

WHOIS Task Force Interim Report

Shanghai, China
28-31 October, 2002

ICANN Names Council WHOIS Task Force

Terms of Reference of Task Force:

“Consult with community with regard to establishing whether a review of ICANN’s WHOIS policy is due and, if so, how best to address ”

- **Task force was created as a follow-on to a Names Council Task Force focused on Implementation Issues.**
- **Undertook Survey to create common understanding to base possible recommendations on.**
- **Final Report on Survey is available at www.dnso.org**

Summary of Survey approach:

- 20 Questions-combination of Yes/No and narrative responses; 3035 Responses; Initial Consultation – 9 weeks
- Statistical assessment/analysis of statistically selected “300” for Interim Update in Ghana, March, '02
- Further Narrative Analysis /Question 20; published Final Report on the Survey with four week comment period

Summary of Survey approach:

- Presented draft final report on the Survey at Bucharest meeting with findings and preliminary areas of focus for further recommendations on policy and activities to address these four issues
- *NEW:* Posted Interim Report on 10-14-02 at www.icann.org Announcements and at www.dnso.org.
- Open for comment until 11-8-02.

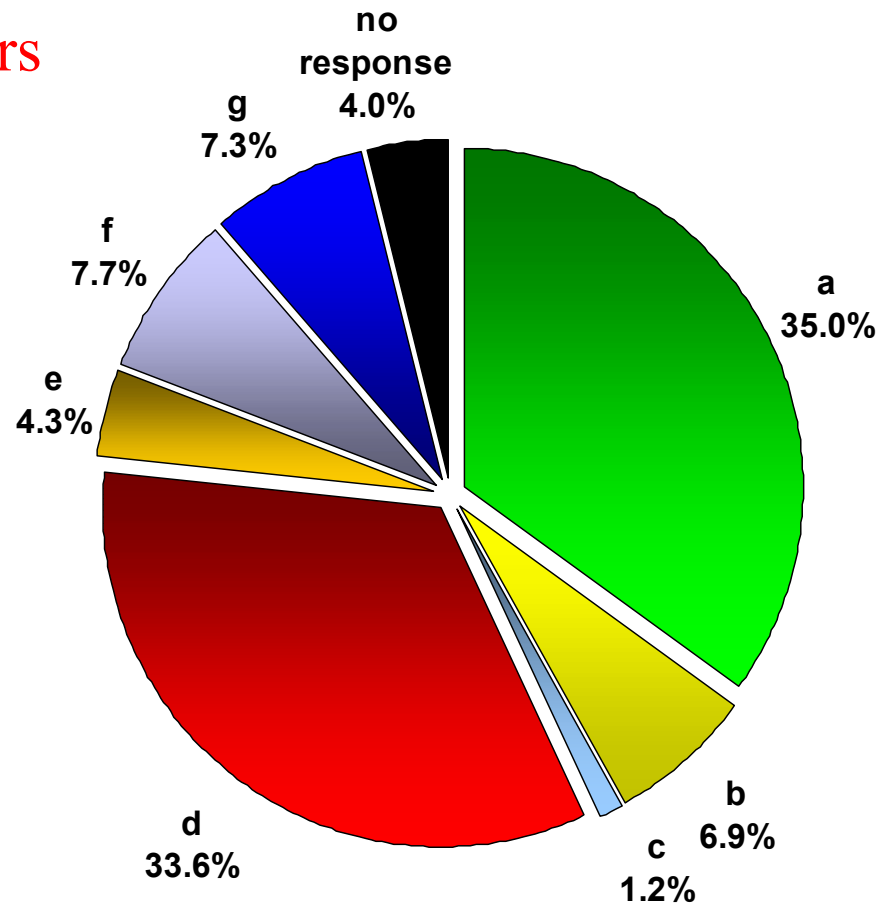
Participation in the Survey

A total of 3,035 questionnaires were received

75%

Users

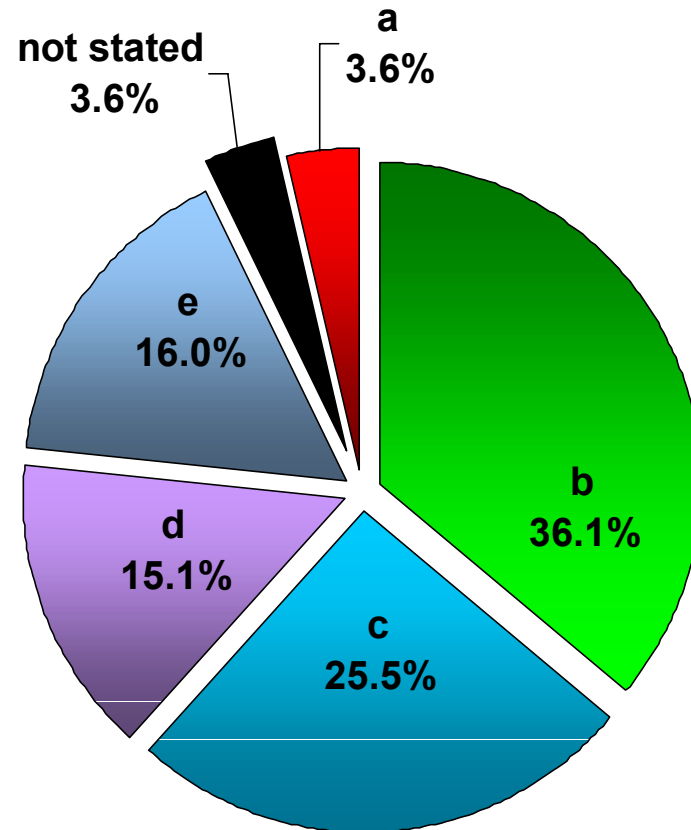
- a. Commercial business user
- b. Non-commercial organization user
- c. Governmental organization user
- d. Individual or household user
- e. Domain name registrar and/or registry
- f. Internet access provider or network operator
- g. Other



Frequency of WHOIS Service Use

- a. never
- b. occasionally
- c. weekly
- d. daily
- e. hourly

c. + d. + e. = 56.6%



An Overview of Key Survey Findings

- **WHOIS is a critical resource**
- **Accuracy is important to all users**
