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Initial Report on the Thick Whois Policy Development Process

STATUS OF THIS DOCUMENT

This is the Initial Report on [thick](#) Whois, prepared by ICANN staff for submission to the GNSO Council on [Date]. [ICANN staff will prepare a Final Report](#) following review of the public comments received on this Initial Report.

SUMMARY

This report is submitted to the GNSO Council and posted for public comment as a required step in this GNSO Policy Development Process on [thick](#) Whois.

Mike O'Connor 16/5/13 17:00
Comment [1]: DRAFTING NOTES:
- we should go through and be consistent with the treatment of thick and thin Whois. I'm inclined to lose the single-quotes around those words and treat them as normal words.

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51 **1. Executive Summary**

52 **TO BE COMPLETED**

53

54 **1.1 Background**

55

56

57 **1.2 Deliberations of the Working Group**

- 58 |
 - The [thick](#) Whois Working Group started its deliberations on [date] where it was decided to
 - 59 continue the work primarily through weekly conference calls, in addition to e-mail
 - 60 exchanges.
 - 61 ▪ Section 5 provides an overview of the deliberations of the Working Group conducted both
 - 62 by conference call as well as e-mail threads.

63

64 **1.3 WG Preliminary Recommendations**

- 65 |
 - **NOTE TO WG MEMBERS: Sections 5 and 7 will be summarized here, once editing is**
 - 66 **complete. For now, look to those sections for current draft of recommendations**

67

68 **1.4 Stakeholder Group / Constituency Statements & Initial Public Comment Period**

- 69 |
 -

70

71 **1.5 Conclusions and Next Steps**

- 72 |
 - The Working Group aims to complete this section of the report in the second phase of the
 - 73 PDP, following a second public comment period.

74

75

76 **2. Objective and Next Steps**

77 | This Initial Report on [thick](#) Whois is prepared as required by the GNSO Policy Development Process
78 | as stated in the ICANN Bylaws, Annex A (see <http://www.icann.org/general/bylaws.htm#AnnexA>).
79 | The Initial Report will be posted for public comment for at least 30 days, plus a 21-day reply period.
80 | The comments received will be analyzed and used for redrafting of the Initial Report into a Final
81 | Report to be considered by the GNSO Council for further action.

82

83

84

85 3. Background

86

87 3.1 Process background

88

- 89 ■ [The IRTP B Working Group recommended requesting an Issue Report on the requirement of](#)
90 [thick Whois for all incumbent gTLDs in its 30 May 2011 Final Report. That recommendation](#)
91 [went on to state:](#)

92

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

98

- 99 ■ [Following that recommendation](#), the GNSO Council requested an Issue Report on [thick Whois](#) at
100 its meeting on 22 September 2011. The Issue Report was expected to ‘*not only consider a*
101 *possible requirement of [thick Whois](#) for all incumbent gTLDs in the context of IRTP, but should*
102 *also consider any other positive and/or negative effects that are likely to occur outside of IRTP*
103 *that would need to be taken into account when deciding whether a requirement of [thick Whois](#)*
104 *for all incumbent gTLDs would be desirable or not’.*

- 105 ■ In accordance with the proposed revised GNSO Policy Development Process, [a Preliminary Issue](#)
106 [Report was published for public comment](#) on 21 November 2011. Following review of the public
107 comments received, the Staff Manager updated the Issue Report accordingly and included a
108 summary of the comments received, which was submitted as the [Final Issue Report](#) to the GNSO
109 Council on 2 February 2012.

- 110 ■ The GNSO Council initiated a Policy Development Process at its meeting of 14 March 2012 (see
111 <http://gnso.icann.org/resolutions/#20120314-1>), but decided subsequently to delay next steps
112 due to workload concerns. In the end, a drafting team to develop a charter for the PDP WG was
113 formed in August 2012 and presented the proposed charter to the GNSO Council for

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116 consideration in October 2012. The [GNSO Council adopted the charter](#) on 17 October 2012 (see
117 <http://gnso.icann.org/en/council/resolutions#20121017-3>) following which a call for volunteers
118 was launched and the PDP Working Group formed.

Mike O'Connor 16/5/13 09:12

Deleted: charter was adopted by the GNSO Council

120 3.2 Issue background

- 121 ▪ Difference between [thick vs. thin](#) Whois¹:

Mike O'Connor 22/5/13 13:56

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123 For the generic top-level domain (gTLD) registries, ICANN specifies Whois service requirements
124 through the registry agreements (ICANN 2009 Registry Agreements) and the Registrar
125 Accreditation Agreement (RAA). [Registries](#) satisfy their Whois obligations using different
126 services. The two common models are often characterized as “thin” and “thick” Whois
127 registries. This distinction is based on how two distinct sets of data are managed. One set of
128 data is associated with the domain name, and a second set of data is associated with the
129 registrant of the domain name. A thin registry only stores and manages the information
130 associated with the domain name. This set includes data sufficient to identify the sponsoring
131 registrar, status of the registration, creation and expiration dates for each registration, name
132 server data, the last time the record was updated in its Whois data store, and the URL for the
133 registrar’s Whois service. With thin registries, [registrars](#) manage the second set of data
134 associated with the registrant of the domain and provide it via their own Whois services, as
135 required by Section 3.3 of the RAA 3.3 for those domains they sponsor. COM and NET are
136 examples of thin registries.

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137
138 Thick registries maintain and provide both sets of data (domain name and registrant) via Whois.
139 INFO and BIZ are examples of thick registries.

140
141 To illustrate thick and thin Whois, consider the Whois response for two domains, cnn.com and
142 cnn.org. Both domains are registered by Turner Broadcasting System and have the same
143 technical and administrative contact information, but one of the registrations is managed in a
144 thin registry (COM) manner and the other is in managed as a thick registry (ORG).

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

149
150 If we query COM's Whois server for cnn.com, we get the following results:

151
152 Domain Name: CNN.COM
153 Registrar: CSC CORPORATE DOMAINS, INC.
154 WHOIS Server: whois.corporatedomains.com
155 Referral URL: http://www.cscglobal.com
156 Name Server: NS1.TIMEWARNER.NET
157 Name Server: NS3.TIMEWARNER.NET
158 Name Server: NS5.TIMEWARNER.NET
159 Status: clientTransferProhibited
160 Updated Date: 04-feb-2010
161 Creation Date: 22-sep-1993
162 Expiration Date: 21-sep-2018²

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

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

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

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180 Registrant Street3:
 181 Registrant City:Atlanta
 182 Registrant State/Province:GA
 183 Registrant Postal Code:30303
 184 Registrant Country:US
 185 Registrant Phone:+1.4048273470
 186 Registrant Phone Ext.:
 187 Registrant FAX:+1.4048271995
 188 Registrant FAX Ext.:
 189 Registrant Email:tmgroup@turner.com
 190 ...³

192 The content of registration data provided via Whois may differ across gTLD registries. Some
 193 gTLD registry agreements, such as .tel, have provisions in place that in certain circumstances
 194 exclude personal information from the public Whois. For example, .tel Whois output for
 195 individuals may only mention registrant’s name with no other contact information,

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196
 197 It is noted that there has been considerable debate on the merits of thin Whois versus thick
 198 Whois⁴. From a technical perspective, a thick Whois model provides a central repository for a
 199 given registry whereas a thin Whois model is a decentralized repository⁵. Historically, the
 200 centralized databases of thick Whois registries are operated under a single administrator that
 201 sets conventions and standards for submission and display, archival/restoration and security
 202 have proven easier to manage. By contrast, registrars set their own conventions and standards
 203 for submission and display, archival/restoration and security registrant information under a thin
 204 Whois model. Today, for example, Whois data submission and display conventions vary among

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Mike O'Connor 15/5/13 10:27
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Mike O'Connor 15/5/13 10:29
 Deleted: a thin Whois model is a decentralized repository⁶.

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.

212 registrars. The thin model is thus criticized for introducing variability among Whois services,
 213 which can be problematic for legitimate forms of automation. [It is this problem that prompted](#)
 214 [the IRTP B Working Group to recommend requiring thick Whois across incumbent registries – in](#)
 215 [order to improve security, stability and reliability of the domain transfer process.](#)

216
 217 A thick Whois model [also](#) offers attractive archival and restoration properties. If a registrar were
 218 to go out of business or experience long-term technical failures rendering them unable to
 219 provide service, registries maintaining thick Whois have all the registrant information at hand
 220 and could transfer the registrations to a different (or temporary) registrar so that registrants
 221 could continue to manage their domain names. A thick Whois model also reduces the degree of
 222 variability in display formats. Furthermore, a thick registry is better positioned to take measures
 223 to analyze and improve data quality since it has all the data at hand.↓

- 225 ■ **Situation of incumbent gTLDs:** The following table was developed by the IRTP Part A Working
 226 Group and has been updated with the recent addition of .xxx as a gTLD:
 227

gTLD	Thin	Thick
.AERO		✓
.ASIA		✓
.BIZ		✓
.CAT		✓ ⁸
.COM	✓	
.COOP		✓
.INFO		✓
.JOBS	✓	
.MOBI		✓
.MUSEUM		✓

⁸ .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>).

Mike O'Connor 15/5/13 10:36

Comment [2]: This was a really old thread (circa 2004 – I think EPP can handle the volume just fine these days.

Mike O'Connor 15/5/13 10:36

Deleted: From a technical perspective, some argue that the thin Whois model has its benefits as well. For example, they comment that the extensible provisioning protocol (EPP) was not designed to handle the extensive updates every time a registrar makes changes to the Whois record.⁷

.NAME		✓ ⁹
.NET	✓	
.ORG		✓
.PRO		✓
.TEL		✓ ¹⁰
.TRAVEL		✓
.XXX		✓

- 235 ▪ **Thick Whois in new gTLDs:** Within the context of the new gTLD programme, new gTLD registries
 236 will be required to operate a [thick](#) Whois model¹¹. As outlined in the [new gTLD Program](#)
 237 [Explanatory Memorandum thick vs. thin Whois for new gTLDs](#):

238

239 *While current registry agreements have differing provisions with regards to the Whois*
 240 *output specification, ICANN's intent with the next round of new gTLDs has been to have the*
 241 *agreements as standard as possible, with minimal or no individual negotiation and variation*
 242 *of provisions such as a registry's Whois output specification. In an attempt to standardize on*
 243 *a one-size fits-all approach for new gTLDs, the first draft of the proposed new registry*
 244 *agreement suggested a least-common denominator approach under which all registries*
 245 *would have been required to be at least thin, but registries could opt on their own to collect*
 246 *and display more information at their discretion. This was consistent with the approach used*
 247 *by ICANN for at least the past five years in which registry operators have been free to*
 248 *suggest their own preferred Whois data output and whatever specification each registry*
 249 *proposed was incorporated into the that registry operator's agreement.*

250

⁹ [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.

¹⁰ [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.

¹¹ 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.

