

# **Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS PDP WG**

**Handout for Working Group Call  
Tuesday 13 February 2018 at 17:00 UTC**



# Proposed Agenda

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1. Roll Call/SOI Updates
2. Resolution of this week's poll results on criteria
3. Discuss list of purposes for processing
  - a. See list of DT-defined possible purposes and 30 January Q3 poll results
  - b. Discuss DN Certification as a purpose for processing and associated data needs
  - c. Discuss DN Purchase/Sale as a purpose for processing and associated data needs
4. Confirm agreements for polling & next steps
5. Confirm next meeting: Wednesday 21 February at 06:00 UTC

Meeting Materials:

<https://community.icann.org/x/nAu8B>

## 2) Resolution of last week's poll on criteria

- ⦿ In mid-January, we paused in deliberating on specific purposes to ask:  
*How will we decide whether any proposed purpose is legitimate for processing registration data?*
- ⦿ Results of this week's poll on criteria can be found here:  
<https://community.icann.org/download/attachments/79432604/AnnotatedResults-Poll-from-6FebruaryCall.pdf>
- ⦿ After a month of discussion, the WG has pinpointed areas of disagreement, but has not reached rough consensus on criteria
- ⦿ **Conclusion:** Record the draft criteria which were deliberated upon without reaching rough consensus, along with links to related WG meetings

**Draft Criterion #1:** Any purpose for processing registration data must be [ consistent with / not inconsistent ] with ICANN's mission.

**Draft Criterion #2:** If applicable data protection laws require a [ legal /lawful ] basis for processing, then any purpose must satisfy at least one such basis for processing.

**Draft Criterion #3:** One criterion the WG will consider when determining whether a purpose for processing is legitimate is whether the purpose is inherent to the functionality of the DNS. This will not be the only criterion considered and is not a requirement that all purposes must satisfy.

### 3) Discuss list of purposes for processing

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- Review 30 January poll results for Question 3 (Possible Purposes):  
<https://community.icann.org/download/attachments/79432439/AnnotatedResults-Poll-from-30JanuaryCall.pdf>

- Question 3 asked WG members to express their level of support, as follows:

*The WG will treat the following non-exhaustive list of purposes for processing registration data as possibly legitimate, and will work to further flesh out data and user needs associated with these purposes... <list>*

- Refer to Drafting Team Definitions of Purposes (slides 12-15)
- **Next Step:** After considering all responses and comments, the leadership team proposes to move ahead into fleshing out these purposes:
  - a) Technical Issue Resolution (96% support)
  - c) Domain Name Management (96% support)
  - e) Domain Name Certification (74% support, 93% support+live with)
  - f) Domain Name Purchase/Sale (74% support, 85% support+live with)
- We will deliberate on remaining and proposed additional purposes after reaching rough consensus agreements on the above

# We already reached rough consensus on two of these

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47. The following information is to be collected for the purpose of Technical Issue Resolution associated with Domain Name Resolution:

- *Technical Contact(s) or (if no Technical Contact is provided ) Registrant Contact(s),*
- *Nameservers,*
- *Domain Status,*
- *Expiry Date and Time,*
- *Sponsoring Registrar.*

49. The following registration data is needed for the purpose of Domain Name Management:

- *Domain Name*
- *Registrant Name*
- *Registrant Organization*
- *Registrant Email*
- *Registrar Name*
- *Creation Date*
- *Updated Date*
- *Expiration Date*
- *Nameservers*
- *Domain Status*
- *Administrative Contact*

## 3b) Discuss DN Certification as a purpose for processing and associated data needs

- Recall previous deliberation and 9 January poll on DN Certification:

ANSWER CHOICES	RESPONSES	
a) Domain Name Certification is NOT a legitimate purpose for requiring collection of registration data, but may be a legitimate purpose for allowing some data to be collected, and/or for using some data collected for another purpose.	54.17%	13
b) Domain Name Certification is NOT a legitimate purpose for requiring collection of registration data, but I wish to propose an alternative statement in the comment box below.	12.50%	3
c) Domain Name Certification IS a legitimate purpose for requiring collection of some registration data. (Please provide rationale and essential data in the comment box below.)	33.33%	8
TOTAL		24

- **Proposed WG Agreement (to be confirmed by poll):**  
*Domain Name Certification is a legitimate purpose for processing registration data, based on this definition:*

Name	Single-Sentence Definition
Domain Name Certification	Information to enable contact between the registrant, or a technical or administrative representative of the registrant, to assist in verifying that the identity of the certificate applicant is the same as the entity that controls the domain name.