- **Key Uses:**
 - **Effective identification**
 - **Resolving technical problems**
- **High level of satisfaction with WHOIS data elements**

An Overview of Key Survey Findings

- Strong support for uniformity, consistency, restoring searchability
- Current consensus supports data elements, query access, non-marketing uses
- Concerns about marketing uses/bulk access
- Mixed review for third-party services

Recommendations

Underlying theme to all responses:

WHOIS is important

The Task Force's report identifies four areas where we offer recommendations or activities for further work:

1. Accuracy of the data contained in the WHOIS database
2. Uniformity and consistency
3. Searchability
4. Marketing, Resale and Bulk Access

Accuracy of the data contained in the WHOIS database

Findings : WHOIS Data Accuracy

Widespread concern across categories of users

- Examples of harms: Difficulties in:
 - Identification of spam source, infringer, other negative uses
 - Resolving technical problems
- Suggested cures (examples) from survey
 - Facilitate registrant updates
 - Require validation/re-validation
 - Cancellation/suspension remedies

Accuracy is an overriding concern to many respondents, and is independent of concerns about "Access" or Privacy Concerns.

Interim Draft Recommendations:

- Improve enforcement of existing obligations, and education of registrars/intermediaries.*
- Determine how to improve Registrant update and correction of data which is "aged" and changes over time*

Interim Draft Recommendations:

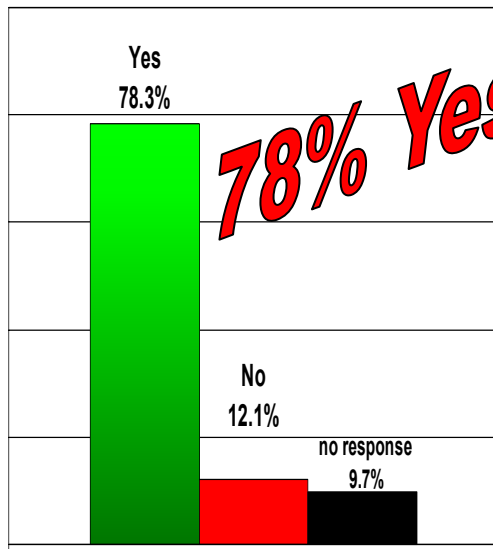
- *Consider graduated sanctions or enforcement mechanisms short of dis-accreditation (renegotiation of agreements).*
- *If awareness/enforcement does not lead to improvement, then more options should be considered, including changes to the RAA itself or the establishment of new consensus policies.*

