Safeguards for All New gTLDs

WHOIS verification

The WHOIS verification requirements of the New gTLD Program sought to enhance abuse prevention and mitigation efforts[1]. The 2013 Registrar Agreement, which was mandatory for all new gTLD registrars, required adherence to the obligations specified in the WHOIS Accuracy Program Specification. Consequently, new gTLD registrars are required to engage in "reasonable and commercially practicable" WHOIS accuracy verification at the time of registration and periodic reverification thereafter.[2]

Specifically, registrars are required to verify the syntax accuracy of registrant provided postal addresses, email addresses, and telephone numbers and verify the validity of the phone number and email address of the registrant. These provisions limit registrants to 7 days for correcting or updating such information and a total of 15 days for responding to inquiries by the registrar[3]. The consequences imposed by a registrar for a registrant's failure to comply include the suspension or cancellation of the domain name registration[4].

ICANN contractual compliance reports indicate that WHOIS related complaints comprise the largest category of complaints that they receive related to registrars[5]. For example, of the 41,790 total complaints received in 2014, 29,857 related to WHOIS[6] (most complained about lack of accuracy) (about 71%). Of the 48,106 total complaints received in 2015, 36,354 related to WHOIS (again, accuracy) (about 75%[7]).

These figures indicate that the WHOIS safeguards created contract obligations that were sufficiently specific, that violations were flagged and generated complaints subject to the ICANN compliance process[8].

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1 ICANN (2009), *Mitigating Malicious Conduct*.
2 ICANN, "2013 RAA," Section 3.7.8
3 ICANN, "2013 RAA," Section 3.7.7.1 and 3.7.7.2
4 ICANN, "2013 RAA," Section 3.7.7.2
5 ICANN, "Contractual Compliance Reports," accessed 7 February 2017,
6 ICANN, "Contractual Compliance Reports 2014," accessed 7 February 2017,
7 ICANN, "Contractual Compliance Reports 2015," accessed 7 February 2017,
8 ICANN, "Competition, Consumer Trust, and Consumer Choice Metrics Reporting," accessed 7 February 2017, .

Coinciding with the new WHOIS verification requirements and to improve the quality of contact data in the WHOIS, ICANN also implemented the WHOIS Accuracy Reporting System (ARS). The ARS is an effort to identify and report on accuracy in a systematic way. The GAC had advised that registry operators be required to maintain statistical reports of inaccurate WHOIS records[9]. ARS is an ICANN project taken in part to respond to this GAC-advised safeguard requiring documentation of WHOIS inaccuracies[10]. This implementation shifted the responsibility from registry operators to ICANN[11]. Originally, the ARS contemplated three phases: syntax accuracy; operability accuracy; and identity validation[12].

To date, the ICANN ARS has only dealt with accuracy of syntax and operability (i.e., is the contact information in the correct format and is it an operating email, address or telephone number). The latest ARS Report was issued in June 2016 and contains findings on the accuracy of syntax (proper format) and operability (can it be used to communicate) of telephone numbers, postal address, and email address for a sample of both new and legacy gTLDs[13]. These findings indicate that new gTLDs have higher syntax accuracy ratings for email and telephone but lower syntax accuracy for postal address, when compared to legacy gTLDs[14].

ICANN has not committed to progressing to the identity validation phase (i.e., is the individual listed responsible for the domain[15]?). Hence, the current documentation effort will only detect syntax and operability issues but will not detect and therefore not document inaccurate identity[16].

Ultimately, specific language regarding WHOIS obligations and a detailed WHOIS specification may have promoted more focused efforts on combating abuse by creating clear obligations on registrars to gather specified information and hence promoting the ability to make actionable complaints to ICANN compliance.

