

RySG Concerns & Input regarding ICANN's implementation process related to Whois

Regarding the issue noted above, the following comments of the GNSO gTLD Registry Stakeholder Group (RySG) as indicated. Unless stated otherwise, the RySG comments were arrived at through a combination of RySG email list discussion and RySG meetings (including teleconference meetings).

The gTLD Registries Stakeholder Group (RySG) expresses the following concerns related to the ICANN implementation process for introducing changes and new features to Whois. We note that many of the listed concerns were previously presented to ICANN,¹ but have yet to be addressed or accounted for within the proposed implementation plan or through correspondence to the registries.

1. ICANN staff is exceeding the scope of decisions made during the Policy Development Process (PDP).
2. Features and new requirements are being proposed and introduced without proper community involvement and without a cost/benefit analysis.
3. ICANN staff is introducing significant and multiple changes to the Whois service, which underscore the need for an updated and consolidated Whois specification developed with proper community involvement.
4. ICANN staff has not considered the impact of multiple, related Whois initiatives on registries, registrars, registrants and users.
5. In certain instances, the proposed updates to Whois conflict with other RFCs that govern the stable operation of registry systems.

The RySG presents the following explanations and examples to support the aforementioned issues:

1. ICANN staff is exceeding the scope of decisions made during the Policy Development Process (PDP).

- a. The inclusion of EPP status codes in the Whois response, as well as the requirement that registries link to informational content about such codes, are new features to Whois that do not seem to result from an approved policy recommendation from the PDP. These features are being introduced without community discussion or cost/benefit analysis. The RySG and individual registries commented on technical and procedural concerns related to adding these features in our communications. To date, we have not received any feedback from ICANN.
- b. ICANN is requiring registries and registrars to comply with "clarifications of the Whois specifications in registry and registrar agreements". The registry community prepared for new gTLDs by relying on Specification 4 of the 2013 New gTLD Registry Agreement. Many new gTLD registries have passed pre-delegation testing using the Whois parameters set forth in Specification 4. ICANN is introducing new parameters to Whois as "clarifications" which, if implemented, will require those registries to change their Whois systems by January 2015 to remain in compliance. As examples, ICANN is requiring that all key value

¹ Reference: May 2, 2014 email communication to: Krista Papac: Subject Verisign Comments re: Additional Whois Information Policy (AWIP) implementation and subsequent comments to Krista Papac from Neustar

pairs be listed, even though there may not be data for the parameter and introducing a new requirement that a single domain or registrar record be returned on a query.

- c. In addition to publishing these changes, ICANN has proactively updated the PDT test specifications and will begin returning warning notices of non-compliance ahead of any review or feedback from the community.²

2. Features and new requirements are being proposed and introduced without the proper community involvement and without a proper cost / benefit analysis.

- a. AWIP and ICANN's Whois clarifications have a direct impact on registrars and registries. On a policy level, ICANN should undertake a cost/benefit analysis to compare the benefits of the new features required under the AWIP with the costs for registries and registrars to implement. Additionally, as ICANN intends to have a uniform deployment of Whois, the RySG recommends the traditional mechanism of leveraging the IETF process with an Internet Draft for WHOIS that is developed in collaboration with the technical community.
- b. Clarifications to Specification 4 require that the Whois fields be presented in a specific order and that field keys are always included independent of the existence of the field data. This approach has drawbacks and has never been discussed with the technical community.

3. ICANN staff is introducing significant and multiple changes to the Whois service, which underscore the need for an updated and consolidated Whois specification that includes the proper community involvement.

- a. The technical specifications for Whois are mature and designed for the purpose of representing the registry data that exists within the database. The appropriate RFCs should be updated with input and involvement from all community stakeholders to ensure that the Whois service is deployed in a consistent manner. Relying on an incomplete Whois specification with periodic and intermittent updates will result in inconsistent implementations and unnecessary expenses for the registry and registrar communities.

4. ICANN has not considered the impact of multiple, related Whois initiatives to registries, registrars, registrants and users.