Uniformity and Consistency

Uniformity and Consistency

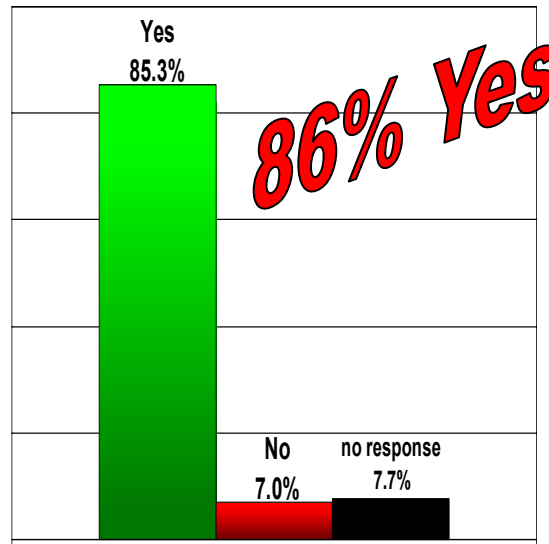
Clear, Strong Support for Uniform Formats and Accessibility

Should data elements used in .com, .net, and .org be available uniformly in country code top-level domains?



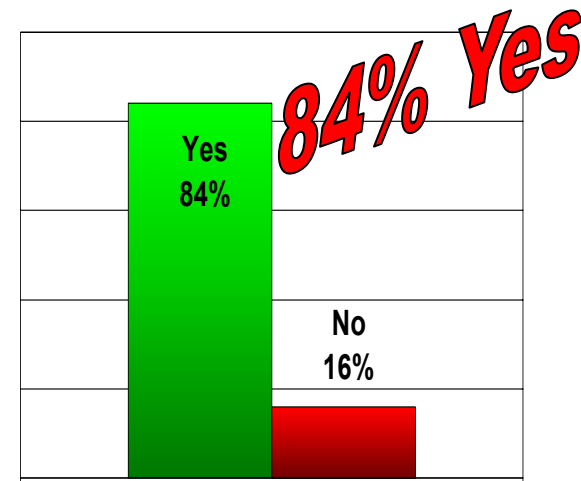
2742 Responses

Support for concept of uniformity of WHOIS data format and services



2801 Responses

Support for centralized public access to WHOIS across all TLDs (i.e. including country code TLDs)



2696 Responses

Findings: Uniformity and Consistency

- Data Elements are not uniform across gTLDs and ccTLDs
- WHOIS query results and data elements are not presented consistently in the gTLDs. (ccTLDs need to be addressed separately.)
- Related frustration among users when viewing WHOIS information from different TLDs.

Findings suggest that WHOIS data elements should be uniform, and presented consistently, REGARDLESS of TLD

Recommendations: Uniformity and Consistency

- WHOIS queries should return the same data elements, presented in the same format
- For practical reasons, needs of ccTLDs vs. gTLDs should be considered separately
- For ICANN-regulated gTLDs, ICANN should vigorously enforce existing Registrar WHOIS obligations
(**“Thick” registry Whois model helps mitigate this problem**)

Recommendations: Uniformity and Consistency

- The Internet community should participate and help shape standards, including newly formed IETF Cross Registry Information Service Protocol (CRISP), which aims to eventually replace existing Whois services

Questions: Uniformity & Consistency

1. What measures will encourage registrars in “thin” gTLD registries to present WHOIS data consistently, in your opinion?
2. How can ccTLDs and gTLDs be encouraged to participate in relevant standards processes to ensure common WHOIS elements will be stored and presented uniformly?

