The Internet Corporation for Assigned Names and Numbers

I C A N N

Inventory of New and Changes Made to WHOIS Policies and Procedures Since the First WHOIS Review Team Completed Its Work in 2012

Date: 18 December 2017

This document is intended to assist the Registration Directory Services Review Team in completing the below objective as detailed in its Terms of Reference:

Consistent with ICANN's mission and Bylaws, Section 4.6(e)(ii), the review team will assess the effectiveness of today's WHOIS (the now current gTLD RDS, including cumulative changes made to the then-current RDS which was assessed by the prior RT) by (a) inventorying changes made to WHOIS policies and procedures since the prior RT completed its work, (b) using that inventory to identify significant new areas of today's WHOIS (if any) which the team believes should be reviewed, and (c) determining if any specific measurable steps should be recommended to enhance effectiveness in those new areas.

Policy/Procedure	Background	References	Category
Inter-Registrar Transfer Policy	A GNSO PDP on the Inter-Registrar Transfer Procedure Part C made revision recommendations to the original 2004 Inter-Registrar Transfer Policy (IRTP). These Policy Recommendations were adopted by the ICANN Board as a consensus Policy on 25 August 2011 with a 01 June 2012 effective date. In 2012 the GNSO Council requested an Issue Report on remaining IRTP issues, known as Inter-Registrar Transfer Policy Part D, which lead to initiation of a Working Group. These Policy Recommendations were adopted by the ICANN Board as a consensus Policy on	**WEBPAGES OF INTEREST** ICANN webpage on "Policy on Transfer of Registrations between Registrars: Takes Effect 1 June 2012" ICANN webpage on "Registrar Transfer Dispute Resolution Policy" ICANN webpage on "Policy on Transfer of Registrations between Registrars: Takes effect 21 January 2015" GNSO webpage on "PDP – Inter-Registrar Transfer Policy Development Process" GNSO webpage on "PDP- Inter-Registrar Transfer Policy Development Process – Transfer Denial Clarification" GNSO webpage on "PDP Inter-Registrar Transfer Policy Development Process – Part A"	Policy existed during the first RT but has been updated since 2012

| | 12 February 2015 with a 1 December 2016 effective date.

The IRTP Policy ensures that Registered Name Holders can transfer their domain name registrations between Registrars within ICANN and Registries. IRTP D addresses remaining IRTP known issues.

IRTP D ensures increased transparency with reporting requirements and TDRP (Transfer Dispute Resolution Policy) Resolution publication; more efficient procedures for multiple transfer disputes with additional safeguards against Domain Name Hijacking; confirming registrants do not have power to initiate a TDRP, but in IRTP C inter-registrant transfer should include registrant mechanisms; and reducing procedural overhead for registries.) | GNSO webpage on "PDP Inter-Registrar Transfer Policy Development Process – Part B"

GNSO webpage on "PDP Inter-Registrar Transfer Policy-C"

GNSO webpage on "PDP Inter-Registrar Transfer Policy-D Working Group"

ICANN webpage on "Inter-Registrar Transfer Policy D: Implementation of Project Status"

SPECIFIC DOCUMENTS OF INTEREST
2004: Original Inter-Registrar Transfer Policy (IRTP) adopted

2009: Issue Report for Inter-Registrar Transfer Policy Part B

2011: Policy Revision adopted

2012: GNSO Council requested Issue Report on remaining IRTP issues, known as Inter-Registrar Transfer Policy Part D

2012: Initial Report on Inter-Registrar Transfer Policy – Part C PDP

2013: Final Issue Report led to initiation of Working Group

2014: Working Group Final Report and Video: IRTP Part D Initial Report Recommendations explained by the co-Chairs Mikey O'Connor and James Bladel.