251 *Registrars would continue to display detailed contact information associated with*
252 *registrations, so there is no question about the total set of data elements that will be*
253 *published concerning each registration, the only question is whether all of the data will be*
254 *maintained/published by both the registry and the registrar, or whether the full data will be*
255 *displayed by the registrar only and the registry could, if it so elected, maintain just a subset*
256 *of data as in the example above.*

257
258 *Many commenters on the proposed registry agreement have requested a change to the*
259 *agreement to mandate thick Whois for all new registries. The commenters have suggested*
260 *that such a requirement would be in line with the status quo since most gTLD agreements*
261 *require thick Whois output (all except com, net and jobs, as noted above). Comments have*
262 *suggested substantial benefits from mandating thick instead of thin Whois, including*
263 *enhanced accessibility and enhanced stability.*

264
265 *Critics of the proposed thick Whois mandate have raised potential privacy concerns as a*
266 *reason to require thin Whois only, but proponents of thick Whois point to ICANN's*
267 *community-developed "Procedure For Handling Whois Conflicts with Privacy Law"*
268 *<http://www.icann.org/en/processes/icann-procedure-17jan08.htm> as a means for resolving*
269 *any potential situations where a registry operator's Whois obligations are alleged to be*
270 *inconsistent with local legal requirements concerning data privacy. Also it could be argued*
271 *that, as indicated above, all of the data that might be published by a thick registry is already*
272 *public data since it would already be published by the registrar. ICANN's Registrar*
273 *Accreditation Agreement obligates registrars to ensure that each registrant is notified and*
274 *consents to the purposes and recipients of any personal data collected from the registrant in*
275 *association with every domain registration [http://www.icann.org/en/registrars/ra-](http://www.icann.org/en/registrars/ra-agreement-17may01.htm#3.7.7.4)*
276 *[agreement-17may01.htm#3.7.7.4](http://www.icann.org/en/registrars/ra-agreement-17may01.htm#3.7.7.4).*

277
278 *Proponents of requiring thick Whois argue that being able to access the thick data at both*
279 *the registry and the registrar level will ensure greater accessibility of the data. The draft*
280 *report of the Implementation Recommendations Team put together by ICANN's Intellectual*

Marika Konings 23/5/13 10:16

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282 | *Property Constituency stated "the IRT believes that the provision of [Whois](#) information at the*
283 | *registry level under the Thick [Whois](#) model is essential to the cost-effective protection of*
284 | *consumers and intellectual property owners." [http://icann.org/en/topics/new-gtlds/irt-draft-](http://icann.org/en/topics/new-gtlds/irt-draft-report-trademark-protection-24apr09-en.pdf)*
285 | *[report-trademark-protection-24apr09-en.pdf](http://icann.org/en/topics/new-gtlds/irt-draft-report-trademark-protection-24apr09-en.pdf). There are at least two scenarios in which the*
286 | *additional option of retrieving the data at the registry would be valuable:*

- 287 | 1. *Where the registrar Whois service might be experiencing a short- or long-term outage (in*
288 | *violation of the registrar's accreditation agreement), and*
- 289 | 2. *Where the registrar has implemented strong (or sometimes overly-defensive) measures*
290 | *to prevent large-scale automated harvesting of registrar data.*

291 | *Also, in the event of a registrar business or technical failure, it could be beneficial to ICANN*
292 | *and registrants to have the full set of domain registration contact data stored by four*
293 | *organizations (the registry, the registry's escrow agent, the registrar, and the registrar's*
294 | *escrow agent) instead of just two organizations (the registrar and the registrar's escrow*
295 | *agent).*

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304 4. Approach taken by the Working Group

305

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

310

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

316

317 4.1 Members of the Working Group

318

319 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	

320

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

322 <https://community.icann.org/x/v4g3Ag>.

323

324 The attendance records can be found at <https://community.icann.org/x/oVwAg>.

325

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

327

*

328 RrSG – Registrar Stakeholder Group

329 RySG – Registry Stakeholder Group

330 CBUC – Commercial and Business Users Constituency

331 NCUC – Non Commercial Users Constituency

332 IPC – Intellectual Property Constituency

333 ISPCP – Internet Service and Connection Providers Constituency

334

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336 5. Deliberations of the Working Group

337

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

344

345 5.1 Initial Fact-Finding and Research

346 Per its Charter, the WG was tasked to review the following topics as part of its deliberations to
347 consider the use of [thick](#) Whois by all gTLD [registries](#):

- 348 - Response consistency
- 349 - Stability
- 350 - Access to Whois data
- 351 - Impact on privacy and data protection
- 352 - Cost implications
- 353 - Synchronization / migration
- 354 - Authoritativeness
- 355 - Competition in registry services
- 356 - Existing Whois applications
- 357 - Data escrow
- 358 - Registrar Port 43 Whois requirements

359

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

365 Furthermore, the WG formed an ad-hoc expert group¹² consisting of a number of individuals that
366 had been involved in the transition of .org from [thin](#) to [thick](#) that took place in 2004 and reviewed
367 the [PIR Post Transition Report](#).

369 Substantial preparatory work was carried out [through the work of a number of sub-teams \(see](#)
370 <https://community.icann.org/x/v4BZAq>) that have contributed to the following sections of this
371 report.

373 5.2 Response Consistency

375 Issue Description

376 A [thick](#) registry can dictate the labelling and display of Whois information to be sure the information
377 is easy to parse, and all registrars / clients would have to display it accordingly. This could be
378 considered a benefit (response consistency) but also a potential cost (registrars / clients would be
379 required to display it as dictated by the [registry](#)). This might also be a benefit in the context of
380 internationalized registration data as even with the use of different scripts, uniform data collection
381 and display standards could be applied.

383 Response Consistency in the current environment

384 Currently there are no labelling or display requirements for [thin](#) or [thick](#) gTLD registries. As a result,
385 registrars, even for the same gTLD, may currently display data in inconsistent ways, which affects
386 efficiency in accessing and using the information. These problems may be exacerbated with
387 internationalized data items that do not employ Latin characters.

389 However the proposed 2013 RAA [contains language that would require registrars to provide](#) uniform
390 Whois output (see [http://www.icann.org/en/resources/registrars/raa/proposed-whois-22apr13-](http://www.icann.org/en/resources/registrars/raa/proposed-whois-22apr13-en.pdf)
391 [en.pdf](#) for further details).

¹² For the list of experts and mailing list archives, please see <http://forum.icann.org/lists/gnso-thickwhoispdp-experts/msg00000.html>.

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

408 A thick gTLD registry could dictate labelling and display requirements for Whois information for all of
409 its gTLDs and that would result in consistency across its gTLDs, but that would not create consistency
410 across other gTLDs offered by different registry operators. In order to achieve consistency across
411 gTLDs, registry operators would need to be required to use the same labelling and display
412 requirements. [WG may want to consider recommending thick gTLD registries to follow the same
413 labelling and display requirements, possibly following the model of the 2013 RAA?]

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

416 Establishing requirements such as collecting uniform sets of data, and display standards, would
417 improve consistency across all gTLDs at all levels and result in better access to Whois data for all
418 users of Whois databases.

420 Collecting and displaying registration data presents difficult challenges when that data is being
421 provided by registrants whose primary language uses a script that does not employ Latin characters.
422 Those challenges are currently under study within ICANN; but however they are resolved, the
423 implementation of those recommendations will almost certainly be less complex if Whois data is
424 centralized at the registry level, rather than being held by hundreds or thousands of registrars, who
425 may apply data collection or display standards inconsistently.

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

428 The WG received comments suggesting that the opportunity for innovation and ingenuity may be
429 lost in the pursuit of response consistency. For example, registrar innovation in the handling and
430 processing of different scripts might overcome barriers and challenges that centralized systems
431 organizations may not see or know. The working group concluded that on balance the opportunities
432 for improved response consistency dramatically outweighed these opportunities missed.

434 **Conclusion**

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

- Mike O'Connor 15/5/13 10:51
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- Marika Konings 15/5/13 10:24
Comment [3]: To be further discussed
- Mike O'Connor 15/5/13 11:01
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- Mike O'Connor 22/5/13 13:59
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- Mike O'Connor 15/5/13 10:53
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- Mike O'Connor 15/5/13 10:56
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- Mike O'Connor 15/5/13 10:56
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- Mike O'Connor 15/5/13 10:57
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- Mike O'Connor 16/5/13 09:15
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- Mike O'Connor 16/5/13 09:16
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- Marika Konings 23/5/13 10:31
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- Mike O'Connor 15/5/13 11:07
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- Marika Konings 23/5/13 10:32
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- Mike O'Connor 15/5/13 11:04
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- Mike O'Connor 15/5/13 11:05
Deleted: that from the perspective of response consistency, requiring 'thick' Whois could be considered a benefit.

462 **5.3 Stability**

463

464 **Issue Description**

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

466 “Availability of Whois data in the case of a business or technical failure”.

467

468 **Stability in a thin Whois environment**

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

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

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

472

473 **Stability in a thick Whois environment**

474 Under the current policies, under a thick Whois model, the two sources identified in the ‘Stability in

475 a thin Whois environment’ section, are available as well as two additional sources, namely the

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

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

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

479 available for recovery.

480

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

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

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

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

485

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

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

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

489

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

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

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509 mechanisms to mitigate this risk through the use of various techniques. One example of such a
510 mitigation approach would be the use of multi-master replication¹³ across the data.

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512 **Conclusion**

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

515 **5.4 Access to Whois Data**

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Deleted: Most contributions received agree that multiple copies are better than fewer, but some feel that four copies are excessive (note this issue is further considered in the section on data escrow). Most WG members support the benefits of the thick model from the perspective of stability. On balance, there is consensus that the thick model provides additional stability over the thin model, although some are of the view that this additional stability is not required, while others believe that there is a privacy price to pay for this extra stability.

517 **Issue Description**

518 Per its charter the WG addressed the issue of whether the ability to access Whois information at the
519 registry level under the thick Whois model is more efficient and cost-effective than a thin model in
520 protecting consumers and users of Whois data and intellectual property owners.

Mike O'Connor 22/5/13 13:59
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522 **Access to Whois data in the current Whois environment**

523 In thin gTLD registries, data associated with the registrant of the domain is only available via the
524 registrar's Whois services, while the data associated with the domain name is published both by the
525 registrar as well as the registry. In thick registries both sets of data (that associated with the domain
526 name as well as with the registrant) are published by the registrar and the registry. It was noted that
527 the NORC Draft Report for the Study of the Accuracy of Whois Registrant Contact Information¹⁴
528 (commissioned by ICANN in 2010) found that the Whois data for the domain names selected was
529 accessible 100% of the time for the thick Whois registries sampled (.org, .biz and .info), while Whois
530 data availability was only 97.5% for .com and 98.5% for .net. The WG received comments pointing
531 out difficulties that have been experienced in accessing registrar-based Whois services.
532 Commenters also noted restrictions on access to data due to Registrar-imposed limits to queries
533 under thin registries as certain information is only available at the registrar. Others pointed out that
534 the Whois Audit Access Report¹⁵ (2012) produced by ICANN Compliance found that only 94% of
535 registrars provided consistent access to Whois data compliant with Section 3.3 of the RAA. The

Mike O'Connor 16/5/13 09:18
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¹³ See http://en.wikipedia.org/wiki/Multi-master_replication

¹⁴ See <http://www.icann.org/en/compliance/reports/whois-accuracy-study-17jan10-en.pdf>

¹⁵ See <https://www.icann.org/en/resources/compliance/update/update-whois-access-audit-report-port43-30apr12-en.pdf>

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595 report did point out that 'Registrar compliance rate with the RAA to provide Whois access service
596 has declined from last year's results from 99% to 94%. This decline is likely due to proactive
597 monitoring, tool enhancements and enforcement of this RAA obligation'.

598

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

600 If all registries were to operate under a thick Whois model, all Whois information associated with
601 the domain name as well as the registrant would be accessible via both the registrar and registry
602 Whois services.

603

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

605 Proponents of requiring thick Whois argue that being able to access the thick data at both the
606 registry and the registrar level will improve accessibility of the data. The draft report¹⁶ of the
607 Implementation Recommendations Team put together by ICANN's Intellectual Property
608 Constituency stated, "the IRT believes that the provision of Whois information at the registry level
609 under the Thick Whois model is essential to the cost-effective protection of consumers and
610 intellectual property owners." There are at least two scenarios in which the additional option of
611 retrieving the data at the registry would be valuable:

612

- 613 • The registrar Whois service is experiencing a short- or long-term outage (in violation of the
- 614 registrar's accreditation agreement), and
- 615 • The registrar has implemented strong (or sometimes overly-defensive) measures to prevent
- 616 large-scale automated harvesting of registrar data.

617

618 It would also be beneficial to ICANN and registrants to have the full set of domain registration
619 contact data stored by four organizations (the registry, the registry's escrow agent, the registrar, and
620 the registrar's escrow agent) instead of just two organizations (the registrar and the registrar's
621 escrow agent) in the event of a registrar business or technical failure.

