whois is mandated	✔ = Current escrow requirements should be maintained ✗ = No need to maintain current escrow requirements 0 = no comment

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