2014: Public Comment on IRTP Part D

2015: ICANN Board adoption of IRTP Part D

2015: 2011 Transfer Policy Revision becomes effective

2016: new Inter-Registrar Transfer Policy D becomes effective | |
| Additional WHOIS Information Policy (AWIP) | The Additional WHOIS Information Policy is one of the resulting Policies of the Inter-Registrar Transfer Policy (IRTP) PDP launched in June 2009 by the GNSO. | **WEBPAGES OF INTEREST**
AWIP Summary webpage

IRTP Working Group B:

GNSO webpage: PDP Inter-Registrar Transfer Policy-B Working Group | Policy existed during the first RT but has been updated since 2012 |

	The Inter-Registrar Transfer Policy (including the AWIP) was adopted by the ICANN Board as a consensus Policy on 6 May 2012 with an effective date of 31 January 2016. The Additional WHOIS Information Policy requires ICANN-accredited registrars and gTLD registries to include in their WHOIS output information to help WHOIS users better identify a registration's sponsoring registrar and understand the status codes used by registries and registrars.	2008: PDP Working Group Report 2009: Issue Report 2011: Working Group Final Report 2011: Public Comments 2012: Special Meeting of the ICANN Board: Original Policy Adoption **IRTP Working Group C:** GNSO webpage: Inter-Registrar Transfer Policy (IRTP) Part C PDP Working Group 2012: PDP Charter 2012: Public Comment 2012: ICANN page: Policy on Transfer of Registrations between Registrars: Takes effect 1 June 2012 2012: Special Meeting of the ICANN Board: GNSO Working Group's Recommendations for IRTP Part C	
New gTLD Uniform Rapid Suspension System (URS) URS Procedure and Rules	Uniform Rapid Suspension System (URS) was a new rights protection mechanism introduced for the 2012 round of new gTLDs. Procedures, rules and technical requirements for the URS System were published in 2013. Three URS System providers have been established since then.	**WEBPAGES OF INTEREST** ICANN URS webpage ICANN60 URS Overview New gTLD webpage on URS System **SPECIFIC DOCUMENTS OF INTEREST** 2013: URS procedure and URS Rules published	New procedures adopted since 2012
Expired Registration Recovery Policy (ERRP)	The GNSO Policy Development Process Working Group addressed questions in relation to what extent should registrants be able to reclaim their domain names after they expire?	**WEBPAGES OF INTEREST** ICANN webpage on Expired Registration Recovery Policy (ERRP) ICANN Community Training Materials on ERRP: policy video for Registrars, learn.icann.org page, Expired Names Webinar,	Policy existed during the first RT but has been updated since 2012

	In 2009, the group submitted recommendations for new or changes to existing consensus policy and/or best practices. The Policy was adopted by the ICANN Board as a consensus Policy on 28 October 2011, with an August 2013 Policy effective date. The Expired Registration Recovery Policy is intended to help align registrant expectations with registrar practices by establishing certain minimum communications requirements, making renewal and redemption of registrations uniformly available in prescribed circumstances, and through the creation and promotion of registrant educational material.	ICANN webpage on WHOIS Data Reminder Policy GNSO webpage on "PDP – Post Expiration Domain Name Recovery Policy Development Process" **SPECIFIC DOCUMENTS OF INTEREST** 2009: GNSO PDP submitted EERP Recommendations to the Board 2011: Public Comment on PDP Recommendations 2011: ICANN Board adopts ERRP policy 2012: Public Comment on ERRP Implementation Plan 2013: ERRP policy became effective	
Thick WHOIS PDP and Final Report see section 7.1 for Thick WHOIS Policy	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. On 14 March 2012, the GNSO Council launched a Policy Development Process (PDP) on the use of 'thick' WHOIS by all gTLD Registries, both existing and future. The Policy was adopted by the ICANN Board as a consensus Policy on 07 February 2014. ICANN and the Implementation Review Team identified two outcomes for the implementation: 1) Consistent Labelling and Display of WHOIS output for all gTLDS and 2) Transition from thin to thick for .COM, .NET, and .JOBS Implementation is in progress, with projected dates of:	**WEBPAGES OF INTEREST** ICANN webpage on "GNSO Thick WHOIS Policy Development Process Recommendations" from a Regular Meeting of the ICANN Board ICANN webpage on "THICK WHOIS Implementation Status" ICANN webpage on "Thick WHOIS Registration Data Directory Services Requirements to Take Effect" ICANN webpage: "Thick WHOIS Transition Update" ICANN webpage "Registry Registration Data Directory Services Consistent Labeling and Display Policy" ICANN Community webpage:"Thick WHOIS Policy Implementation" ICANN Community webpage: "Thick WHOIS Consensus Policy Implementation" GNSO webpage "PDP 'Thick' WHOIS Policy Development Process" **SPECIFIC DOCUMENTS OF INTEREST** 2011: GNSO Council requested Preliminary Issue Report 2012: GNSO PDP Final Issue Report 2013: Working Group Charter and Final Report	New policy adopted since 2012