622

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

¹⁶ See <http://icann.org/en/topics/new-gtlds/irt-draft-report-trademark-protection-24apr09-en.pdf>.

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639 the use of a common format and location to find information for a given gTLD is an advantage for
640 Whois users.

- 640 Mike O'Connor 16/5/13 09:39
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- 641 Mike O'Connor 16/5/13 09:39
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642 Possible downsides for access to Whois data under a thick Whois model

643 The WG received comments suggesting that it may be difficult to suppress data that has already
644 been published should there be any changes in the future to the Whois model, e.g. if certain
645 information is no longer required to be published. The WG concluded that this would be a broader
646 issue as all the Whois registrant information is currently already publicly available both in the thin
647 model (published by the registrar) as well as the thick model (published by both the registrar and
648 registry).

- 643 Mike O'Connor 16/5/13 09:40
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- 646 Mike O'Connor 16/5/13 09:41
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- 647 Mike O'Connor 16/5/13 09:41
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649 As discussed in the section on data escrow, there is some question as to whether four sets of the
650 same data are really necessary and whether maintaining them result in additional costs for
651 contracted parties as well as registrants. The WG concluded that this is at most an incremental cost
652 increase and further concluded that this is a topic better pursued in broader discussions of data
653 escrow for all thick registries (such as the RAA negotiation).

- 650 Mike O'Connor 16/5/13 09:50
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- 652 Mike O'Connor 16/5/13 09:45
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- 653 Mike O'Connor 16/5/13 09:46
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656 The WG received comments pointing out that centralizing the accessibility of Whois information at
657 the registry is a natural efficiency for users of Whois data when considering one gTLD at a time in
658 the current environment. However, with the introduction of new gTLDs the number of registries
659 may exceed the number of registrars; therefore, a Whois user may need to access dozens or
660 hundreds of registries to obtain responses for a common second level string that is registered across
661 multiple registries. Thus there may be an advantage to the thin Whois model in that information
662 from multiple gTLDs could be obtained through a single registrar, although identifying the
663 appropriate registrar is not certain from the domain name itself. The WG concluded that this
664 advantage is incremental at best, especially considering that ICANN is implementing the Whois
665 Review Team recommendation #11 ("Overhaul of the Internic to provide enhanced usability for
666 consumers, including the display of full registrant data for all gTLD domain names; operational
667 improvements to include enhanced user awareness"). The WG also notes that 3rd party services are

- 656 Mike O'Connor 16/5/13 09:55
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- 658 Mike O'Connor 16/5/13 09:55
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- 659 Mike O'Connor 16/5/13 09:56
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- 661 Mike O'Connor 16/5/13 09:56
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- 662 Mike O'Connor 16/5/13 09:57
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- 666 Mike O'Connor 16/5/13 10:03
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- 667 Mike O'Connor 16/5/13 10:14
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- 667 Mike O'Connor 16/5/13 10:14
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686 available that provide aggregation of Whois from multiple sources, which can be used when efficient
687 and cost-effective accessibility across multiple gTLDs is needed.

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689 Conclusion

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

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692 5.5 Impact on privacy and data protection

Mike O'Connor 16/5/13 10:07
Deleted: Most WG members agree that from the perspective of access to Whois data, requiring 'thick' Whois could be considered a benefit. -

694 Issue Description

695 Whois records contain domain registrants' names, addresses, email addresses, and phone numbers.
696 These details would be considered personal information in colloquial use and are provided legal
697 protection in regimes that provide data protection to personal information. The fundamental
698 question before the thick Whois PDP WG is whether thin and thick registry models present different
699 risks with respect to data protection and privacy. These risks might arise with respect to data at rest,
700 information held in registry databases, and data in motion, records being transferred from registrars
701 to registries in a thick model.

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702
703 "Risks" include unauthorized disclosure in a security sense and issues related to information
704 disclosure in violation of local law and regulations. They also include the possibility that information
705 could be deleted or altered inadvertently or deliberately, possibly a more significant consideration
706 for those individuals who believe that Whois information is public and therefore cannot be
707 "disclosed" in an unauthorized manner.

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709 The WG notes that its discussions of information security were simplified for purposes of clarity.
710 Detailed risk analyses were beyond the capacity and scope of the WG given the complexity of issues
711 and variety of possible system configurations. As an example, we will focus on the necessity for data
712 to be transferred in a thick Whois model. We will not discuss whether data may in fact move when a
713 registrar in a thin environment has redundant systems.

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738 As an explanation in advance, “data at rest” is stored information. For our simplified purposes, it
739 includes data in use, a common term that is not useful for our construct. “Data in motion” is
740 information that is being transferred between computer systems.

741
742 **Data Protection and Privacy in a [thin](#) Whois environment**

743 Data at rest: Information will be protected to the extent that registrars’ security safeguards are in
744 place. Such safeguards, [both](#) here and in [the discussions that](#) follow, include measures to protect
745 against unauthorized duplication, deletion, or alternation of information.

746
747 Data in motion: Information is not transferred to registries in a thin model.

748
749 Data protection laws: Whois records must be made public under ICANN rules. At first glance, any
750 applicable data protection laws will be the rules of the location of a registrar. However, it is possible
751 that a registrant’s location might be determinative where a registrant and registrar are not in the
752 same jurisdiction.

753
754 **Data Protection and Privacy in a [thick](#) Whois environment**

755
756 Data at rest: Information will be protected to the extent that security safeguards are in place in
757 registrar or registry systems.

758
759 Data in motion: Information transfer [between registrar and registry](#) introduces the need for
760 additional information security safeguards beyond measures required for data that remains with a
761 registrar. These additional safeguards have purposes similar to those measures that must be in
762 place for data at rest, but have the added complexity of protections interception and possibly
763 reinsertion of information while it is in transit.

764
765 Data protection laws: Whois records must be made public under ICANN rules. Thick Whois models
766 present additional challenges with respect to possible data protection conflicts. Do rules governing

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769 registrars apply because registrant contracts are signed in their countries, or does a registry's regime
770 govern because the registry publishes the data? How relevant is the location of the registrant?

771

772 **Possible advantages for Data Protection and Privacy in a [thick Whois](#) environment**

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

774 This single point of failure instead of multiple ones would increase data protection. In addition, it
775 may be that a registry, being in most cases larger than registrars, will be able to institute better
776 security safeguards.

777

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

779

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

781 deemed to be those of the registry, a [thick Whois](#) environment will provide additional assurances

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

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

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

785 provisions.

786

787 **Possible downsides for Data Protection and Privacy in a [thick Whois](#) environment**

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

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

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

791

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

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

794 system.

795

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

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

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

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801 registry or registrar location controls may add a level of complexity for the overall system and of
802 confusion for a registrant. We do note however that we are unaware of any such instances that
803 have arisen in current thick Whois environments.



805 Discussion

806 Data at rest: The WG cannot identify an advantage between a thin and thick environment. The same
807 information is contained in Whois databases in the two models. While ostensibly all Whois data as
808 such will be in a single system in a thick environment, the data elements still will be kept by
809 registrars. While more official copies of Whois information may exist in a thick environment, the fact
810 is that bulk record access is available to the public and the likely magnitude of those copies in the
811 hands of individual analysts or of aggregators makes the value of a discussion questionable.

813 Data in motion: The WG cannot identify an advantage between a thin and thick environment. On
814 the surface, the need for Whois transfers from registrars to registries presents an additional point of
815 data vulnerability and need for additional security measures. However, Whois information regularly
816 moves through downloads and replication, as well as through transfer of data from registrars to
817 registries in the existing thick registries. The WG finds it hard to conclude that risks of data leakage
818 will increase at an identifiable level in a thick model over a thin one.

820 Data Protection Laws: This subject is especially complex when it comes to drawing conclusions. It
821 raises a level of complexities, uncertainties, and emotions that are beyond the capacity of the WG to
822 address conclusively given available resources and time constraints, and that also may spill beyond
823 the bounds of the scope of this WG in the case of certain issues.

825 Thick registries have existed for many years, and the .org registry transitioned from a thin to a thick
826 environment. The WG has not been able to identify a formal analysis of data protection laws in the
827 context of Whois information with respect to thin or thick models or the transition from one to
828 another. The WG would hope that analyses have been done, and the fact that it can find no public
829 objections from the registry or registrar community indicates that no problems have been identified.

830

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Comment [4]: WG to consider whether to include a conclusion similar to the other sections (option A) or summary proposed by Alan (option B) or no summary.

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843 In addition, the WG is not aware of any formal government actions against registries or registrars for
 844 maintaining Whois systems in accordance with ICANN requirements. In particular, no registrar has
 845 sought to adjust contract requirements pursuant to ICANN Procedure for Handling Whis Conflicts
 846 with Privacy Laws ([http://www.icann.org/en/resources/registrars/whois-privacy-conflicts-](http://www.icann.org/en/resources/registrars/whois-privacy-conflicts-procedure-17jan08-en.htm)
 847 [procedure-17jan08-en.htm](http://www.icann.org/en/resources/registrars/whois-privacy-conflicts-procedure-17jan08-en.htm)), which permits exceptions if a government begins an inquiry under
 848 data protection laws and regulations. Further, the comment on thick vs. thin Whois that was
 849 submitted by the Registrar Stakeholder Group did not raise privacy or data protection concerns.

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850
 851 However, the fact that the WG has not seen analyses or objections from the contracted party
 852 community does not prove a lack of problems. In addition, data protection and privacy laws and
 853 regulations change over time so any analyses from the past might need to be revisited periodically.
 854 RSEPs (Registry Services Evaluation Panel) initiated by .cat and .tel suggest that they have identified
 855 data protection and privacy legal issues that they considered valid even if no formal government
 856 action was initiated. While registrars are required under the Registrar Accreditation Agreement to
 857 obtain registrants' consent to uses made of data collected from them, whether registrants are
 858 aware of the full ramifications of data publication, legal or real, might be questioned, and local rules
 859 concerning coercive contract provisions conceivably could come into play.

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860
 861 The WG has made every effort to examine thin vs. thick registry models in a broad sense. However,
 862 any requirement that all registries use the thick model will require that existing thin registries move
 863 to thick environments. This situation will raise concerns that, while limited in the long run, are
 864 significant given the numbers of domains and registrants involved. The WG expects that data
 865 transfers will be in volumes unprecedented in Whois operations and urges that increased
 866 information systems and protections are put in place which are appropriate to handle the volumes.

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867
 868 Some registrations may have occurred based on a registrant's consideration of local rules governing
 869 a registrar or registry. In that event, registrants' data protection expectations will be affected when
 870 publication of Whois data moves to a registry that is in a different jurisdiction from the relevant
 871 registrar. Thorough examination must be given to the extent to which data protection guarantees
 872 governing a registrar can be binding on a registry. Should data protections in the jurisdiction of a

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889 registrant, registrar, or registry control? Should registry or registrar accreditation agreements
890 contain language that specifies whose protection environment applies?

891

892 Again, these questions must be explored in more depth by ICANN staff, starting with the General
893 Counsel's Office, and by the community, with registries and registrars taking the lead. As an added
894 benefit, analyses concerning change of applicable laws with respect to transition from a thin to a
895 thick environment also may prove valuable in the event of changes in a registry's management,
896 presumably an increasing likelihood given the volume of new gTLDs on the horizon.

897

898 Conclusion

899

900 **Data Protection:** The WG finds that requiring thick Whois for all gTLD registries does not raise issues
901 that are specific to thin vs. thick Whois, as those that have been identified already exist in the
902 current environment and should be considered as part of the broader Whois debate.

903

904 **Privacy:** There are currently issues with respect to privacy related to Whois, and these will only
905 grow in the future. Those issues apply to other gTLDs as well, and thus will need to be addressed by
906 ICANN. Existing registry policy and practice allows flexibility when needed, and the new draft RAA
907 provides similar options for registrars. None of these issues seem to be related to whether a thick or
908 thin Whois model is being used. The support of the Registrar Stakeholder Group related to a thin-to-
909 thick transition implies that they perceive no immediate issue. There are still WG participants who
910 feel uneasy with the vast amounts of data that will need to be transferred across jurisdictional
911 boundaries, but those have not translated into concrete concerns. So although privacy issues may
912 become a substantive issue in the future, and should certainly be part of the investigation of a
913 replacement for Whois, it is not a reason to not proceed with this PDP WG recommending thick
914 Whois for all.