# 9 January poll comments – DN Certification

#	PLEASE PROVIDE YOUR RATIONALE FOR DISAGREEING WITH THE POSSIBLE WG AGREEMENT OR PROPOSED ALTERNATIVE:	DATE
1	Domain name certification is not a legitimate purpose for requiring collection of registration data. It may be a valid reason to permit the voluntary collection of relevant data, for such a purpose.	1/14/2018 6:58 AM Stephanie P (b)
2	The mission of ICANN and the purpose of DNS is to enable transparency so not only business interests can protect their IP, but consumers can be protected by the very real threats to their privacy and security by those who would impersonate legitimate entities in the attempt to further criminal means.	1/12/2018 5:43 PM John B (c)
3	Domain Name Certification is NOT a legitimate purpose for requiring collection of registration data. Any additional uses/other purposes for registration data must be specific and legitimate, and only limited data for said specific, legitimate purpose should be provided.	1/12/2018 1:06 PM Sara B (b)
4	one purpose of collecting the data is for transparency and accountability purposes. Domain name certification falls within this purpose.	1/12/2018 12:13 PM Vicky S (c)
5	If the CA cannot contact the registrant, then it is impossible to address issues related to fraud, security, and/or data compromises. This is a 'relationship' as defined by many similar and related definitions, and entities with a 'relationship' MUST be able to both identify the other party in the relationship, and communicate with the party.	1/10/2018 3:33 PM Michael P (c)
6	DNS and WHOIS are part of an ecosystem. To consider it in isolation from that ecosystem provides incorrect scoping as a basis for answering the above and arriving at the conclusion that it is not a legitimate purpose.	1/10/2018 11:38 AM Michael H (c)
7	While not currently an "obligation" under the string of agreements originating from ICANN and extending to Registries, registrars and ultimately to registrants, it should be. Certification is an important element of overall Internet and domain space security. ICANN should begin the process of adding additional obligations to the relevant agreements.	1/10/2018 10:20 AM Paul K (c)

<https://community.icann.org/download/attachments/74580036/AnnotatedResults-Poll-from-9JanuaryCall.pdf>

# Deliberate on data processed for DN Certification

- The drafting team proposed this registration data for DN Certification:

Registration Data Needed For Domain Name	Technical Issue Resolution	Domain Name Management	Domain Name Certification
Domain Name	X	X	X
Nameservers	X	X	
Domain Status	X	X	
Expiry Date and Time	X	X	
Creation Date		X	
Updated Date		X	
Sponsoring Registrar	X	X	
Registrant Contact(s)	If no Tech Contact is provided	X	X
- Registrant Name		X	
- Registrant Organization		X	
- Registrant Email		X	X
- Registrant Phone			X
- Registrant Postal Address			X
- Registrant Country			X
Technical Contact(s)	X		
Administrative Contact		X	
Domain Names for specified Registrant			

Note: Shaded items already agreed to be included in Minimum Public Data Set

Confirm any possible WG agreements with poll



### 3c) Discuss DN Purchase/Sale as a purpose for processing and associated data needs

- Refer to drafting team's output as a starting point:  
[https://community.icann.org/download/attachments/74580010/Drafting\\_Team4-DNPurchaseSale-Purpose-v9-clean.pdf](https://community.icann.org/download/attachments/74580010/Drafting_Team4-DNPurchaseSale-Purpose-v9-clean.pdf)
- Introduction by drafting team members
- Any clarifying questions before deliberating on whether this is a legitimate purpose for processing registration data?
- **Proposed WG Agreement (starting point for deliberation):**  
*Domain Name Purchase/Sale is a legitimate purpose for processing registration data, based on this definition:*

Name	Single-Sentence Definition
Domain Name Purchase/Sale	Information to enable contact between the registrant and third-party buyer to assist registrant in proving and exercising property interest in the domain name and third-party buyer in confirming the registrant's property interest and related merchantability.