	•May 2018: registries & registrars to submit new domain names as Thick WHOIS •Feb 2019: registries and registrars to migrate existing domain names to Thick WHOIS services On 15 December 2016 the Thick WHOIS Implementation Review Team (IRT) notified the GNSO Council of potential impacts to Thick WHOIS from changing privacy laws. On 29 October 2017, the Board passed Resolution to defer contractual compliance enforcement for 180 days.	2013: Public Comment 2014: ICANN Board adopted GNSO PDP Recommendations 2015: Thick WHOIS IRT sent "Privacy Issues in Thick WHOIS Implementation Letter" to GNSO Council 2016: Public Comments on Proposed Implementation of GNSO Thick WHOIS Consensus Policy Requiring Consistent Labeling and Display of RDDS (WHOIS) Output for all gTLDS 2016: Policy Update 2017: on 29 October 2017, Board passed Resolution to defer contractual compliance enforcement for 180 days, moving out the following deadlines: 2017: on 21 October 2018 the GNSO Council convened a Thick WHOIS Implementation Review Team (IRT)	
Thick RDDS (WHOIS) Transition Policy for .COM, .NET and .JOBS	This Policy was one of the resulting Policies of a Thick WHOIS PDP launched in 14 March 2012, and handles transition from thin to thick WHOIS for .COM, .NET, and JOBS. On 29 October 2017, the ICANN Board passed a Resolution to defer contractual compliance enforcement for 180 days. ICANN Contractual Compliance will defer enforcing the following milestones until the dates listed below: By 1 May 2018: The registry operator must begin accepting Thick WHOIS data from registrars for existing registrations in .COM, .NET and .JOBS. By 28 October 2018: All registrars must send Thick WHOIS data to the registry operator for all new registrations in .COM, .NET and .JOBS.	**WEBPAGES OF INTEREST** ICANN webpage on "GNSO Thick WHOIS Policy Development Process Recommendations" from a Regular Meeting of the ICANN Board ICANN webpage on "Thick WHOIS Transition Policy for .com, .net and .jobs Policy." ICANN webpage on "Thick WHOIS Registration Data Directory Services Requirements to Take Effect" ICANN webpage on "THICK WHOIS Implementation Status" **SPECIFIC DOCUMENTS OF INTEREST** 2017: Public Comment on "Proposed Implementation of GNSO Thick RDDS (WHOIS) Transition Policy for .com, .net, and .jobs 2017: Correspondence to/from Akram Atallah regarding .com and .net on 20 June 2017 and on 29 June 2017 and on 17 August 2017 2017: on 29 October 2017, Board passed Resolution to defer contractual compliance enforcement for 180 days, moving out the following deadlines:	New policy adopted since 2012