915

916

917 **5.6 Cost implications**

918

919 **Issue Description**

920 What are the cost implications of a transition to [thick](#) Whois for [registries](#), [registrars](#), registrants and
921 other parties for all gTLDs? Conversely, what are the cost implications to [registries](#), [registrars](#),
922 registrants and other parties if no transition is mandated?

923

924 [Discussion](#)

925 [The WG has chosen to identify broad components of on-going and transition costs, and in some](#)
926 [cases base its analysis on projects that are of comparable scope and complexity. The WG did not](#)
927 [have the capacity to develop detailed cost comparisons and does not consider them to be required](#)
928 [in order to reach valid conclusions regarding the cost impact of requiring thick Whois for all gTLD](#)
929 [registries.](#)

930

931 **Cost Implications of requiring [thick](#) Whois – On going costs**

932

933 [Escrow costs](#)

934

935 [Registrars: No change](#)936 [Registries: Incrementally higher -- increased data-storage and data transfer costs. Estimating](#)937 [guideline: data volume will increase from domain-information-only to domain-and-contact](#)938 [information. The WG offers a SWAG estimate of roughly doubled volume of escrow data-storage](#)939 [and transfer. The cost is paid by ICANN.](#)940 [Data consumers: No change](#)

941

942 [Port 43 Whois server costs](#)

943

944 [Registrars: No change or lower – depending on whether Port 43 Whois requirements for thick](#)945 [Whois registries are eliminated in the new RAA](#)946 [Registries: Incrementally higher – due to increase in the size of the data payload for each Whois](#)947 [query \(roughly double\). Estimating guideline: Whois server costs are a small fraction of the cost of](#)

948 [operating the front-facing server for a registry, and the incremental impact of increased processing](#)
949 [and bandwidth by these relatively simple systems is negligible.](#)

950 [Data consumers: **Lower** – due to reduced cost of automation resulting from more consistent access](#)
951 [methods and format of the data](#)

952
953 [Web-based Whois server costs](#)

954
955 [Registrars: **No change or incrementally lower** – depending on the extent to which Whois-query](#)
956 [demand shifts from registrars to registries](#)

957 [Registries: **No change or incrementally higher** – depending on the extent to which Whois-query](#)
958 [demand shifts from registrars to registries. Estimating guideline: Whois server costs are a small](#)
959 [fraction of the cost of operating the front-facing server for a registry, the incremental impact of](#)
960 [increased processing and bandwidth is negligible.](#)

961 [Data consumers: **Lower** – due to reduced errors resulting from more consistent access methods and](#)
962 [format of the data](#)

963
964 [Cost Implications of requiring thick Whois – Transition costs](#)

965
966 [Registrars: **Less than adding a new gTLD** – the WG anticipates that registrars will only be required](#)
967 [to reconfigure systems and processes that they already support rather than having to develop new](#)
968 [ones. Those changes will require reconfiguring Whois systems from the exception \(process in a thin-](#)
969 [Whois manner\) to the norm \(process in a thick-Whois manner\). The WG views the initial transfer of](#)
970 [contact data to the registry as similarly straightforward – and could be as simple as using the](#)
971 [“restore contact data from the escrow provider” process that presumably already exists. Estimating](#)
972 [guideline: a comparable effort might be a project to start up escrow.](#)

973 [Registries: **Less than adding a new gTLD** – the WG similarly anticipates that registries will also be](#)
974 [reconfiguring systems and processes that they already support, as all of them support thick Whois](#)
975 [for other gTLDs already. Again the WG anticipates a highly automated process will be used to](#)
976 [transfer and populate contact data, which is likely to require minimal training or manual](#)
977 [intervention. Estimating guideline: a comparable effort might be a project to start up escrow.](#)

978 [Data consumers: Less than adding a new gTLD](#) – data consumers will likewise be required to
979 [reconfigure systems and processes to switch from the exception \(thin Whois\) to the norm \(thick](#)
980 [Whois\), but again they will merely be reconfiguring systems and not developing new ones.](#)



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

983 [The WG received comments that noted that the costs associated with not having easy access to](#)
984 [Whois data](#) is significant, not only to rights owners, but also victimized Internet users. [The WG](#)
985 [acknowledges that this may be true, but has concluded that analysing the nature and scale of costs](#)
986 [of this type are outside its charter](#)



988 **Conclusion**

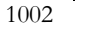
989 [The working group finds that requiring thick Whois would not have overly burdensome cost impacts](#)
990 [on providers of Whois data and could reduce acquisition and processing costs for consumers of that](#)
991 [data.](#)



993 **5.7 Synchronization / migration**

995 **Issue Description**

996 Synchronization refers to updating the [Whois](#) information in an immediate and accurate manner so
997 that both data sets, registrar and registry, are exact duplicates. Synchronization of data must occur
998 when [either](#) the registrar provides new information to the registry [or the registry updates a Whois](#)
999 [record directly.](#) The WG was asked to address the impact on [synchronization between](#) the registry
1000 and registrar [Whois](#) and EPP systems for those Registries currently operating a thin registry, both in
1001 the migration¹⁷ phase to [thick Whois](#) as well as ongoing operations.



1003 **Synchronization in a thin Whois environment**

Mike O'Connor 16/5/13 15:32
Deleted: - ... [6]

Mike O'Connor 16/5/13 15:33
Deleted: Several commenters

Mike O'Connor 16/5/13 15:33
Deleted: noted that the costs associated with not having easy access to Whois data

Mike O'Connor 16/5/13 15:40
Deleted: Most WG members agree that there is no negative impact expected with regard to cost implications from requiring 'thick' Whois as the costs are expected to be outweighed by the benefits and potential cost savings. -

Mike O'Connor 16/5/13 16:11
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Mike O'Connor 16/5/13 16:12
Deleted: The data must be synchronized between the registrar and registry. The issue

Mike O'Connor 16/5/13 16:12
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Mike O'Connor 16/5/13 16:12
Deleted: was what would be

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.

1019 The registrar collects the Whois data from the registrant but only transmits a limited subset of that
1020 data to the registry. This limited subset must be updated in an immediate and accurate manner to
1021 insure that both subsets of data are exactly the same.

1022

1023 **Synchronization in a thick Whois environment**

1024 The only difference in a thick Whois environment is that all of the Whois data collected by the
1025 registrar is transmitted to the registry. As in the thin Whois environment the information must be
1026 updated in an immediate and accurate manner.

1027

1028

1029 **Possible disadvantages for synchronization in a thick Whois environment**

1030

1031 The WG received no concrete examples of synchronization issues in converting from a thin Whois
1032 environment to a thick Whois environment in the comments received. Most of the comments
1033 addressing this topic emphasized the need for being mindful of the following:

- 1034 1. Cost
- 1035 2. Stability when transitioning the data
- 1036 3. Number of records involved

1037

1038 **Synchronization Inconsistencies**

1039 The WG notes that there are risks of inconsistencies between the data output of the registrar and
1040 the registry under both the thin and thick models. By having additional data shared between a
1041 registry and registrar in a thick Whois model, this risk for inconsistencies may increase.

1042

1043 For example, inconsistencies may arise when the registry updates Whois records directly, as may be
1044 required by a (closed) court order. In circumstances where a domain name is being transferred by
1045 the registry without the losing registrar's knowledge, this may lead to the losing registrar publishing
1046 outdated Whois data for a domain name no longer under it's control. Effectively, one domain name
1047 could have two or more registrars publishing completely different data for the same domain name.

1048 While the registry will reference the correct registrar, a third party may obtain differing results

Mike O'Connor 22/5/13 09:27
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Mike O'Connor 16/5/13 15:47
Deleted: In reviewing the comments, the WG noted that there were

Mike O'Connor 16/5/13 15:47
Deleted: environment

Marika Konings 23/5/13 10:43
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Marika Konings 23/5/13 10:43
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Mike O'Connor 16/5/13 15:47
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Mike O'Connor 16/5/13 15:48
Deleted: -

Mike O'Connor 22/5/13 09:28
Deleted: Some WG participants pointed out

Mike O'Connor 22/5/13 09:28
Deleted: both in a 'thin' as well as a 'thick' model

Mike O'Connor 22/5/13 09:30
Deleted: by modifications to

Mike O'Connor 22/5/13 09:30
Deleted: by the registry without registrar submission

Mike O'Connor 22/5/13 09:52
Deleted: In thin registries, in

Mike O'Connor 22/5/13 09:52
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Mike O'Connor 22/5/13 09:31
Deleted: outputting

Mike O'Connor 22/5/13 09:53
Deleted: the registrar's

Mike O'Connor 22/5/13 09:32
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Mike O'Connor 22/5/13 09:32
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Mike O'Connor 22/5/13 09:32
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1069 depending on where they perform their lookup. In thick registries, inconsistencies between the
 1070 registrar Whois and the registry Whois contact information may also arise, as again such
 1071 modifications are not necessarily transmitted to the losing registrar. Effectively, registries and losing
 1072 registrars could conceivably output completely different Whois data. It was suggested that this
 1073 could be fixed by removing the port 43 Whois requirement¹⁸ for registrars in thick registries,
 1074 although some explained that currently some registrars already pass on registrar port 43 queries to
 1075 the registry in the case of thick Whois, which also eliminates the risk of inconsistencies. The WG
 1076 notes that the proposed 2013 Registrar Accreditation Agreement (RAA) recommends the removal of
 1077 the port 43 requirement for thick gTLD registries (see section 3.3.1 -
 1078 <https://www.icann.org/en/resources/registrars/raa/proposed-agreement-22apr13-en.pdf>).

Mike O'Connor 22/5/13 09:33
~~Deleted:~~ a third party performs
 Mike O'Connor 22/5/13 09:34
~~Deleted:~~ , the results may differ

Mike O'Connor 16/5/13 16:27
~~Deleted:~~ it is worth noting

Mike O'Connor 22/5/13 10:12
Comment [5]: Also take a look at Footnote 18. I think the wording is unclear, but I'm not sure which "direction" to change it. "mirrored TO the registry" or mirrored FROM the registry?"

Mike O'Connor 22/5/13 10:57
~~Deleted:~~ The WG expects that this will likely resolve the synchronization issue as registrars are expected to mirror the registry Whois output for the web-based service.

Mike O'Connor 16/5/13 16:07
~~Deleted:~~ concludes

Mike O'Connor 22/5/13 09:46
~~Deleted:~~ issues with synchronization are not specific to a 'thick' Whois model, although the risk for inconsistencies between data may increase as more data is shared. The WG observes that the removal of the port 43 Whois requirement as proposed in the 2013 RAA is likely to address this increased risk for inconsistencies as the web-based Whois access which can mirror the registry web-based Whois output or registry port 43 Whois. -

Mike O'Connor 16/5/13 16:30
~~Deleted:~~ The Working Group used the following straw man definition

Conclusion

1081 The WG finds that a transition to thick Whois for all gTLD registries will have no detrimental effects
 1082 on data synchronization.

5.8 Authoritativeness

Issue Description

1087 Here is the working definition used by the WG while analysing this issue: "Authoritative, with
 1088 respect to provision of Whois services, shall be interpreted as to signify the single database within a
 1089 hierarchical database structure holding the data that is assumed to be the final authority regarding
 1090 the question of which record shall be considered accurate and reliable in case of conflicting records;
 1091 administered by a single administrative [agent] and consisting of data provided by the registrants of
 1092 record through their registrars." A proposed shorter version is "the data set to be relied upon in
 1093 case of doubt".

Authoritativeness in a thin Whois environment

¹⁸ 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.