- a. As a Consensus Policy, the AWIP was adopted by the ICANN Board in June 2012, but much has changed since then. Most notably, an Expert Working Group on gTLD Directory Services was created in December 2012 to "help redefine the purpose and provision of gTLD

² *"IV. The Pre-delegation Testing Specifications have been updated to validate these clarifications to the requirements are being implemented correctly in new gTLD registries.*

1. *As of the publication date of this advisory the PDT specifications will have been updated to validate the requirements of specification 4 of the Registry Agreement consistent with these clarifications.*
2. *From the period between the publication date and the effective date of this advisory, any non-compliance with the RDDS output specification (consistent with this advisory) will be treated as warning to the registry.*
3. *Beginning on the effective date of this advisory, any non-compliance with the RDDS output specification (consistent with this advisory) will be treated as a fail condition, and the registry will not be permitted to Pass Pre-Delegation Testing until the discrepancy has been resolved."*

(Source: Clarifications to the New gTLD Registry Agreement, Specification 4; and the 2013 Registrar Accreditation Agreement (RAA), Registration Data Directory Service (Whois) Specification)

registration data.”³ In addition, the 2013 RAA (Whois Accuracy Program Specification and Registration Data Directory Service (Whois) Specification) and the 2013 Registry Agreement for new gTLDs (Specification 4: Registration Data Publication Services) have introduced numerous Whois related contractual obligations that are intended to improve Whois accuracy and standardize Whois service. However, the effectiveness of these new requirements remains unknown. Take registrant contact fields as an example, the format mandated by the 2013 RAA requires the Whois output to include “either the name or organization (or both, if available)”. Such requirement is confusing to users and poses potential problems in domain disputes as neither field correlates to the term “Registered Name Holder” as defined in the RAA.

- b. “Whois format” and “Whois inaccuracy” represent 1.6% and over 80%, respectively, of the total “registrar complaints” received by ICANN between March and May 2014.⁴ Despite a three-fold increase over the last three years in Compliance staffing levels (from 7 in 2011 to currently 21 plus two contractors) and budgets (from under US\$2M in 2011 to just under US\$6M in 2014)⁵, Whois seems to remain “broken” and is still consuming most of ICANN compliance’s resources, not to mention that compliance costs to registries and registrars.
- c. In addition, ICANN currently has five separate, but related initiatives associated with improving Whois which have different implementation time tables, see [Implementation Report on WHOIS Improvements](#). Requiring Registries and Registrars to address Whois improvements and upgrades in an iterative and sporadic fashion creates an unnecessary expense for these stakeholders. The RySG notes the following initiatives with Whois:
 - i. Compliance with Thick Whois
 - ii. Whois Internationalization
 - iii. AWIP
 - iv. Clarifications to the new gTLD RA, Spec 4
 - v. Whois Expert Working Group

The RySG is recommending that all these initiatives be considered, reviewed and implemented together, with the proper community review and technical input. This will ensure all stakeholders are represented, support a unified deployment of WHOIS, reduce the cost burden for those that need to implement the new features, and minimize user confusion.

5. In certain instances, the proposed updates to Whois conflict with other RFCs that govern the stable operation of registry systems.

- a. A number of the proposed improvements and clarifications create technical conflicts. For example:

³ See ICANN Announcement Expert Working Group on gTLD Directory Services Launched at <https://www.icann.org/news/announcement-2-2012-12-14-en>

⁴ See ICANN Contractual Compliance’s Presentation to GNSO Council at <http://london50.icann.org/en/schedule/wed-gnso-council/presentation-gnso-council-compliance-25jun14-en>.

⁵ See Historical Financial Information for ICANN at <https://www.icann.org/resources/pages/historical-2012-02-25-en>