Concerns: Uniformity & Consistency

- How can costs be recovered for needed changes to ensure Uniformity and Consistency?
- Machine readable data facilitates data mining:
Commonly accessible WHOIS fields may increase ability for unscrupulous entities to access WHOIS information for inappropriate use

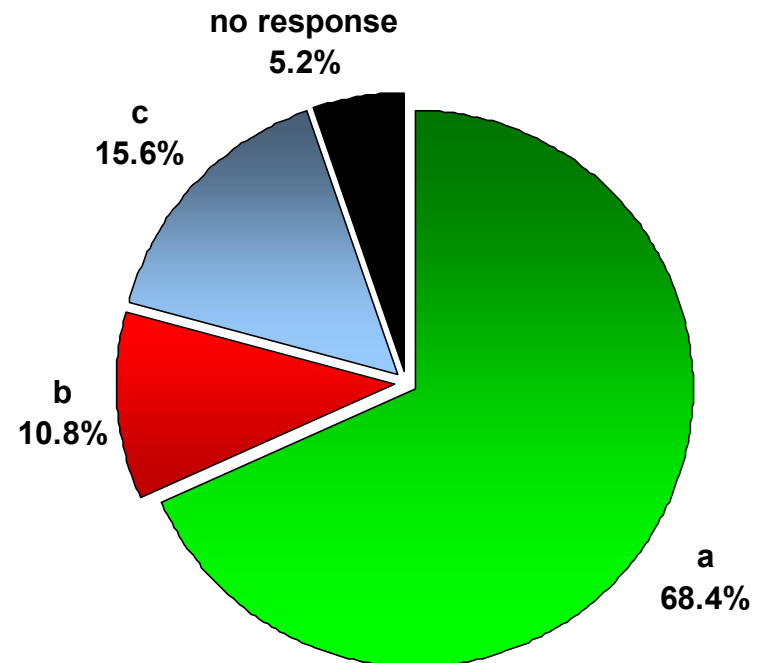
Searchability

8. Currently, Whois records in .com, .net, and .org are composed of the following data elements:

- A. The name of the second-level domain being registered and the top-level domain it is under;
- B. The IP addresses of the primary and secondary name servers for the registered domain;
- C. The host names of the name servers;
- D. The identity of Registrar;
- E. The date of the original registration;
- F. The expiration date of the registration;
- G. The name and postal address of the registrant;
- H. The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the SLD; and
- I. The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the SLD.

Would you describe these data elements as

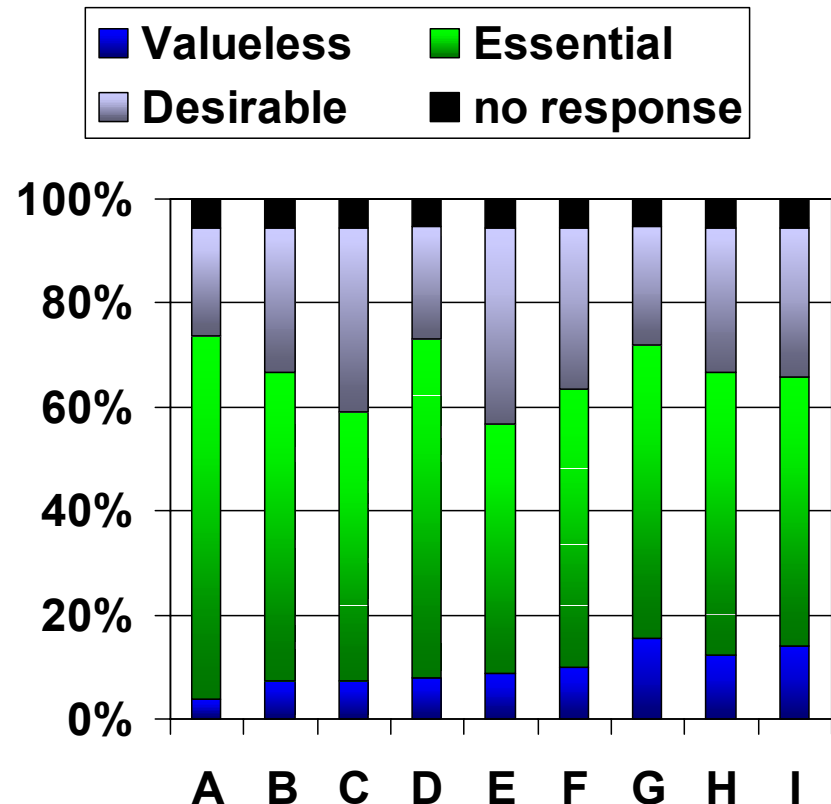
- a. Adequate for your purposes**
- b. Inadequate for your purposes**
- c. Unnecessary for your purposes**



9. Please indicate which of the data elements listed in A-I above are, in your view, **valueless**, **essential**, or **desirable**:

