

Public Comment Review Tool – Thick Whois Initial Report

Updated 16 September 2013 – For full comments, please see <http://forum.icann.org/lists/comments-thick-whois-initial-21jun13/>.

#	Comment	Who / Where	WG Response	Recommended Action
Preliminary Recommendation: The provision of thick Whois services should become a requirement for all gTLD registries, both existing and future.				
1.	IHG strongly supports this recommendation and urges the GNSO Council to adopt it in the final report.	IHG	The WG thanks you for your support for our draft recommendation.	None
2.	Requiring all gTLD registries to provide thick Whois services would greatly improve our ability to combat cybersquatting by creating a database that is central, universal and, hopefully accurate.	IHG	The WG thanks you for your support for our draft recommendation.	None
3.	We endorse the primary conclusion of the report that all registries should provide thick Whois, and the few that do not should promptly move from thin to thick Whois. M3AAWG members use Whois as a key tool when analyzing and mitigating online abuse, and thick Whois provides advantages both in more reliable service and more consistent message formats.	M3AAWG	The WG thanks you for your support for our draft recommendation.	None
4.	The ALAC strongly supports the recommendation to require Thick Whois for all gTLDs in line with ALAC's previous Statements and Correspondence.	ALAC	The WG thanks you for your support for our draft recommendation.	None
5.	It should be noted to that the port 43 WHOIS protocol was never designed with any form of automation in mind. It was meant to display ASCII text strings on text terminals. Hence, any complaint that the thin Whois model makes	Patrick Vande Walle	The WG acknowledges that Whois wasn't designed for what it is doing today, but it notes that its recommendations are not about trying to 'fix' Whois	Ensure that the report clarifies that the focus is not on 'fixing' Whois, but merely deals with the question of thin vs. thick.

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	<p>automation difficult is irrelevant. This seems a weak argument for dumping the thin Whois model. On the contrary, the fact that some registrars may change on a regular basis the way their WHOIS results are displayed is an additional protection for the registrant, in that it makes large-scale harvesting of their data slightly more difficult.</p>		<p>The focus of the report is merely on the question of what would the effect be of migrating from thin to thick Whois. The WG noted that this may need to be further highlighted in the report.</p>	
6.	<p>ISPCP members rely on Whois data in a variety of ways:</p> <ol style="list-style-type: none"> 1. to research and verify domain registrants that could vicariously cause liability for ISPs because of illegal, deceptive or infringing content. 2. to prevent or detect sources of security attacks of their networks and servers 3. to identify sources of consumer fraud, spam and denial of service attacks and incidents 4. to effectuate UDRP proceedings 5. to support technical operations of ISPs or network administrators <p>The ISPCP believes that requiring a consistent technical model across all TLDs advances our ability to use Whois in all these ways and strongly supports the recommendation by the Thick Whois Working Group to require the use of Thick Whois across all gTLD registries.</p>	ISPCP	<p>The WG thanks you for your support for our draft recommendation.</p>	None
7.	<p>We write to express our support for the recommendation of the Thick Whois Policy</p>	Valideus	<p>The WG thanks you for your support for our draft</p>	None

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	Development Process Working Group that <i>the provision of thick Whois services should become a requirement for all gTLD registries, both existing and future</i> . Requiring thick Whois for all TLD registries would provide a range of benefits to Internet users, from law and rights enforcement, to registries and registrars, by facilitating a consistent approach to Whois.		recommendation.	
8.	The Committee strongly supports the WG's Recommendation that "the provision of Thick Whois services should become a requirement for all gTLD registries, both existing and future" (the Recommendation).	INTA, MarkMonitor, IPC	The WG thanks you for your support for our draft recommendation.	None
9.	The BC supports the conclusions contained in the Initial Report as consistent with BC output to the working group on January 2nd 2013.	BC	The WG thanks you for your support for our draft recommendation.	None
Response Consistency				
10.	IHG believes that a requirement for uniformity in Whois output, such as that contained in the proposed 2013 RAA is also essential to provide consistency and assure that this information is easy to parse.	IHG	The WG thanks you for your agreement with our conclusions.	None
11.	Universal Thick Whois will contribute to uniform data output	Valideus, BC, MarkMonitor	The WG thanks you for your agreement with our conclusions.	None
12.	Per the "Response Consistency in a Thick WHOIS Environment" section, implementation of Standard WHOIS response on existing Thick WHOIS gTLDs requires consideration. Timing	ICANN Staff	The WG noted that this observation could be added to the implementation considerations section as	Update recommendation to include requirement for consistent labeling and display as per the model outlined in