# Deliberate on data processed for DN Purchase/Sale

- The drafting team proposed this registration data for DN Purchase/Sale:

Registration Data Needed For Domain Name	Technical Issue Resolution	Domain Name Management	Domain Name Certification	Domain Name Purchase/Sale
Domain Name	X	X	X	X
Nameservers	X	X		
Domain Status	X	X		
Expiry Date and Time	X	X		
Creation Date		X		X
Updated Date		X		
Sponsoring Registrar	X	X		
Registrant Contact(s)	If no Tech Contact is provided	X	X	X
- Registrant Name		X		X
- Registrant Organization		X		X
- Registrant Email		X	X	
- Registrant Phone			X	
- Registrant Postal Address			X	
- Registrant Country			X	X
Technical Contact(s)	X			
Administrative Contact		X		
Domain Names for specified Registrant				X

Note: Shaded items already agreed to be included in Minimum Public Data Set

Confirm any possible WG agreements with poll

# Confirm action items and decision points

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13 February WG Call Meeting Materials:

<https://community.icann.org/x/nAu8B>

**Next call: Wednesday 21 February, 2018 at 17:00 UTC**

# DT definitions for each possible purpose

Name	Single-Sentence Definition
Technical Issue Resolution for issues associated with Domain Name Resolution	Information collected to enable contact of the relevant contacts to facilitate tracing, identification and resolution of incidents related to issues associated with domain name resolution by persons who are affected by such issues, or persons tasked (directly or indirectly) with the resolution of such issues on their behalf.
Academic or Public Interest Research	Information collected to enable use of registration data elements by researchers and other similar persons, as a source for academic or other public interest studies or research, relating either solely or in part to the use of the DNS.
Domain Name Management	Information collected to create a domain name registration, enabling management of the domain name registration, and ensuring that the domain registration records are under the control of the authorized party and that no unauthorized changes or transfers are made in the record.
Individual Internet Use	Collecting the required information of the registrant or relevant contact in the record to allow the internet user to contact or determine reputation of the domain name registration.

# DT definitions for each possible purpose

Name	Single-Sentence Definition
Domain Name Certification	Information collected by a certificate authority to enable contact between the registrant, or a technical or administrative representative of the registrant, to assist in verifying that the identity of the certificate applicant is the same as the entity that controls the domain name.
Domain Name Purchase/Sale	Information to enable contact between the registrant and third-party buyer to assist registrant in proving and exercising property interest in the domain name and third-party buyer in confirming the registrant's property interest and related merchantability.
ICANN Contractual Enforcement	Information accessed to enable ICANN Compliance to monitor and enforce contracted parties' agreements with ICANN.
Regulatory Enforcement	Information accessed by regulatory entities to enable contact with the registrant to ensure compliance with applicable laws.

# DT definitions for each possible purpose

Name	Single-Sentence Definition
Legal Actions	Includes assisting certain parties (or their legal representatives, agents or service providers) to investigate and enforce civil and criminal laws, protect recognized legal rights, address online abuse or contractual compliance matters, or to assist parties defending against these kinds of activities, in each case with respect to all stages associated with such activities, including investigative stages; communications with registrants, registration authorities or hosting providers, or administrative or technical personnel relevant to the domain at issue; arbitrations; administrative proceedings; civil litigations (private or public); and criminal prosecutions.
Criminal Activity/ DNS Abuse – Investigation	Information to be made available to regulatory authorities, law enforcement, cybersecurity professionals, IT administrators, automated protection systems and other incident responders for the purpose of enabling identification of the nature of the registration and operation of a domain name linked to abuse and/or criminal activities to facilitate the eventual mitigation and resolution of the abuse identified: Domain metadata (registrar, registration date, nameservers, etc.), Registrant contact information, Registrar contact Information, DNS contact, etc..

# DT definitions for each possible purpose

Name	Single-Sentence Definition
Criminal Activity/ DNS Abuse – Notification	Information collected and made available for the purpose of enabling notification by regulatory authorities, law enforcement, cybersecurity professionals, IT administrators, automated protection systems and other incident responders of the appropriate party (registrant, providers of associated services, registrar, etc), of abuse linked to a certain domain name registration to facilitate the mitigation and resolution of the abuse identified: Registrant contact information, Registrar contact Information, DNS contact, etc..
Criminal Activity/ DNS Abuse – Reputation	Information made available to organizations running automated protection systems for the purpose of enabling the establishment of reputation for a domain name to facilitate the provision of services and acceptance of communications from the domain name examined: Domain metadata (registrar, registration date, nameservers, etc.), Registrant contact information, Registrar contact Information, DNS contact, etc..