1115 Since the registrar alone holds most Whois data, its data is necessarily authoritative as to those data
 1116 elements (e.g., name of registrant). For that data held by both registrar and registry (e.g., name of
 1117 registrar), it appears that registry data is generally treated as authoritative, but the WG is not aware
 1118 of any official ICANN policy statement on this. The WG observes that in the case of the Uniform
 1119 Dispute Resolution Policy (UDRP), UDRP Providers treat the registrar Whois information as
 1120 authoritative, which may be the result of the UDRP having been adopted prior to the emergence of
 1121 thick gTLD registries.

Mike O'Connor 16/5/13 16:34

Deleted: did observe

Mike O'Connor 16/5/13 16:34

Deleted: some observed

1122 **Authoritativeness in a thick Whois environment**

1123 Most comments that addressed this question stated that registry data is considered authoritative in
 1124 the thick environment. Only one stated that the registrar data was authoritative. Again, the WG is
 1125 not aware of any official ICANN policy statement on this question. The WG notes that the registrar
 1126 remains responsible for the accuracy of the data under either the thick or thin model, as the
 1127 relationship with the registrant remains with the registrar.

Mike O'Connor 16/5/13 16:35

Deleted: contributions in response to the request for input to GNSO Stakeholder Groups / Constituencies as well as other ICANN Supporting Organizations and Advisory Committees (see Section X for further details)

Mike O'Connor 16/5/13 16:35

Deleted: contribution

Mike O'Connor 16/5/13 16:36

Deleted: did note

1129 **Possible advantages for authoritativeness in a thick Whois environment**

1130 Several comments cited efficiency and trust as advantages of treating the registry Whois data as
 1131 authoritative. The WG supports the view that the registry will hold the entire data set, and is able to
 1132 change the data without informing the registrar (due to closed court orders or similar events).
 1133 Therefore, the only authoritative data source can be the registry as it holds the ultimate sway over
 1134 the data. A registrar updates the data at customer request and is responsible for its accuracy, but
 1135 such changes would only become authoritative once the registry Whois reflects the change.

Mike O'Connor 16/5/13 16:37

Deleted: contributions

Mike O'Connor 16/5/13 16:37

Deleted: Additionally, as one WG member commented, “

Mike O'Connor 16/5/13 16:40

Deleted: may

Mike O'Connor 16/5/13 16:38

Deleted: .” Other WG members supported this view.

1153 **Possible downsides for authoritativeness in a thick Whois environment**

1154 Several [comments](#) noted that registrars remain responsible for collecting the data and (to an extent
1155 governed by contract with ICANN) for its accuracy. One contribution felt this was inconsistent with a
1156 conclusion that registry Whois would be authoritative in the thick environment. [The WG](#) did not
1157 agree that this inconsistency was problematic ([primarily](#) on the grounds stated above that any data
1158 collected by the registrar becomes authoritative only after it is incorporated in the registry
1159 database).

Mike O'Connor 16/5/13 16:40
Deleted: contributions

Mike O'Connor 16/5/13 16:41
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Mike O'Connor 16/5/13 16:41
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1161 **Conclusion**

1162 [The WG finds that a transition from thin to thick Whois will have no detrimental effect on](#)
1163 [authoritativeness.](#) [The WG reviewed the question as to](#) whether it is necessary for this WG to
1164 recommend a policy on this issue. Based on [that review](#), the WG has concluded that this is not
1165 necessary, [given](#) that thick registries have functioned for many years without requiring a formal
1166 position on authoritativeness, and the lack of [evidence](#) that this created any problem during
1167 previous thin-to-thick transitions such as .org.

Mike O'Connor 16/5/13 16:46
Deleted: Even though there may be differences with regard to authoritativeness in a 'thin' or a 'thick' Whois environment, the threshold

Mike O'Connor 16/5/13 16:46
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Mike O'Connor 16/5/13 16:47
Deleted: the review of this issue by the authoritativeness sub-team

Mike O'Connor 16/5/13 16:45
Deleted: as evidenced by the fact

Mike O'Connor 16/5/13 16:52
Deleted: any

Mike O'Connor 16/5/13 16:47
Deleted: Some WG members took the view that the registry data is inherently authoritative in the thick Whois environment. As one participant put it, "we do not need to define authoritativeness as it will define itself due to the realities of how Whois works in a thick registry."

Mike O'Connor 22/5/13 13:29
Deleted: Registries

1169 **5.9 Competition in registry services**

1171 **Issue Description**

1172 The WG was tasked to consider what the impact would be on competition in registry services should
1173 all [registries](#) be required to provide Whois service using the [thick](#) Whois model – would there be
1174 more, less or no difference with regard to competition in registry services.

Mike O'Connor 22/5/13 14:01
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Mike O'Connor 16/5/13 16:53
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Mike O'Connor 16/5/13 16:53
Deleted: services

Mike O'Connor 16/5/13 16:53
Deleted: Some noted that such a situation is not conducive to promoting full competition among registries.

Mike O'Connor 22/5/13 14:01
Deleted: Registry

1176 **Competition in [registry](#) Services in the current Whois environment**

1177 Today, the two largest gTLD registries (.com and .net) are exempt from the requirement to [operate](#)
1178 [under the thick](#) Whois [model](#), as well as .jobs. All other registries, including new gTLDs, are required
1179 to operate [under](#) a [thick](#) Whois model.

1181 **Competition in [registry](#) Services in a [thick](#) Whois environment**

1207 The WG observes that all registries would be operating on a level playing field as they would all
1208 operate under the same model in a thick Whois environment.

Mike O'Connor 16/5/13 16:57
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1210 Possible advantages for competition in registry services under a thick Whois model

1211 The WG concludes that requiring thick Whois would create a level playing field among registries. The
1212 WG also observes that diversity in Whois data models is inappropriate as a matter of competitive
1213 advantage among registries.

Mike O'Connor 16/5/13 16:57
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Mike O'Connor 16/5/13 16:56
Deleted: the same Whois service would be provided

Mike O'Connor 16/5/13 17:06
Deleted: Most WG agree

Mike O'Connor 16/5/13 17:06
Deleted: Most WG members are of the view

1215 Possible downsides for competition in registry services under a thick Whois model

1216 The position was put forward that creating a level playing field and requiring the provision of the
1217 same Whois services would reduce competition as there would be no difference in the Whois model
1218 offered and registrants could only choose the same standardized Whois services. As noted above,
1219 the WG did not find this to be a compelling argument and is of the view that standardized Whois
1220 services are much more attractive than any innovations that were restricted to a single registry
1221 provider.

Mike O'Connor 16/5/13 17:07
Deleted: Furthermore, some observed that if all gTLDs would work under the same Whois regime, this would ensure that registrants can rely on a uniform and consistent standard with regard to Whois services.

Mike O'Connor 16/5/13 17:08
Deleted: Some WG members are of the view

1223 Conclusion

1224 The working group finds that requiring thick Whois would provide a more level playing field
1225 between registry providers. Furthermore, the WG was not able to identify any substantive
1226 examples as to why a differentiated approach in provision of Whois services would be better for
1227 competition.

Mike O'Connor 16/5/13 17:17
Deleted: Most WG members agree that there will be more, or no difference, in competition if 'thick' Whois would be required.

Mike O'Connor 16/5/13 17:17
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1229 5.10 Existing Whois applications

1231 Issue Description

1232 What, if anything, are the potential impacts on the providers of third-party Whois-related
1233 applications if thick Whois would be required for all gTLDs? Do these applications need to be
1234 updated / changed and how would that impact users of those applications?

1252 **Possible advantages to existing Whois Applications under a thick Whois model**
 1253 The WG observes that the transition to thick gTLD registries may have a small transitional impact on
 1254 third-party providers. But in the long term that transition would allow them to use a simpler data-
 1255 gathering model and they could eliminate the issues associated with registrar-specific Whois data
 1256 access. Whois data providers will also benefit from having to implement and parse only one
 1257 authoritative data source instead of one per registrar.

1259 **Possible downsides to existing Whois Applications under a thick Whois model**
 1260 There is the possibility that the transition to thick Whois may disrupt third-party Whois applications
 1261 due to the change in location and format of the data. Furthermore, the ability and incentive for
 1262 third-party providers to innovate in providing new services to address the yet unsolved problems of
 1263 internationalized domain name data may be diminished.

1265 **Conclusion**
 1266 The WG finds that a transition from thin to thick Whois will have no substantive detrimental effect
 1267 on existing 3rd-party Whois service providers and will reduce the variability and cost of data
 1268 acquisition for those providers.

1270 **5.11 Data escrow**

1272 **Issue Description**

1273 Data Escrow is the act of storing data with a neutral third party in case of registry or registrar failure,
 1274 accreditation termination, or accreditation relapse without renewal. ICANN requires all registrars
 1275 and gTLD registries to contract with a data escrow provider in order to safeguard registrants. Both
 1276 registry and registry escrows follow the same system: a weekly full deposit on Sundays, and a partial
 1277 deposit on all other days containing all new data since the last full deposit¹⁹.

1279 **Data Escrow in a thick Whois environment**

¹⁹ http://icannwiki.com/index.php/Data_Escrow

- Mike O'Connor 16/5/13 17:19
Deleted: Some noted that
- Mike O'Connor 22/5/13 13:29
Deleted: Registries
- Mike O'Connor 16/5/13 17:20
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- Mike O'Connor 16/5/13 17:21
Deleted: but
- Mike O'Connor 16/5/13 17:21
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- Mike O'Connor 16/5/13 17:21
Deleted: require
- Mike O'Connor 16/5/13 17:21
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- Mike O'Connor 16/5/13 17:21
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- Mike O'Connor 16/5/13 17:22
Deleted: would not have to deal with the
- Mike O'Connor 16/5/13 17:23
Deleted: issues, such as rate-limiting, that they must currently address with the thin model.
- Mike O'Connor 16/5/13 17:25
Deleted: Furthermore, the stability and uniformity of the 'thick' Whois model would provide another long-term benefit for third-party applications. Some expect that ultimately such
- Mike O'Connor 16/5/13 17:26
Deleted: Some also noted that there could be an increase in Whois applications / data services as a result of easier access to Whois information.
- Mike O'Connor 16/5/13 17:28
Deleted: As a result of requiring 'thick' Whois, some suggested that those providing Whois services may lose their ability to provide services.
- Mike O'Connor 16/5/13 17:30
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- Mike O'Connor 16/5/13 17:30
Deleted: that help with
- Mike O'Connor 16/5/13 17:30
Deleted: , for example,
- Mike O'Connor 16/5/13 17:33
Deleted: Almost all WG members agree that there will a positive, or no impact on existing Whois applications if 'thick' Whois would be required
- Mike O'Connor 22/5/13 10:18
Comment [6]: Removed: new RAA still requires escrow by registrars
- Mike O'Connor 16/5/13 17:36
Deleted: Some have suggested that should there be a requirement for 'thick' Whois, there shc ... [7]

1313 Under the thick Whois model, the registrar and the registry store Whois data in two different
 1314 escrow accounts. Thus the Whois data is stored in four logical locations (registry, registrar, escrow
 1315 accounts). In the case of a failure, the data may be available from up to three other locations. The
 1316 WG notes that this number may decline if the registry and the registrar use the same data escrow
 1317 provider and care is not taken to store the data in separate physical locations.

Data Escrow in a thin Whois environment

1319 Under the thin Whois model, the registrar stores its Whois data (the contact data) in its escrow
 1320 location and the registry stores its domain data in its escrow account. Thus, for any single data
 1321 element there is one location available for backup data in the event of a failure.

Conclusion

1325 The working group finds that requiring thick Whois would result in more copies of escrowed data in
 1326 the event of a failure.