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	issues will have to be reviewed regarding contracts amendments vs. consensus policy advisories, including a review of expected costs on existing THICK gTLDs Registries.		something to take into account. The WG noted that it did reach out to existing thick gTLD Registries that are members of the WG as well as calling this issue out for input in its Initial Report. Furthermore, the WG already notes in its Initial Report that in relation to requiring response consistency 'recommendation of this nature will require special consideration of the timing, cost and implementation implications for existing Thick Whois Registries'. The WG also agreed to update its recommendation to include a requirement for thick gTLD Registries to provide consistent responses.	Specification 4 of the 2013 RAA. Check cost implications sections to confirm that consideration has been given to possible cost implications of such a requirement on existing gTLD registries. Review implementation considerations section to ensure that consideration is given to possible timing of implementation (noting that implementation of such a requirement should not necessarily delay the implementation of other parts of the WG recommendation(s)).
Stability				
13.	Improved stability: Thick Whois data would be stored in redundant, recoverable sources	Valideus, BC, MarkMonitor	The WG thanks you for your agreement with our conclusions.	None
14.	Registrar failing to make escrow deposit in regards to Stability - should something along the following lines be added: "In case of the failure of the registrar, the escrowed Whois data is available for	ICANN Staff	The WG notes that this comment is in line with the conclusions of the Initial Report in relation to this topic and observes that the practical example of how thick	Explore incorporating some of the examples of how thick Whois has been helpful in the case of registrar failure outlined in this comment in the relevant section

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	<p>recovery efforts, provided the registrar did not also fail to deposit current data into escrow". It was also pointed out that with thick Whois, the need for registrar data escrow (a program which is very costly for registrars and ICANN) could potentially be obviated down the road. But more importantly, since RDE is not a fool-proof system -- it only serves as a backup to failing registrars to the extent the failing registrars comply with the RDE requirements of their RAAs -- thick Whois can serve as a vital layer of protection for registrants. Indeed, thick Whois data is used in almost every involuntary transition of domains from de-accredited registrars.</p>		<p>Whois data has assisted in the case of de-accredited registrars would be useful to include.</p>	
15.	<p>It may be worth noting that in the case of a registrar failure, ICANN does not necessarily have a legal right to retrieve data from the registry's escrow account.</p>	ICANN Staff	<p>It was pointed out that in the new gTLD registry agreement there is a clause that gives ICANN access to registry data in exceptional cases, such as in the case of registrar failure. The WG noted that this issue may need to be reviewed further as there are other scenarios that come to mind (for example what happens in the case of failure to escrow in a vertically integrated registry / registrar), even though some noted this topic may not</p>	<p>Include further details on this issue in the report including a possible recommendation for staff to investigate this issue further.</p>

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			be in scope. Several other scenarios were discussed by the WG that would need further consideration (see http://gnso.icann.org/en/meetings/transcript-thick-whois-20aug13-en.pdf). The WG agreed to include further details on this issue in the report including a possible recommendation for staff to investigate this issue further.	
Accessibility				
16.	Improved Access to Whois data: Thick Whois data is centrally accessible	Valideus, BC, MarkMonitor	The WG thanks you for your agreement with our conclusions.	None
Competition				
17.	Enhanced Competition: Universal Thick Whois will contribute to a level playing field across all TLDs	Valideus, BC, MarkMonitor	The WG thanks you for your agreement with our conclusions.	None
Data Escrow				
18.	Increased Sources of Escrowed Data: Thick Whois would contribute to accessibility of stable data	Valideus, MarkMonitor	The WG thanks you for your agreement with our conclusions.	None
Cost Implications				
19.	The Benefits Outweigh any Cost Impact: Existing TLD registries who are providing back-end services for new gTLD applicants should be familiar with Thick Whois configurations.	Valideus	The WG thanks you for your agreement with our conclusions.	None
20.	Requiring a 'thick' Whois will not impose overly burdensome cost impacts on providers of Whois	BC, MarkMonitor	The WG thanks you for your agreement with our conclusions.	None

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	data, and will in fact reduce costs to consumers of Whois data.			
Authoritativeness				
21.	Requiring a ‘thick’ Whois would not have detrimental effects on authoritativeness (and would lend more authoritativeness to Registries in line with the BC position).	BC	The WG thanks you for your agreement with our conclusions.	None
Privacy & Data Protection				
22.	We concur that it is important that ICANN thoroughly examines the ramifications of data protection and privacy laws and regulations with respect to Whois requirements and that it develop procedures for handling conflicts with local rules. We note, however, that proxy services have become a widely used tool for registrants hoping to avoid making sensitive information available to the public.	IHG	The WG thanks you for your agreement with our conclusions.	None
23.	IHG believes that a thick Whois process actually enhances consumer privacy and safety for the following reasons: <ul style="list-style-type: none"> - A reliable access route to domain registrants provides individual consumers with a way to contact domain name administrators to voice questions and concerns; - Complete and accurate data available through a Thick Whois, coupled with a failsafe avenue to contact administrators should all other extensions fail, provide a greater level of 	IHG	The WG thanks you for your agreement with our conclusions.	None