	By 31 July 2019: All registrars are required to complete the transition to Thick WHOIS data for all registrations in .COM, .NET and .JOBS.		
Registry Registration Data Directory Services Consistent Labeling and Display Policy	This Policy was one of the resulting Policies of a Thick WHOIS PDP launched in 14 March 2012 and the Board adopted the consensus Policy on 02 July 2014. In the Final Report from the GNSO PDP's Working Group, published 21 October 2013, it recommended: "#1: The provision of thick WHOIS services, with a consistent labelling and display as per the model outlined in specification 3 of the 2013 RAA, should become a requirement for all gTLD registries, both existing and future". This policy was rescinded on 18 October 2016. It will no longer take effect on 1 February 2017, as originally scheduled. ICANN opened a public comment period on a revised version of the policy on 21 October 2016. The resulting updated policy was effective 1 August 2017.	**WEBPAGES OF INTEREST** ICANN webpage "Registry Registration Data Directory Services Consistent Labeling and Display Policy" ICANN webpage:"Rescinded: Registry Registration Data Directory Services Consistent Labeling and Display Policy" ICANN webpage on "THICK WHOIS Implementation Status" **SPECIFIC DOCUMENTS OF INTEREST** 2014: Developed from GNSO Thick WHOIS PDP: ICANN Board adopted GNSO PDP Recommendations (see Final Report) 2014: approved new Base Registry Agreement with WHOIS field requirements for Registry Operators with exception: .com, .jobs and .net 2015: published Advisory to clarify WHOIS requirements from Registry Agreement and 2013 RAA 2016: Registry Registration Data Directory Services Consistent Labeling and Display Policy rescinded and Public Comment	New policy adopted since 2012
Privacy & Proxy Services Accreditation Issues (PPSAI) PDP and Final Report	In October 2013, the GNSO Council initiated a PDP on issues relating to the accreditation of Privacy and Proxy services, publishing its Final Report in December 2015. The Policy was adopted by the ICANN Board as a consensus Policy in August 2016. The Implementation Review Team, convened in October 2016, is pursuing an expedited timeline due to the upcoming expiration of the 2013 RAA's interim specification on privacy and proxy registrations (in January 2018).	**WEBPAGES OF INTEREST** GNSO webpage: "Negotiations Between ICANN and Registrars to Amend the Registrar Accreditation Agreement Concluded" GNSO webpage "PDP Privacy & Proxy Services Accreditation Issues Working Group" ICANN Community webpage: "Privacy & Proxy Services Accreditation Issues PDP Working Group Home" ICANN Community webpage: "Privacy and Proxy Services Accreditation Program Implementation Review Team (IRT)"	New policy and procedure adopted since 2012

	Note: the PPSAI PDP resulted from both remaining issues were not dealt with in the 2013 RAA and recommendations of the first WHOIS RT.	**SPECIFIC DOCUMENTS OF INTEREST** 2009: GNSO Council resolved to support Registrar Accreditation Agreements (RAA) amendments. 2011: Board requested Issue Report to address remaining issues, not dealt with in the RAA negotiations, that would be suited to a PDP. 2012**:** GNSO Final Issue Report Issue Report on the Registrar Accreditation Agreement Amendments 2013: Registrar Accreditation Agreement (RAA) approved with interim specification on P/P registrations (Section 3.14). RAA expires Jan 2018. 2015: Final Report on Privacy & Proxy Services Accreditation Issues 2016: GNSO Working Group recommendations adopted by Board (WG Final Report) 2016**:** Public Comment on WG Final Report	
Translation/ Transliteration of Contact Information PDP and Final Report from the Expert Working Group on Internationalized Registration Data (2015)	Internationalized Registration Data (IRD) Expert Working Group and T/T PDP was initiated by the Board in response to RDS/WHOIS RT1's Recommendations in the 11 May 2012 Final Report. The Expert Working Group published its Final Report, on 23 September 2015, recommending that "Implementation of several of the recommendations should be deferred pending the outcome of the GNSO's PDP on Translation/Transliteration of contact data. This would ensure that the collective package of recommendations is consistent." The T/T PDP published its Final Report in June 2015. The Policy was adopted by the ICANN Board as a consensus Policy on 28 September 2015. A Translation and Transliteration of Contact Information Implementation Review Team (IRT) was convened to assist ICANN organization in implementing the Policy. As of	**WEBPAGES OF INTEREST** ICANN Community webpage: Internationalized Registration Data (IRD) Working Group formed by Board to carry out IRD related recommendations from the ICANN WHOIS Policy Review Team Final Report (May 2012) as adopted by the ICANN Board (Nov 2012) ICANN Community webpage: "Translation and Transliteration of Contact Information PDP Home" ICANN WHOIS webpage: "Translation and Transliteration of Contact Information**"** GNSO webpage: "PDP Translation and Transliteration of Contact Information Policy Development Process" GAC webpage: "Early Engagement Policy Document – Transaction and Transliteration" **SPECIFIC DOCUMENTS OF INTEREST** 2012: WHOIS Policy Review Team Final Report 2012: Preliminary Issue Report Translation and Transliteration of Contact Information	New policy in progress since 2012