5.12 Registrar Port 43 Whois requirements

Issue Description

1331 Under the current Registrar Accreditation Agreement (RAA), registrars are required to provide
 1332 access to Whois data to the public via two ways:

- 1333 1. An interactive web page provided on the registrar’s website, and
- 1334 2. Port 43 lookup accessed in several ways (such as through command line utility, Whois lookup
 1335 software, and third party websites)

1337 Registrars suggest that with thick registries online, the need for Port 43 access on the registrar level
 1338 is becoming irrelevant. In their view it does not make sense to provide this data if it is not referred
 1339 to by the registry and the duplication of the services from multiple data sources may lead to
 1340 inconsistencies in the results displayed (see also the section on synchronization / migration). If the
 1341 registry displays the Whois data, and therefore the registry no longer points to the Whois server of
 1342 the registrar, that server becomes redundant.

Mike O'Connor 16/5/13 17:38
 Deleted: In a thick model, Whois data is currently stored by

Mike O'Connor 16/5/13 17:38
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Mike O'Connor 16/5/13 17:38
 Deleted: on

Mike O'Connor 16/5/13 17:40
 Deleted: (possibly stored at the same location)

Mike O'Connor 16/5/13 17:42
 Deleted: Under today's policies, with a thick Whois model,

Marika Konings 23/5/13 10:48
 Deleted:

Mike O'Connor 22/5/13 10:22
 Deleted: - ... [8]

Marika Konings 23/5/13 10:41
 Deleted: Whois

Marika Konings 23/5/13 10:41
 Deleted: (the domain data)

Marika Konings 23/5/13 10:41
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Mike O'Connor 16/5/13 17:53
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Mike O'Connor 16/5/13 17:54
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Mike O'Connor 22/5/13 10:23
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Mike O'Connor 16/5/13 17:55
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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 concerning all active Registered Names sponsored by Registrar in any gTLD'. As a result, the WG did not consider this issue in further detail and defers to the conclusions arrived at through those negotiations.

Conclusion

The WG finds that the RAA negotiation is on track to resolve this question and defers to the conclusions arrived at through that process.

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Marika Konings 15/5/13 10:30
Comment [7]: To be further discussed

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Mike O'Connor 16/5/13 19:14
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1400 6. Community Input

1401 6.1 Request for Input

1402

1403 As outlined in its Charter, ‘the PDP WG is also expected to consider any information and advice
1404 provided by other ICANN Supporting Organizations and Advisory Committees on this topic. The WG
1405 is strongly encouraged to reach out to these groups for collaboration at an early stage of its
1406 deliberations, to ensure that their concerns and positions are considered in a timely manner’. As a
1407 result, the WG reached out to all ICANN Supporting Organizations and Advisory Committees as well
1408 as GNSO Stakeholder Groups and Constituencies with a request for input (see Annex B and C) at the
1409 start of its deliberations. In response, statements were received from:

- 1410 - The GNSO Business Constituency (BC)
- 1411 - The GNSO Intellectual Property Constituency (IPC)
- 1412 - The GNSO Non-Commercial Users Constituency (NCUC)
- 1413 - Verisign
- 1414 - The GNSO Registry Stakeholder Group (RySG)
- 1415 - The GNSO Registrar Stakeholder Group (RrSG)
- 1416 - The At-Large Advisory Committee (ALAC)

1417

1418 The full statements can be found here: <https://community.icann.org/x/WIRZAg>.

1419

1420 6.2 Review of Input Received

1421

1422 The WG developed a matrix, (located in Annex E) that it used to assess the input received in relation
1423 to the Charter Topics. This matrix, in addition to the [summary of the comments](#), formed the basis
1424 for sub-team as well as Working Group discussions in relation to the different topics, the results of
1425 which have been outlined in section 5 of this report.

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1431 7. Working Group Preliminary Recommendations and 1432 Observations

1433 1434 7.1 Preliminary Recommendation

1435 The WG was tasked to provide the GNSO Council with 'with a policy recommendation regarding the
1436 use of thick Whois by all gTLD registries, both existing and future'. Following its analysis of the
1437 different elements, as outlined in the WG Charter, which has been detailed in section 5 of this
1438 report, on balance the Working Group concludes that there are more benefits than disadvantages to
1439 requiring thick Whois for all gTLD registries. As a result, the Working Group recommends that:

1441 *The provision of thick Whois services should become a requirement for all gTLD registries, both*
1442 *existing and future.*

1444 **Preliminary level of consensus for this recommendation:** The Working Group has arrived at
1445 preliminary consensus on this recommendation. A final consensus call will be conducted once the
1446 recommendation is finalized following review of the public comments received on this Initial Report.

1448 **Expected impact of the proposed recommendation:**

1449 As outlined in section 5, the WG expects numerous benefits as a result of requiring thick Whois for
1450 all gTLD registries. Nevertheless, the WG recognizes that a transition of the current thin gTLD
1451 registries would affect over 120 million domain name registrations and as such it should be carefully
1452 prepared and implemented. In section 7.3 the WG also provides other observations that emerged
1453 from this discussion which while not directly related to the question of thin or thick did and should
1454 receive due consideration by other bodies.

1456 7.2 Implementation Considerations

1457 Per its Charter and given the recommendation that thick Whois services become a requirement for
1458 all gTLD registries, the WG is also charged with considered the following questions:

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1467 | • **Cost implications for gTLD registries, registrars and registrants of a transition to [thick](#) Whois**

1468 | The WG notes that some of these considerations have already been covered in section 5.6 - cost
1469 | implications. Overall, the WG expects that there will be a one-off cost involved in the actual
1470 | transition from [thin](#) to [thick](#), but the WG also notes that considering synergies in the
1471 | implementation process may minimize such costs. For example, instead of requiring all registrar
1472 | data to be transferred to the registry at a certain point in time, this could coincide with the
1473 | submission by the registrar of the data to the escrow agent so that it may only involve minor
1474 | adjustments to submit that data to the gTLD operator. Also, as virtually all registrars already
1475 | deal with thick TLDs and the only registry currently operating [thin gTLDs](#) also operates [thick](#)
1476 | [gTLDs](#), it is the expectation that there is hardly no learning curve or software development
1477 | needed. The WG would welcome further input on this question as part of the public comment
1478 | forum.

1479

1480 | • **Guidelines as to how to conduct such a transition (timeline, requirements, potential changes
1481 | to Registration Agreements, etc.)**

1482 | The WG notes that valuable information may be learned from the [PIR Post Transition Report](#)
1483 | that describes the transition of .org from [thin](#) to [thick](#), but the WG does not have any further
1484 | guidance to offer at this stage. The WG does recommend that as part of the implementation a
1485 | team is formed consisting of experts from the parties that will be most affected by this
1486 | transition, together with ICANN Staff, to work out such details. It is the expectation that any
1487 | implementation plan would be shared with the ICANN Community for input. Any further input
1488 | on this question would be welcomed.

1489

1490 | • **Are special provisions and/or exemptions needed for gTLD registries which operate a [thick](#)
1491 | Whois but provide tiered access, for example?**

1492 | The WG notes that ICANN already has a [Procedure for Handling Whois Conflicts with Privacy](#)
1493 | [Law](#) in place. Furthermore, the WG notes that the proposed 2013 RAA also includes a proposed
1494 | mechanism for a registrar to request a waiver if the collection and/or retention of any data
1495 | element violate applicable local law. The WG does not intend or expect that any of these

Mike O'Connor 22/5/13 13:59

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1497 exemptions or special provisions granted under these procedures are affected by a requirement
1498 for thick Whois for all gTLD registries.

1499
1500 The WG would like to encourage commenters on this Initial Report to raise any other issues or
1501 questions that the WG should consider as part of possible implementation guidance on this issue as
1502 part of the public comment forum.

1503
1504 **7.3 Additional Observations**

1505 The WG would like to share the following observations that emerged as part of its deliberations on
1506 the different elements as outlined in section 5. These are not within scope of its Charter, but the WG
1507 would nevertheless like to document them so that the GNSO Council / ICANN Staff can take further
1508 action if deemed appropriate and timely.

1509
1510 **Data Escrow:** The WG suggests that ICANN consider exploring the implications of two escrows,
1511 which could conceivably be stored at the same site removing the benefit of the duplication, and the
1512 implications of registrar/registry integration which could result in those "two" sites being co-located.

1513
1514 **Authoritativeness:** The WG observes that UDRP providers consider registrar data to be authoritative
1515 (whether it is thick or thin), while in all other circumstances the registry data is considered
1516 authoritative under the thick Whois model. The WG suggests that the GNSO Council further
1517 consider this issue.

1518
1519 **Privacy & Data Protection:** The WG notes the increasing number of data protection and privacy laws
1520 and regulations around the world, as well as specific Whois-related concerns raised by the public.
1521 While recognizing that this exceeds the scope of our remit, we suggest that, as part of the
1522 development of the registration data directory system model currently in process, ICANN ensure
1523 that the ramifications of data protection and privacy laws and regulations with respect to Whois
1524 requirements be examined thoroughly. We make these points as part of that suggestion:

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authoritativeness, the
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context of the
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Council as the WG is of the view that in the case of
'thick' Whois the registry data should be considered
authoritative.
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1550 1) Examinations must include data collection, data disclosure, and data retention laws, as well as
1551 data quality requirements under data protection principles. These examinations must be
1552 ongoing, as new data protection laws take effect and old ones are amended on a continual
1553 basis. The European Union Data Privacy Framework is well known and proposed amendments
1554 have received much attention. Additionally, the Singapore Personal Data Protection Commission
1555 will just begin its work in May, 2013.

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1557 2) Government inquiries can be expensive for a registrar or registry even if they do not lead to
1558 formal action. We suggest specifically that the procedures cited above for handling conflicts
1559 with privacy laws be reviewed to ensure that they can be invoked on the basis of documented
1560 and objectively well-founded concrete concerns about conflicts with local rules.

1561 Accommodations for conflicts between Whois requirements and data protection laws have been
1562 made without a requirement of law enforcement inquiry through RSEPs initiated by .cat and .tel;
1563

1564 3) Reviews of the relevant questions already are occurring or have occurred, as evidenced by, for
1565 example, the Data Retention Specification in the Draft RAA currently open for public comment
1566 and Section 7.13, Severability; Conflicts with Laws of the draft RA also in the ICANN comment
1567 phase. However,

1568
1569 4) Given the dynamic nature of laws and contracts that may address what data protections should
1570 be in place, as well as increasing complexities, the examinations must be limited to: provisions
1571 that have the force of law at any given time, authoritative statements from relevant
1572 governments about those provisions, or contract provisions that are final. If a decision is made
1573 to examine broader frameworks, those analyses must focus on what exists, not changes that
1574 may happen. It is not possible to anticipate what will happen or address all possibilities.

1575
1576 5) Some level of real world review of the efficacy of data protection provisions must occur as part
1577 of any reviews. As examples, a) what is the real effect of data retention provisions or b) do safe
1578 harbor laws really provide data protection assurances.

1579
1580

1582 **8. Conclusions and Next Steps**

1583 The Working Group aims to complete this section of the report in the second phase of the PDP,
1584 following a public comment period on this Initial Report.

1585

1586

1587 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:	<ul style="list-style-type: none"> • 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 were 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

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[1] 'A Registered Name is "sponsored" by the registrar that placed the record associated with that registration into the registry. Sponsorship of a registration may be changed at the express direction of the Registered Name Holder or, in the event a registrar loses accreditation, in accordance with then-current ICANN specifications and policies' (see <http://www.icann.org/en/resources/registrars/raa/ra-agreement-21may09-en.htm>)

[2] For some registries, Thick Whois information is available at the registry, but public access to the data is organized in tiers. For example, for .name, the 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.

1600 **Annex B – Template for Constituency & Stakeholder Group**

1601 **Statement**

1602 **Stakeholder Group / Constituency / Input Template**

1603 **thick Whois PDP Working Group**

1604

1605 PLEASE SUBMIT YOUR RESPONSE AT THE LATEST **BY 9 January 2013** TO THE GNSO SECRETARIAT
1606 (gnso.secretariat@gnso.icann.org), which will forward your statement to the Working Group. If
1607 additional time is needed by your SG / C to provide your feedback, please inform the secretariat
1608 accordingly, including the expected delivery date so that this can be factored in by the WG.