# ICANN's Mission (As amended 1 October 2016)

## Section 1.1. MISSION

(a) The mission of the Internet Corporation for Assigned Names and Numbers ("ICANN") is to ensure the stable and secure operation of the Internet's unique identifier systems as described in this Section 1.1(a) (the "Mission"). Specifically, ICANN:

(i) Coordinates the allocation and assignment of names in the root zone of the Domain Name System ("DNS") and coordinates the development and implementation of policies concerning the registration of second-level domain names in generic top-level domains ("gTLDs"). In this role, ICANN's scope is to coordinate the development and implementation of policies:

- For which uniform or coordinated resolution is reasonably necessary to facilitate the openness, interoperability, resilience, security and/or stability of the DNS including, with respect to gTLD registrars and registries, policies in the areas described in Annex G-1 and Annex G-2; and
- That are developed through a bottom-up consensus-based multistakeholder process and designed to ensure the stable and secure operation of the Internet's unique names systems.
- The issues, policies, procedures, and principles addressed in Annex G-1 and Annex G-2 with respect to gTLD registrars and registries shall be deemed to be within ICANN's Mission.

(.....)

See <https://www.icann.org/resources/pages/governance/bylaws-en/#article1> for further details



# Annex G-1 of the ICANN Bylaws (As amended 1 October 2016)

## ANNEX G-1

The topics, issues, policies, procedures and principles referenced in Section 1.1(a)(i) with respect to gTLD registrars are:

- issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, security and/or stability of the Internet, registrar services, registry services, or the DNS;
- functional and performance specifications for the provision of registrar services;
- registrar policies reasonably necessary to implement Consensus Policies relating to a gTLD registry;
- resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names, but including where such policies take into account use of the domain names); or
- restrictions on cross-ownership of registry operators and registrars or resellers and regulations and restrictions with respect to registrar and registry operations and the use of registry and registrar data in the event that a registry operator and a registrar or reseller are affiliated.

Examples of the above include, without limitation:

- principles for allocation of registered names in a TLD (e.g., first-come/first-served, timely renewal, holding period after expiration);
- prohibitions on warehousing of or speculation in domain names by registries or registrars;
- reservation of registered names in a TLD that may not be registered initially or that may not be renewed due to reasons reasonably related to (i) avoidance of confusion among or misleading of users, (ii) intellectual property, or (iii) the technical management of the DNS or the Internet (e.g., establishment of reservations of names from registration);
- maintenance of and access to accurate and up-to-date information concerning registered names and name servers;
- procedures to avoid disruptions of domain name registrations due to suspension or termination of operations by a registry operator or a registrar, including procedures for allocation of responsibility among continuing registrars of the registered names sponsored in a TLD by a registrar losing accreditation; and
- the transfer of registration data upon a change in registrar sponsoring one or more registered names.

# Annex G-2 of the ICANN Bylaws (As amended 1 October 2016)

## ANNEX G-2

The topics, issues, policies, procedures and principles referenced in Section 1.1(a)(i) with respect to **gTLD registries** are:

- **issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, security and/or stability of the Internet or DNS;**
- functional and performance specifications for the provision of registry services;
- security and stability of the registry database for a TLD;
- registry policies reasonably necessary to implement Consensus Policies relating to registry operations or registrars;
- **resolution of disputes regarding the registration of domain names (as opposed to the use of such domain names); or**
- restrictions on cross-ownership of registry operators and registrars or registrar resellers and regulations and restrictions with respect to registry operations and the use of registry and registrar data in the event that a registry operator and a registrar or registrar reseller are affiliated.