	October 2017, the IRT has been engaged in discussions around language and script tags for data entered into registration directory services. The team is discussing the necessity of such tags, and how to gather data to provision language and script information for those tags should they be deemed a necessity in terms of implementing the T/T PDP WG's recommendations. The IRT is currently reviewing a draft policy document for the implementation.	2015: Final Report recommends coordinating with GNSO PDP 2015: The Board adopted the GNSO T&T PDP Recommendations as presented in the Final Report 2016: IRT convened	
Procedure for Handling RDS/WHOIS Conflicts with Privacy Law	The ICANN Procedure for Handling WHOIS Conflicts with Privacy Law was adopted by the ICANN Board as a consensus Policy in May 2006 with a policy effective date of 2008 and the requirement for ICANN to review the procedure annually. In October 2014, ICANN published a call for volunteers for an Implementation Advisory Group to review the procedures. In May 2016, this Implementation Advisory Group published its Final Report recommending a modification that would allow a party to trigger the procedure by obtaining a written statement from the government agency charged with enforcing its data privacy laws indicating that a particular WHOIS obligation conflicts with national law. The GNSO Council also requested that ICANN org commence the next review of the procedures no later than October 2017. On 3 May 2017, ICANN org published a staff paper on the procedures, launching the review of the procedures. In September 2017, ICANN staff briefed the GNSO Council on the comments received, which ranged from support for incorporating the additional alternative triggers discussed by the preceding IAG, but for which there was not consensus	**WEBPAGES OF INTEREST** ICANN webpage: "Updated ICANN Procedure for Handling WHOIS Conflicts with Privacy Laws Now Available" ICANN webpage: "Revised ICANN Procedure For Handling WHOIS Conflicts with Privacy Law" ICANN WHOIS webpage: "Revised ICANN Procedure For Handling WHOIS Conflicts with Privacy Law" ICANN Community webpage: "WHOIS and national law conflicts IAG Home" GNSO webpage: "GNSO Council Report to ICANN Board" At-Large webpage: "Revised ICANN Procedure for Handling WHOIS Conflicts with Privacy Law: Process and Next Steps" **SPECIFIC DOCUMENTS OF INTEREST** 2006: Board adopted GNSO PDP establishing procedure for handling such conflicts 2008: policy effective date for procedure -ICANN required to review procedure effectiveness annually 2014: Public Comment 2014: ICANN published a call for volunteers for an Implementation Advisory Group to review the procedures	Policy and procedure existed during the first RT but has been updated since 2012

	support. The Council will consider how to proceed at one of its upcoming meetings.	2016: GNSO Implementation Advisory Group on WHOIS conflicts with National Law submitted post Final Report (includes staff report of public comments) to GNSO Council 2017: Revised ICANN Procedure For Handling WHOIS Conflicts with Privacy Law 2017: GNSO Council briefed on staff report of public comments regarding procedures. Council to consider how to proceed at upcoming meeting.	
RDS/WHOIS Data Retention Specification Waiver and Discussion Document	Contractual language in the 2013 Registrar Accreditation Agreement (RAA) covered both the Data Retention Specification and Waiver Procedure, and is elaborated in 2014's Discussion Document detailing data elements and potentially legitimate reasons for collection and retention.	**WEBPAGES OF INTEREST** ICANN webpage: "Data Retention Specification" ICANN webpage: "ICANN Posts Amended Description of 2013 RAA Data Retention Specification Data Elements and Purposes for Collection/Retention" GNSO webpage: "Negotiations Between ICANN and Registrars to Amend the Registrar Accreditation Agreement (RAA) Concluded" **SPECIFIC DOCUMENTS OF INTEREST** 2013: Data Retention Specification in 2013 RAA with Redline Showing Changes from June 2012 Posting and Redline Showing Changes from 2013: Contractual language in Registrar Accreditation Agreement 2014: Discussion Document on 2013 RAA Data Retention Specification Data Elements and Legitimate Purposes for Collection and Retention 2014: ICANN Seeks Public Comment on 2013 RAA Data Retention Specification Data Elements and Legitimate Purposes for Collection and Retention	New procedure adopted since 2012