1609

1610 The GNSO Council has formed a Working Group of interested stakeholders and Stakeholder Group /
1611 Constituency representatives, to collaborate broadly with knowledgeable individuals and
1612 organizations, in order to consider recommendations in relation to [thick Whois](#).

1613

1614 Part of the working group's effort will be to incorporate ideas and suggestions gathered from
1615 Stakeholder Groups, Constituencies through this template Statement. Please note that the WG is
1616 currently in an information-gathering phase. Inserting your response in this form will make it much
1617 easier for the Working Group to summarize the responses. This information is helpful to the
1618 community in understanding the points of view of various stakeholders. However, you should feel
1619 free to add any information you deem important to inform the working group's deliberations, even
1620 if this does not fit into any of the questions listed below.

1621

1622 For further information, please visit the WG Workspace
1623 (<https://community.icann.org/display/PDP/Home>).

1624

1625 **Process**

- 1626 - Please identify the member(s) of your stakeholder group / constituency who is (are)
1627 participating in this working group

- 1628 - Please identify the members of your stakeholder group / constituency who participated in
1629 developing the perspective(s) set forth below
- 1630 - Please describe the process by which your stakeholder group / constituency arrived at the
1631 perspective(s) set forth below
- 1632 - If not indicated otherwise, the WG will consider your submission a SG / C position / contribution.
1633 Please note that this should not prevent the submission of individual and/or minority views as
1634 part of your submission, as long as these are clearly identified.

1635

1636 **Topics:**

1637

1638 The WG is tasked to provide the GNSO Council with a policy recommendation regarding the use of
1639 [thick Whois](#) by all gTLD [registries](#), both existing and future. As part of its deliberations, the WG is
1640 expected to consider the topics listed below in the context of [thick Whois](#). Please provide your
1641 stakeholder group's / constituency's views, including quantitative and/or empirical information
1642 supporting your views, on these topics in relation to whether or not to require [thick Whois](#) for all
1643 gTLDs and/or provide any information that you think will help the WG in its deliberations (for
1644 further information on each of these topics, please see the WG Charter
1645 <https://community.icann.org/x/vlg3Ag>):

1646

- 1647 • Response consistency - a [thick registry](#) can dictate the labeling and display of Whois information
1648 to be sure the information is easy to parse, and all [registrars](#)/clients would have to display it
1649 accordingly. This could be considered a benefit but also a potential cost. This might also be a
1650 benefit in the context of internationalized registration data as even with the use of different
1651 scripts, uniform data collection and display standards could be applied.

1652 **Your view:**

1653

- 1654 • Stability - in the event of a Registrar business or technical failure, it could be beneficial to ICANN
1655 and registrants to have the full set of domain registration contact data stored by four
1656 organizations (the [registry](#), the [registry](#)'s escrow agent, the Registrar, and the Registrar's escrow
1657 agent), which would be the case in a [thick registry](#).

1658 **Your view:**

1659

- 1660 • Accessibility - is the provision of Whois information at the registry level under the [thick](#) Whois
1661 model more effective and cost-effective than a [thin](#) model in protecting consumers and users of
1662 Whois data and intellectual property owners?

1663 **Your view:**

1664

- 1665 • Impact on privacy and data protection - how would [thick](#) Whois affect privacy and data
1666 protection, also taking into account the involvement of different jurisdictions with different laws
1667 and legislation with regard to data privacy as well as possible cross border transfers of registrant
1668 data?

1669 **Your view:**

1670

- 1671 • Cost implications - what are the cost implications of a transition to [thick](#) Whois for [registries](#),
1672 [registrars](#), registrants and other parties for all gTLDs? Conversely, what are the cost implications
1673 to [registries](#), [registrars](#), registrants and other parties if no transition is mandated?

1674 **Your view:**

1675

- 1676 • Synchronization/migration - what would be the impact on the registry and registrar [Whois](#) and
1677 EPP systems for those [registries](#) currently operating a thin registry, both in the migration phase
1678 to [thick Whois](#) as well as ongoing operations?

1679 **Your view:**

1680

- 1681 • Authoritativeness - what are the implications of a [thin registry](#) possibly becoming authoritative
1682 for registrant Whois data following the transition from a thin-registry model to a thick-registry
1683 model. The Working Group should consider the term “authoritative” in both the technical (the
1684 repository of the authoritative data) and policy (who has authority over the data) meanings of
1685 the word when considering this issue.

1686 **Your view:**

1687

1688 • Competition in registry services - what would be the impact on competition in registry services
1689 should all [registries](#) be required to provide Whois service using the [thick](#) Whois model – would
1690 there be more, less or no difference with regard to competition in registry services?

1691 **Your view:**

1692

1693 • Existing Whois Applications - What, if anything, are the potential impacts on the providers of
1694 third-party [Whois](#)-related applications if [thick Whois](#) is required for all gtLDs?

1695 **Your view:**

1696

1697 • Data escrow - [thick](#) Whois might obviate the need for the registrar escrow program and
1698 attendant expenses to ICANN and registrars.

1699 **Your view:**

1700

1701 • Registrar Port 43 Whois requirements - [thick](#) Whois could make the requirement for [registrars](#)
1702 to maintain Port 43 Whois access redundant.

1703 **Your view:**

1704

1705 Based on your assessment of these topics, you are also encouraged to indicate whether you think
1706 there should or there shouldn't be a requirement for [thick](#) Whois by all gTLD [registries](#).

1707 **Your view:**

1708

1709 If there is any other information you think should be considered by the WG as part of its
1710 deliberations, please feel free to include that here.

1711 **Other information:**

1712

1713 Annex C – Request for input from ICANN SO / ACs

1714
1715 Dear SO/AC Chair,
1716

1717 As you may be aware, the GNSO Council recently initiated a Policy Development Process (PDP) on
1718 [thick](#) Whois. As part of its efforts to obtain input from the broader ICANN Community at an early
1719 stage of its deliberations, the Working Group that has been tasked with addressing this issue is
1720 looking for any input or information that may help inform its deliberations. You are strongly
1721 encouraged to provide any input or information you or members of your respective communities
1722 may have to the GNSO Secretariat (gnso.secretariat@gnso.icann.org).
1723

1724 For further background information on the WG's activities to date, please see
1725 <https://community.icann.org/display/PDP/Home>. Below you'll find an overview of the issues that
1726 the WG's has been tasked to address per its charter.
1727

1728 If possible, the WG would greatly appreciate if it could receive your input by 9 January 2012 at the
1729 latest. If you cannot submit your input by that date, but your group would like to contribute, please
1730 let us know when we can expect to receive your contribution so we can plan accordingly. Your input
1731 will be very much appreciated.
1732

1733 With best regards,
1734

1735 Mikey O'Connor, Chair of the [thick](#) Whois PDP Working Group
1736

1737 **From the Charter** (see <https://community.icann.org/x/vlg3Ag>):
1738

1739 The PDP Working Group is tasked to provide the GNSO Council with a policy recommendation
1740 regarding the use of [thick](#) Whois by all gTLD [registries](#), both existing and future. As part of its
1741 deliberations on this issue, the PDP WG should, at a minimum, consider the following elements as
1742 detailed in the Final Issue Report:
1743

- 1744 - Response consistency: a [thick registry](#) can dictate the labeling and display of Whois information
1745 to be sure the information is easy to parse, and all [registrars](#)/clients would have to display it
1746 accordingly. This could be considered a benefit but also a potential cost. This might also be a
1747 benefit in the context of internationalized registration data as even with the use of different
1748 scripts, uniform data collection and display standards could be applied.
- 1749 - Stability: in the event of a Registrar business or technical failure, it could be beneficial to ICANN
1750 and registrants to have the full set of domain registration contact data stored by four
1751 organizations (the [registry](#), the [registry's](#) escrow agent, the Registrar, and the Registrar's
1752 escrow agent), which would be the case in a [thick](#) registry.
- 1753 - Accessibility: is the provision of Whois information at the registry level under the [thick](#) Whois
1754 model more effective and cost-effective than a [thin](#) model in protecting consumers and users
1755 of Whois data and intellectual property owners?

- 1756 | - Impact on privacy and data protection: how would [thick](#) Whois affect privacy and data
1757 | protection, also taking into account the involvement of different jurisdictions with different
1758 | laws and legislation with regard to data privacy as well as possible cross border transfers of
1759 | registrant data?
1760 | - Cost implications: what are the cost implications of a transition to [thick](#) Whois for [registries](#),
1761 | [registrars](#), registrants and other parties for all gTLDs? Conversely, what are the cost
1762 | implications to [registries](#), [registrars](#), registrants and other parties if no transition is mandated?
1763 | - Synchronization/migration: what would be the impact on the registry and registrar [Whois](#) and
1764 | EPP systems for those [registries](#) currently operating a thin registry, both in the migration phase
1765 | to [thick Whois](#) as well as ongoing operations?
1766 | - Authoritativeness: what are the implications of a [thin registry](#) possibly becoming authoritative
1767 | for registrant Whois data following the transition from a thin-registry model to a thick-registry
1768 | model. The Working Group should consider the term “authoritative” in both the technical (the
1769 | repository of the authoritative data) and policy (who has authority over the data) meanings of
1770 | the word when considering this issue.
1771 | - Competition in registry services: what would be the impact on competition in registry services
1772 | should all [registries](#) be required to provide Whois service using the [thick](#) Whois model – would
1773 | there be more, less or no difference with regard to competition in registry services?
1774 | - Existing Whois Applications: What, if anything, are the potential impacts on the providers of
1775 | third-party [Whois](#)-related applications if [thick Whois](#) is required for all gTLDs?
1776 | - Data escrow: [thick](#) Whois might obviate the need for the registrar escrow program and
1777 | attendant expenses to ICANN and registrars.
1778 | - Registrar Port 43 Whois requirements: [thick](#) Whois could make the requirement for [registrars](#)
1779 | to maintain Port 43 Whois access redundant.
1780 |

1781 | Should the PDP WG reach consensus on a recommendation that [thick](#) Whois should be required for
1782 | all gTLDs, the PDP WG is also expected to consider:

- 1783 | - Cost implications for gTLD registries, registrars and registrants of a transition to [thick](#) Whois
1784 | - Guidelines as to how to conduct such a transition (timeline, requirements, potential changes to
1785 | Registration Agreements, etc.)
1786 | - Are special provisions and/or exemptions needed for gTLD registries which operate a [thick](#)
1787 | Whois but provide tiered access, for example?
1788 |

1789 | In addition, the PDP WG should take into account other ICANN initiatives that may help inform the
1790 | deliberations limited to this specific topic such as;

- 1791 | • Registry/registrar separation and related developments with regards to access to customer data;
1792 | • Output from any/all of the four Whois Studies chartered by the GNSO Council, if completed in
1793 | time for consideration by the WG;
1794 | • The 2004 transition of .ORG from thin to thick;
1795 | • The work being done concurrently on the internationalization of Whois and the successor to the
1796 | Whois protocol and data model;
1797 | • Results of the RAA negotiations, and
1798 | • Recommendations of the Whois Review Team.
1799 |

1800 **Annex D – Topics Poll Results**

1801

1802 **thick Whois PDP WG - Topics Poll**

1803

1804 **Introduction**

1805

1806 This is a quick survey to collect two kinds of information – your interest in participating in
1807 sub-groups focused on each of our topics, and your suggestions as to sources of information
1808 or experts about those topics.

1809

1810 You are welcome to offer information-source and expert suggestions for all topics, not just
1811 the ones that you are volunteering to focus on.

1812

1813 **Questions**

1814

1815 1. **Authoritativeness:** what are the implications of a [thin registry](#) possibly becoming
1816 authoritative for registrant Whois data following the transition from a thin-registry
1817 model to a thick-registry model. The Working Group should consider the term
1818 "authoritative" in both the technical (the repository of the authoritative data) and policy
1819 (who has authority over the data) meanings of the word when considering this issue.