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	<p>consumer confidence when conducting business online;</p> <ul style="list-style-type: none"> - The ability to trademark owners with legitimate claims of infringement or other legal violations to contact the accused directly would reduce the need for time-consuming and costly dispute resolution in favor of direct negotiations; - Open and immediate access to information is essential to effective pursuit of online fraud activities by law enforcement professionals. 			
24.	<p>ICANN must initiate processes to oversee and regulate privacy and proxy service providers. This oversight must be standardized and requirements for registrars to meet accreditation standards must be contractual. Such oversight will result in clear, consistent and enforceable requirements for the operation of privacy and proxy services that are consistent with national laws and that strike an appropriate balance between stakeholders with competing, but legitimate, interests.</p>	IHG	<p>WG noted the importance of this issue but agreed that this is not in scope for this PDP. The WG did point out that work on this topic is expected to be initiated shortly as a result of the outcome of the 2013 RAA as well as the PDP that has already commenced to address any remaining issues.</p>	None
25.	<p>With regard to applicable privacy laws, the working group notes that: "Again, these questions must be explored in more depth by ICANN Staff, starting with the General Counsel's Office, and by the community, with registries and registrars taking the lead."</p>	Patrick Vande Walle	<p>WG thanks Patrick for his comment and notes that it generally agrees. It was pointed out though that not only registrants, but also registries and registrars carry a specific liability here. As a result, the WG</p>	Update language in report and remove 'with registries and registrars taking the lead'.

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	I would have expected that the domain name registrants would be the ones to take the lead. It is their data we are talking about, after all, not that of registries and registrars. I would rather suggest that the NCUC, BC and ALAC should take the lead, in collaboration with the GAC for those aspects regarding trans-border data exchanges and compliance to local laws. This should be a customer and government-led effort, not an industry-led one.		agreed to update this sentence by removing the part after 'community', reflecting that all affected stakeholders should be involved in such an effort.	
26.	Although the report mentions that the transition to the thick Whois from the thin model would require the transfer of the private data from the registrar to the registry, it does not currently examine the legal issues that may arise from this transfer to a third country, both for registrars and registries. For example, none of the major gTLD operators located in the United States seem to be listed in the US-EU safe harbour list for their gTLD-related activities, which may be problematic for registrars that need to seek prior authorization from the national data protection authority. See https://safeharbor.export.gov/list.aspx As noted in the report, the fact there were no legal actions taken in the past does not mean there are no legal issues and is certainly no guarantee there will not be any in the future.	Patrick Vande Walle	WG agrees that this is an issue that needs to be addressed, and as such has this has also been noted in the report, including a list of specific items that would need to be reviewed, but the WG does not consider this part of its remit to address. With regard to the reference to Safe Harbor, it was pointed out that VeriSign is listed, but it was also recognized that the Safe Harbor agreement relates to broader privacy / data protection issues and does not specifically relate to thick vs. thin.	Review that the recommendation on this issue is properly documented
27.	On the legal side, the European union is drafting a	Patrick Vande	WG agrees that this is an issue	None, See action in row #26

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	revised privacy framework which could have a considerable impact on directory services like the Whois. This will be of particular importance for those registries and registrars that have a sizeable market in Europe, and will need to comply with law if they wish to continue their business there.	Walle	to be addressed, and that it should be carried outside of this WG AG: Correct, and it will be incumbent upon ICANN to ensure that it is possible for its contracted parties to be compliant with such legislation.	
28.	Data protection/privacy questions are similar in both Thick and Thin Whois, and should not be conflated to stall requiring Thick Whois for all TLD registries.	Valideus, MarkMonitor	The WG thanks you for your agreement with our conclusions.	None
29.	Requiring a 'thick' Whois would not raise data protection or privacy issues.	BC	The WG thanks you for your agreement with our conclusions.	None
30.	"Data in motion: Thick Whois models introduce the necessity for data transfer, which requires additional security measures beyond what are needed for information that remains in a single system". Comment: How about the existing Shared Registry System (SRS)? Presumably this is a secure channel regardless of the type of data being transferred?	ICANN Staff	Noted – this may be further considered as part of any implementation related discussions if deemed suitable / appropriate.	None
Other				
31.	No Detrimental Effects: As far as we understand, Thick Whois will not have any detrimental effect on data synchronization, authoritativeness, or existing 3rd party service providers	Valideus, MarkMonitor	The WG thanks you for your agreement with our conclusions.	None