2862-2870 Responses

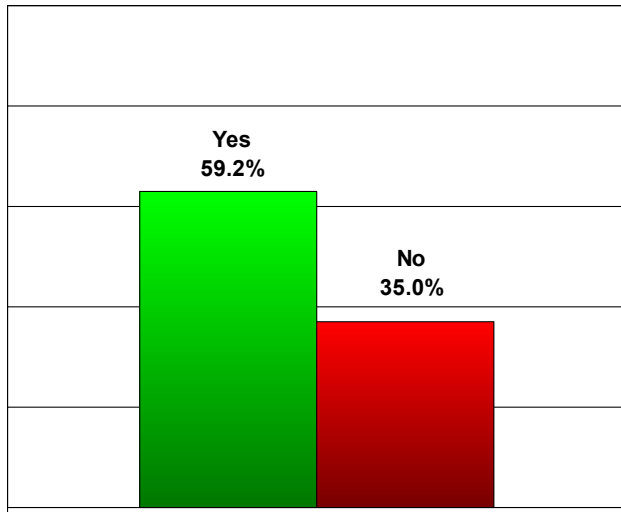
- A. The name of the second-level domain being registered and the top-level domain it is under;
- B. The IP addresses of the primary and secondary name servers for the registered domain;
- C. The host names of the name servers;
- D. The identity of Registrar;
- E. The date of the original registration
- F. The expiration date of the registration
- G. The name and postal address of the registrant
- H. The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the SLD; and
- I. The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the SLD



Searchability, Q.10

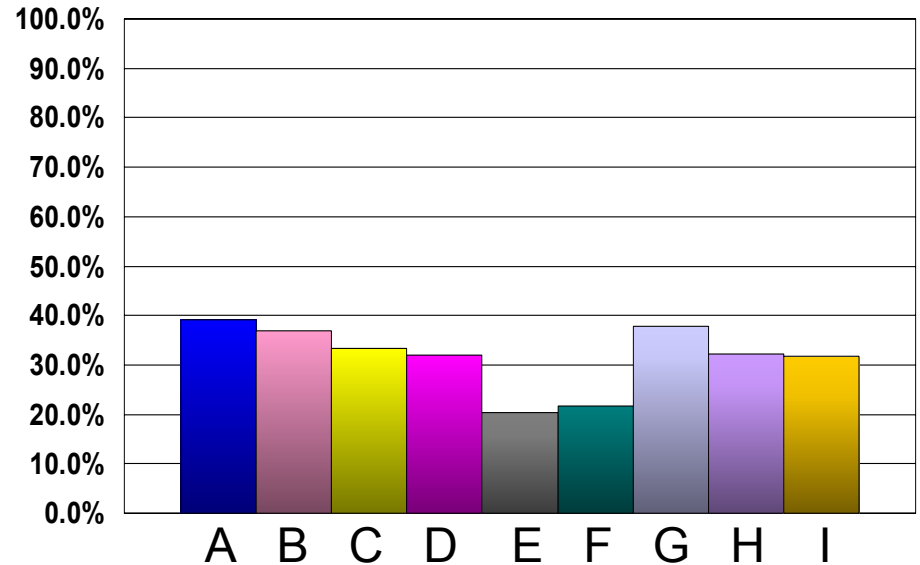
10. (Part one) Should the publicly accessible WHOIS database allow for searches on data elements other than domain name?

2861 Responses



10. (Part two) If “Yes”, please specify from fields A-I above what you think should be usable as search keys.