1820

1821 **I would like to participate in the sub-team for this topic:**

- 1822 • Jill Titzer (RrSG)
- 1823 • Titi Akinsanmi (ALAC)
- 1824 • Amr Elsadr (NCSG)
- 1825 • Tim Ruiz (RrSG)
- 1826 • Jeff Neuman (RySG)
- 1827 • Steve Metalitz (IPC)

1828

1829 **Here are my suggested information-sources (or experts who would be good advisors)**

1830 **about this topic:**

1831

1832 2. **Stability:** in the event of a Registrar business or technical failure, it could be beneficial
1833 to ICANN and registrants to have the full set of domain registration contact data stored
1834 by four organizations (the [registry](#), the [registry's](#) escrow agent, the Registrar, and the
1835 Registrar's escrow agent), which would be the case in a [thick](#) registry.
1836

1837 **I would like to participate in the sub-team for this topic:**

- 1838 • Alan Greenberg (ALAC)
- 1839 • Carolyn Hoover (RySG)
- 1840 • Tim Ruiz (RrSG)
- 1841 • Jeff Neuman (RySG)
- 1842 • Christopher E George (IPC)

1843

1844 **Here are my suggested information-sources (or experts who would be good advisors)**

1845 **about this topic:**

1846

1847 3. **Data escrow:** [thick](#) Whois might obviate the need for the registrar escrow program and
1848 attendant expenses to ICANN and registrars.
1849

1850 **I would like to participate in the sub-team for this topic**

- 1851 • Alan Greenberg (ALAC)
- 1852 • Carolyn Hoover (RySG)
- 1853 • Frederic Guillemaut (RrSG)
- 1854 • Tim Ruiz (RrSG)

1855

1856 **Here are my suggested information-sources (or experts who would be good advisors)**

1857 **about this topic:**

1858

1859 4. **Synchronization/migration:** what would be the impact on the registry and registrar
1860 [Whois](#) and EPP systems for those [registries](#) currently operating a thin registry, both in
1861 the migration phase to [thick Whois](#) as well as ongoing operations?
1862

1863 **I would like to participate in the sub-team for this topic:**

- 1864 • Jill Titzer (RrSG)

1865 • Susan Kawaguchi (BC)

1866

1867 **Here are my suggested information-sources (or experts who would be good advisors)**

1868 **about this topic:**

1869

1870 | 5. **Response consistency:** a [thick registry](#) can dictate the labeling and display of Whois
1871 information to be sure the information is easy to parse, and all [registrars](#)/clients would
1872 have to display it accordingly. This could be considered a benefit but also a potential
1873 cost. This might also be a benefit in the context of internationalized registration data as
1874 even with the use of different scripts, uniform data collection and display standards
1875 could be applied.

1876

1877 **I would like to participate in the sub-team for this topic:**

1878 • Jill Titzer (RrSG)

1879 • Carlton Samuels (ALAC)

1880 • Carolyn Hoover (RySG)

1881 • Michael Shohat (RrSG)

1882 • Susan Prosser (RrSG)

1883 • Tim Ruiz (RrSG)

1884 • Marie-laure Lemineur (NPOC)

1885 • Susan Kawaguchi (BC)

1886 • Christopher E George (IPC)

1887

1888 **Here are my suggested information-sources (or experts who would be good advisors)**

1889 **about this topic:**

1890

1891 | 6. **Accessibility:** is the provision of Whois information at the registry level under the [thick](#)
1892 Whois model more effective and cost-effective than a [thin](#) model in protecting
1893 consumers and users of Whois data and intellectual property owners?

1894

1895 **I would like to participate in the sub-team for this topic:**

1896 • Jill Titzer (RrSG)

1897 • Carlton Samuels (ALAC)

1898 • Titi Akinsanmi (ALAC)

1899 • Amr Elsadr (NCSG)

- 1900 • Jennifer Wolfe (NomCom)
- 1901 • Michael Shohat (RrSG)
- 1902 • Evan Leibovitch (ALAC)
- 1903 • Susan Prosser (RrSG)
- 1904 • Tim Ruiz (RrSG)
- 1905 • Jeff Neuman (RySG)
- 1906 • Susan Kawaguchi (BC)
- 1907 • Christopher E George (IPC)
- 1908

1909 **Here are my suggested information-sources (or experts who would be good advisors)**

1910 **about this topic:**

- 1911 • NORC study commissioned by ICANN. See
- 1912 <http://www.icann.org/en/compliance/reports/whois-accuracy-study-17jan10-en.pdf>);
- 1913 Whois Policy Review Team Final Report, [http://www.icann.org/en/about/aoc-](http://www.icann.org/en/about/aoc-review/whois/final-report-11may12-en.pdf)
- 1914 [review/whois/final-report-11may12-en.pdf](http://www.icann.org/en/about/aoc-review/whois/final-report-11may12-en.pdf) , at 15. (suggested by Steve Metalitz)
- 1915

- 1916 | 7. **Impact on privacy and data protection:** how would [thick](#) Whois affect privacy and data
- 1917 protection, also taking into account the involvement of different jurisdictions with
- 1918 different laws and legislation with regard to data privacy as well as possible cross border
- 1919 transfers of registrant data?
- 1920

1921 **I would like to participate in the sub-team for this topic:**

- 1922 • Alan Greenberg (ALAC)
- 1923 • Carlton Samuels (ALAC)
- 1924 • Titi Akinsanmi (ALAC)
- 1925 • Amr Elsadr (NCSG)
- 1926 • Roy Balleste (NCUC)
- 1927 • Jennifer Wolfe (NomCom)
- 1928 • Michael Shohat (RrSG)
- 1929 • Susan Prosser (RrSG)
- 1930 • Marie-laure Lemineur (NPOC)
- 1931

1932 **Here are my suggested information-sources (or experts who would be good advisors)**

1933 **about this topic:**

- 1934 • Dr. Joanna Kulesza, Faculty of Law and Administration, University of Lodz (Suggested by
- 1935 Roy Balleste, NCUC)

1936

1937 8. **Competition in registry services:** what would be the impact on competition in registry
1938 services should all [registries](#) be required to provide Whois service using the [thick](#) Whois
1939 model – would there be more, less or no difference with regard to competition in
1940 registry services?
1941

1942 **I would like to participate in the sub-team for this topic:**

- 1943 • Alan Greenberg (ALAC)
- 1944 • Jill Titzer (RrSG)
- 1945 • Amr Elsadr (NCSG)
- 1946 • Jeff Neuman (RySG)
- 1947 • Jonathan Zuck (IPC)
- 1948 • Steve Metalitz (IPC)
- 1949

1950 **Here are my suggested information-sources (or experts who would be good advisors)**
1951 **about this topic:**

- 1952 • Need to look at survey and sales data for both kinds of registries (suggested by Jonathan
1953 Zuck)
- 1954

1955 9. **Existing Whois Applications:** What, if anything, are the potential impacts on the
1956 providers of third-party [Whois](#)-related applications if [thick Whois](#) is required for all
1957 gtLDs?
1958

1959 **I would like to participate in the sub-team for this topic:**

- 1960 • Titi Akinsanmi (ALAC)
- 1961 • Susan Prosser (RrSG)
- 1962 • Susan Kawaguchi (BC)
- 1963

1964 **Here are my suggested information-sources (or experts who would be good advisors)**
1965 **about this topic:**

1966

1967 10. **Registrar Port 43 Whois requirements:** [thick](#) Whois could make the requirement for
1968 [registrars](#) to maintain Port 43 Whois access redundant.
1969

1970 **I would like to participate in the sub-team for this topic:**

- 1971 • Alan Greenberg (ALAC)
- 1972 • Carlton Samuels (ALAC)
- 1973 • Frederic Guillemaut (RrSG)
- 1974 • Tim Ruiz (RrSG)
- 1975 • Steve Metalitz (IPC)

1976

1977 **Here are my suggested information-sources (or experts who would be good advisors)**

1978 **about this topic:**

- 1979 • Registrar Constituency (Suggested by Frederic Guillemaut, RrSG)

1980

1981 11. **Cost implications:** what are the cost implications of a transition to [thick](#) Whois for
1982 [registries](#), [registrars](#), registrants and other parties for all gTLDs? Conversely, what are
1983 the cost implications to [registries](#), [registrars](#), registrants and other parties if no
1984 transition is mandated?
1985

1986 **I would like to participate in the sub-team for this topic**

- 1987 • Alan Greenberg (ALAC)
- 1988 • Jill Titzer (RrSG)
- 1989 • Michael Shohat (RrSG)
- 1990 • Jeff Neuman (RySG)
- 1991 • Christopher E George (IPC)

1992

1993 **Here are my suggested information-sources (or experts who would be good advisors)**

1994 **about this topic:**

1995 **Annex E – 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	?	✓	?	?	?	✓	✓	x	More information needed	✓ = registry would become authoritative x = Registrar should remain authoritative ? = More information needed
Data Escrow	0	✓	✓	0	✓	0	x	✓	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 x = No need to maintain current escrow requirements 0 = no comment

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the current environment, for

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the current environment, for

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the current environment, for

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while others

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while others

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Conclusion

[Option A: Most WG members agree that from the perspective of Privacy & Data Protection there are no significant issues if 'thick' Whois would be required, as those that have been identified do already exist in the current environment and should be considered as part of the broader Whois debate as these are not specific to 'thin' versus 'thick' Whois]. OR [Option B: There are currently issues with respect to privacy related to Whois, and these will only grow in

the future. Those issues apply to other gTLDs as well, and thus will need to be addressed by ICANN. Existing Registry policy and practice allows flexibility when needed, and the new draft RAA provides similar options for registrars. None of these issues seem to be related to whether a thick or thin Whois model is being used. The support of the Registrar Stakeholder Group related to a thin-to-thick transition implies that they perceive no immediate issue. There are still WG participants who feel uneasy with the vast amounts of data that will need to be transferred across jurisdictional boundaries, but those have not translated into concrete concerns. So although privacy issues may become a substantive issue in the future, and should certainly be part of the investigation of a replacement for Whois, it is not a reason to not proceed with this PDP WG recommending thick Whois for all].[1]

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There will certainly be a cost of the transition to both gTLD registries as well as registrars, but some noted that as virtually all registrars already deal with thick TLDs and the only registry currently operating 'thin' TLDs also operates 'thick' TLDs, it is the expectation that there is hardly no learning curve or software developments other than handling the actual cutover needed. It is the expectation that any costs would mainly be linked to moving information and increasing necessary infrastructure. Some noted that the cost implications of the transition would be positive for intellectual property owners and other Whois users since it would facilitate their access to Whois data in standardized formats, for use in dealing with instances of infringement, consumer fraud and other abuse. Some pointed out that there may be additional costs associated with the gTLD Registry having to pay for and provide staff for the servicing of the Whois systems and the response to Whois requests. Some also noted that there may be cost considerations that apply to individuals and organizations that use data as a thick registry that allows single queries for a given gTLD might obviate the need in some instances to pay for access to third party providers that aggregate registration data.

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Some have suggested that should there be a requirement for 'thick' Whois, there should no longer be a requirement for registrars to escrow their data

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Data Escrow in a 'thick' Whois environment, without a requirement for the registrar to escrow

With a thick Whois model but without registrar escrow, the data is stored in three logical locations. In the case of a failure, the data may be available from up to two other locations.

Possible advantages of maintaining the exiting data escrow requirements under a 'thick' Whois model

Multiple escrow accounts imply additional failure fallback options. Since most catastrophic failures are often the result of multiple failures, having multiple backups is preferential. It was also noted that under the current arrangement, there are no additional costs to registrars to maintain an escrow account with Iron Mountain as these are covered by ICANN (see <http://www.icann.org/en/news/announcements/announcement-2-09nov07-en.htm>).

Possible downsides of maintaining the exiting data escrow requirements under a 'thick' Whois model

Additional costs to registries as additional data will be required to be stored, but this has not been raised as a concern by the Registry Stakeholder Group in its comments.