- i. AWIP: RGP grace period statuses are derived statuses only applicable to the EPP channel, which are dependent on the time that the query is made to Whois. Registrants currently have access to the Redemption Grace Period (RGP) status via their registrar. The RGP status of “addPeriod,” “renewPeriod,” “autoRenewPeriod,” “redemptionPeriod” , “pendingRestore” and “transferPeriod” are based upon billable operations. We further note that RFC 5731, which sets forth the valid status codes for a domain does not include these RGP statuses as valid status codes for a domain. They are currently available to the registrant, and are not applicable to the general public; therefore, they should not be included in the Whois result.
- ii. Clarifications to Specification 4 require fields that are optional in EPP:
 1. Registrant/Admin/Tech/Billing Organization
 2. Registrant/Admin/Tech/Billing Street
 3. Registrant/Admin/Tech/Billing Phone
- iii. Clarifications to Specification 4 and the Registry Agreement do not support the following EPP elements:
 1. Formal definition of Billing Contact
 2. Two postal information (“localized” and “internationalized”) attributes that include name, org, and addr.
 3. “Created Date” and “Updated Date” fields for name server records.
 4. “Sponsoring Registrar IANA ID” field for name server records.
 5. “Name Server ID” field for name server records.
 6. “Name Server Status” field for name server records.
 7. Fields for the EPP domain:crID, host:crID, and contact:crID elements.
 8. Fields for the EPP domain:upID, host:upID, and contact:upID elements.
 9. Fields for the EPP domain:trDate, host:trDate, and contact:trDate elements.
 10. Fields for the EPP domain:host elements.

We appreciate ICANN’s attention to these concerns and welcome further communication with ICANN on the WHOIS implementation process.

1. RySG Level of Support

1. Number of voting members: 34
2. Number of participating voting members: 33 (1 registry joined after start of discussion/vote)
3. Number for: 18
4. Number against: 0
5. Number abstained: 1
6. Number not voted: 14

2. Minority Position(s): None

1. Level of Support – Active Members: Majority
 - Total # of eligible Voting RySG Members⁶: 34
 - Total # of Voting and Non-voting RySG Members: 40
 - Total # of Active Voting RySG Members⁷: 33
 - Minimum requirement for supermajority of Active Voting Members: 23
 - Minimum requirement for majority of Active Voting Members: 17
 - Names of Members that participated in this process:
 1. Afilias, Ltd.
 2. Charleston Road Registry (non-voting member)
 3. .CLUB Domains LLC
 4. CORE (non-voting member)
 5. Donuts Inc.
 6. DotAsia Organisation
 7. dotBERLIN GmbH & Co. KG
 8. dotCooperation
 9. Dot Kiwi Ltd.
 10. Dot Latin, LLC
 11. DotShabaka Registry
 12. dotStrategy Co.
 13. Employ Media LLC
 14. FAITID
 15. Famous Four Media
 16. Fundació puntCAT (inactive)
 17. GMO Registry, Inc. (non-voting member)
 18. ICM Registry LLC
 19. Minds + Machines
 20. Museum Domain Management Association – MuseDoma
 21. Neustar, Inc.
 22. Plan Bee LLC

⁶ All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the “effective date” set forth in the operator’s or sponsor’s agreement (Article III, Membership, ¶ 1). The RySG Articles of Operations can be found at http://gtldregistries.org/sites/gtldregistries.org/files/Charter_of_the_gTLD_Registries_Stakeholder_Group.pdf

⁷ Per the RySG Articles of Operations, Article III, Membership, ¶ 4: Members shall be classified as “Active” or “Inactive”. A member shall be classified as “Active” unless it is classified as “Inactive” pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in a Constituency meeting or voting process for a total of three consecutive meetings or voting processes or both, or by failing to participate in meetings or voting processes, or both, for six weeks, whichever is shorter. An Inactive member shall have all rights and duties of membership other than being counted as present or absent in the determination of a quorum. An Inactive member may resume Active status at any time by participating in a Constituency meeting or by voting.

23. Public Interest Registry - PIR
24. Punkt Tirol GmbH
25. Punkt.wien GmbH
26. Punto 2012 S.A. de C.V.
27. Radix FCZ
28. Richemont DNA
29. Societe Internationale de Telecommunication Aeronautiques – SITA
30. Starting Dot Limited
31. Telnic Limited
32. The Foundation for Network Initiatives “The Smart Internet”
33. Top Level Design LLC
34. Tralliance Registry Management Company (TRMC)
35. Uniregistry Corp. (non-voting member)
36. United TLD Holdco Ltd. (non-voting member)
37. Universal Postal Union (UPU)
38. Verisign
39. XYZ.COM LLC
40. Zodiac

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