Examples of the above include, without limitation:

- principles for allocation of registered names in a TLD (e.g., first-come/first-served, timely renewal, holding period after expiration);
- prohibitions on warehousing of or speculation in domain names by registries or registrars;
- **reservation of registered names in the TLD that may not be registered initially or that may not be renewed due to reasons reasonably related to (i) avoidance of confusion among or misleading of users, (ii) intellectual property, or (iii) the technical management of the DNS or the Internet (e.g., establishment of reservations of names from registration);**
- **maintenance of and access to accurate and up-to-date information concerning domain name registrations; and**
- procedures to avoid disruptions of domain name registrations due to suspension or termination of operations by a registry operator or a registrar, including procedures for allocation of responsibility for serving registered domain names in a TLD affected by such a suspension or termination.

# Example WHOIS Record From Registry Agreement

Domain Name: EXAMPLE.TLD  
Domain ID: D1234567-TLD  
WHOIS Server: whois.example.tld  
Referral URL: http://www.example.tld  
Updated Date: 2009-05-29T20:13:00Z  
Creation Date: 2000-10-08T00:45:00Z  
Registry Expiry Date: 2010-10-08T00:44:59Z  
Sponsoring Registrar: EXAMPLE REGISTRAR LLC  
Sponsoring Registrar IANA ID: 5555555  
Domain Status: clientDeleteProhibited  
Domain Status: clientRenewProhibited  
Domain Status: clientTransferProhibited  
Domain Status: serverUpdateProhibited

Registrant ID: 5372808-ERL  
Registrant Name: EXAMPLE REGISTRANT  
Registrant Organization: EXAMPLE ORGANIZATION  
Registrant Street: 123 EXAMPLE STREET  
Registrant City: ANYTOWN  
Registrant State/Province: AP  
Registrant Postal Code: A1A1A1  
Registrant Country: EX  
Registrant Phone: +1.5555551212  
Registrant Phone Ext: 1234  
Registrant Fax: +1.5555551213  
Registrant Fax Ext: 4321  
Registrant Email: [EMAIL@EXAMPLE.TL](mailto:EMAIL@EXAMPLE.TL)

D

Admin ID: 5372809-ERL  
Admin Name: EXAMPLE REGISTRANT ADMINISTRATIVE  
Admin Organization: EXAMPLE REGISTRANT ORGANIZATION  
Admin Street: 123 EXAMPLE STREET  
Admin City: ANYTOWN  
Admin State/Province: AP  
Admin Postal Code: A1A1A1  
Admin Country: EX  
Admin Phone: +1.5555551212  
Admin Phone Ext: 1234  
Admin Fax: +1.5555551213  
Admin Fax Ext:  
Admin Email: [EMAIL@EXAMPLE.TLD](mailto:EMAIL@EXAMPLE.TLD)

Tech ID: 5372811-ERL  
Tech Name: EXAMPLE REGISTRAR TECHNICAL  
Tech Organization: EXAMPLE REGISTRAR LLC  
Tech Street: 123 EXAMPLE STREET  
Tech City: ANYTOWN  
Tech State/Province: AP  
Tech Postal Code: A1A1A1  
Tech Country: EX  
Tech Phone: +1.1235551234  
Tech Phone Ext: 1234  
Tech Fax: +1.5555551213  
Tech Fax Ext: 93  
Tech Email: [EMAIL@EXAMPLE.TLD](mailto:EMAIL@EXAMPLE.TLD)

Name Server: NS01.EXAMPLEREGISTRAR.TLD  
Name Server: NS02.EXAMPLEREGISTRAR.TLD  
DNSSEC: signedDelegation  
DNSSEC: unsigned

>>> Last update of WHOIS database: 2009-05-29T20:15:00Z <<<

# Data Element Agreements for each Purpose

Data Required	For the following Legitimate Purposes
Nameservers	Technical Issue Resolution, Domain Name Management
Domain Status	Technical Issue Resolution, Domain Name Management
Expiry Date and Time	Technical Issue Resolution, Domain Name Management
Creation Date	Domain Name Management
Updated Date	Domain Name Management
Sponsoring Registrar	Technical Issue Resolution, Domain Name Management
Registrant Contact(s)	Technical Issue Resolution (if no Tech Contact is provided)
Registrant Name	Domain Name Management
Registrant Organization	Domain Name Management
Registrant Email	Domain Name Management
Technical Contact(s)	Technical Issue Resolution
Administrative Contact	Domain Name Management

**Table: Summary of Data Required and Collected for each Legitimate Purpose based on recent WG Agreements #47, #49**