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32.	A Thick Whois facilitates the resolution of disputes related to the registration and use of domain names.	INTA	The WG thanks you for your agreement with our conclusions.	None
33.	Simplifying access to domain name registration data through a Thick Whois will help prevent abuses of intellectual property and will protect the public in many ways, including by reducing the level of consumer confusion and consumer fraud in the Internet marketplace.	INTA	The WG thanks you for your agreement with our conclusions.	None
34.	A Thick Whois enables quicker response and resolution when domain names are used for illegal, fraudulent or malicious purposes, by both law enforcement and other stakeholders.	INTA	The WG thanks you for your agreement with our conclusions.	None
35.	In contrast to a Thick Whois, a Thin Whois means all contact data associated with a particular domain name registration is decentralized and held by the registrar sponsoring that registration. This leaves public access to this data vulnerable to registrar technical failure, insolvency, or simply non-compliance with its contractual obligations regarding Whois data.	INTA	The WG thanks you for your agreement with our conclusions.	None
36.	More user-friendly consumer and public access to registration information by avoiding the need to find and search Whois databases across hundreds of registrars.	INTA	The WG thanks you for your agreement with our conclusions.	None
37.	Requiring thick Whois would enhance consumer / user protection	BC	The WG thanks you for your agreement with our conclusions.	None
38.	Requiring a 'thick' Whois would not have any	BC,	The WG thanks you for your	None

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	substantive detrimental effect on existing third party Whois service providers.	MarkMonitor	agreement with our conclusions.	
Implementation Considerations				
39.	While we agree that the transition of the current thin gTLD registries must be carefully prepared and implemented, we urge that the transition occur sooner, rather than later.	IHG	The WG notes that the implementation must be managed carefully, but without unnecessary delays to ensure that the implementation can proceed as quick as feasible.	Include language in the report to highlight need for efficient / effective introduction, which is carefully managed, but without unnecessary delays.
40.	IHG agrees that the costs of transitioning from thin to thick Whois will be minimal and believes that those costs are far outweighed by the numerous benefits of requiring thick Whois for all gTLD registries.	IHG	The WG thanks you for your agreement with our conclusions	None
41.	We agree that the transition of .org from thin to thick could serve as a model for implementation. We would support the formation of a team of experts for the parties that will be most affected by the transition to work with ICANN staff on the transition process, and look forward for reviewing and commenting on any such implementation plan in the near future.	IHG	The WG thanks you for your agreement with our conclusions	None
42.	We understand there may be other changes to Whois, such as those under development in the IETF WEIRDS WG and ICANN's EWG. But moving to thin Whois is an important step that ICANN can take now with real benefits and without interfering with those other changes.	M3AAWG, IPC	The WG thanks you for your agreement with our conclusions	None

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43.	It is questionable to still invest time and resources in trying to fix the protocol and the model, both of which will go through substantial changes in the near future. On the protocol side, port 43 is obsolete, and unsatisfying for all parties. WEIRDS will address many of the current shortcomings of the port 43 WHOIS. This includes the required standardisation through JSON formatted responses for automation of the queries, as well as the support for non-ASCII data. Further, the possibility to implement differentiated access will allow to address many of the concerns regarding privacy and compliance to law.	Patrick Vande Walle	The WG noted that at the same time it would not be reasonable or wise to freeze any existing Whois related activities as it is not clear yet what the outcome or timeline for any new protocol and/or model may be. Furthermore, the WG assumes that in the case of a transition to a new protocol / model, the transition process will be easier if all registries are using the same model.	None
44.	Given that the factors highlighted in his comments will induce significant costs in implementation, it would seem reasonable to freeze all changes to the Whois services until both the technical and legal landscapes clear up. However, starting right away the discussions on the *future* directory services would certainly speed up the adoption and deployment at a future stage.	Patrick Vande Walle	The WG notes that contracted parties involved in the WG have not termed the costs to be unreasonable, and some commenters believe that a uniform base will make the transition to new directory services far easier.	None
45.	We believe that migrating all TLDs to a Thick Whois model as soon as practicable will lay the groundwork for a smooth transition process if a common Thick Whois model would be replaced by the Aggregated Registration Data Service (ARDS) currently proposed by ICANN's Expert Working Group.	Valideus, BC, MarkMonitor, IPC	The WG thanks you for your agreement with our conclusions	None

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46.	The BC encourages those registries operating a 'think' Whois to migrate to a 'thick' Whois as a matter of urgency.	BC, MarkMonitor	Noted, although the WG notes that the transition should be managed in a carefully planned manner.	None