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9 ICANN Governmental Advisory Committee (11 April 2013), "Beijing Communiqué", accessed 7 February 2017, ; ICANN GAC, *GAC Advice Effectiveness Review*.
10 ICANN, "WHOIS Accuracy Reporting System (ARS) Project Information," accessed 7 February 2017, . The project aims to: proactively identify inaccurate gTLD registration data, explore the use of automated tools, forward potentially inaccurate records to registrars for action, and publicly report on the resulting actions to encourage improvement.
11 ICANN GAC (11 April 2013), "Beijing Communiqué"; ICANN GAC, *GAC Advice Effectiveness Review*.
12 ICANN, "WHOIS Accuracy Reporting System."
13 ICANN, "WHOIS Accuracy Reporting System."
14 Ibid.
15 Ibid.
16 Ibid.

Recommendations

Recommendation 17: In order for the upcoming WHOIS Review Team to determine whether additional steps are needed to improve WHOIS accuracy, and whether to proceed with the identity phase of the Accuracy Reporting System (ARS) project, ICANN should gather data to assess whether a significant percentage of WHOIS-related complaints applicable to new gTLDs relate to the accuracy of the identity of the registrant, and whether there are differences in behavior between new and legacy gTLDs. This data should include analysis of WHOIS accuracy complaints received by ICANN Contractual Compliance to identify the subject matter of the complaints (e.g., complaints about syntax, operability or identity) and compare the number of complaints about WHOIS syntax, operability or identity between legacy gTLDs and new gTLDs. ICANN should attempt to ~~also~~ identify ~~other~~ potential data sources of WHOIS complaints beyond those that are contractually required (including but not limited to complaints received directly by registrars, registries, ISPs, etc.) and attempt to obtain anonymized data from these sources.

Recommendation 18. ~~Once gathered (see Recommendation 18), this data regarding WHOIS accuracy should be considered by the upcoming WHOIS Review Team to determine whether additional steps are needed to improve WHOIS accuracy, particularly whether to proceed with the identity phase of the Accuracy Reporting System (ARS) project.~~ Future CCT Reviews may ~~also consider making use of this data if a differential in behavior is identified between legacy and new gTLD~~then also use this data~~s~~.

Rationale/related findings: WHOIS-related complaints are the largest category of complaints received by ICANN Contractual Compliance for registrars. However, it is unclear what aspect of WHOIS accuracy forms the basis of these complaints, or if the introduction of new gTLDs has had any effect on the accuracy of WHOIS data. Phase 1 of ICANN's ARS project analyzes the syntactic accuracy of WHOIS contact information and Phase 2 assesses the operability of the contact data in the WHOIS record. But there is currently no plan to proceed with Phase 3 of the ARS project, identity validation (is the contacted individual responsible for the domain?).

To: ICANN organization to gather required data, and to provide data to relevant review teams to consider the results and if warranted, to assess feasibility and desirability of moving to identity validation phase of WHOIS ARS project.

Prerequisite or Priority Level: Medium

Consensus within team: Yes

Public comment feedback:

Registries Stakeholder Group
Information that may be useful to tie in while examining these cases and how new gTLDs approach WHOIS accuracy is how this research may overlap with or relate to GDPR and privacy laws.

Adding "consider GDPR and other privacy laws"

ICANN Business Constituency
Supported the recommendation as is.

Non-Commercial Stakeholders Group
Recommendation is beyond the scope of this Review Team. The Whois Review Team will start again shortly; the GNSO Next Generation Registration Directory Service PDP Working Group is already hard at work. Adding another call for Whois Review and study is an undue burden on the ICANN Community. We urge this recommendation to be passed as informal input to the new Whois Review Team for their review, evaluation, and consideration within the larger context of Whois issues and research.

We strongly recommend letting the new Whois Review Team decide what data they want and need. Recommend deletion of this recommendation.

Scope of CCT review team defined @ https://www.icann.org/resources/pages/call-volunteers-cct-rt-2015-10-01-en

- Ensuring accountability, transparency and the interests of global Internet users;

- Preserving security, stability and resiliency of the ;

- Promoting competition, consumer trust and consumer choice;

- WHOIS policy.