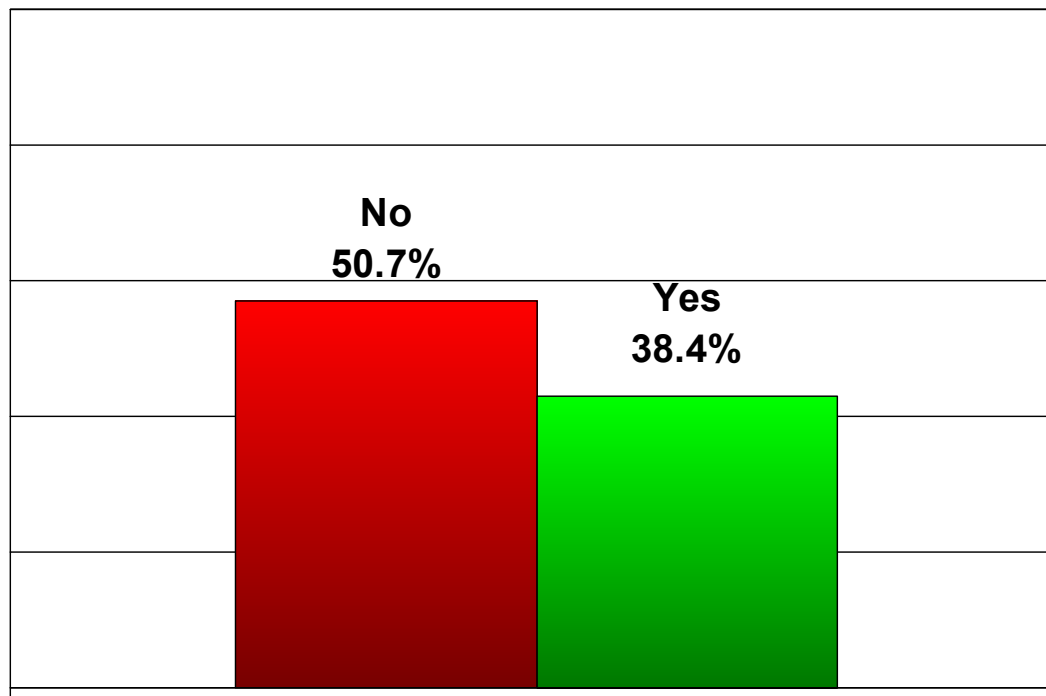
% Checked



Searchability, Q 10

10. (Part three) Should other enhancements to searchability (e.g., Boolean searching on character strings) be provided?

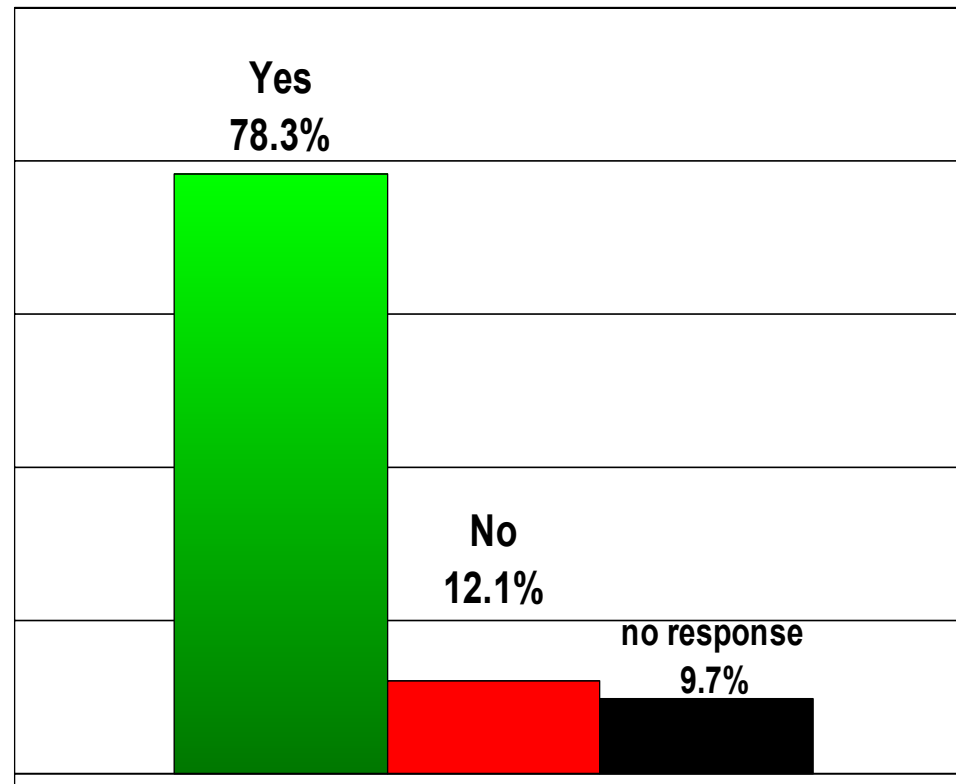
2704 Responses



Narrative Responses 31.2%

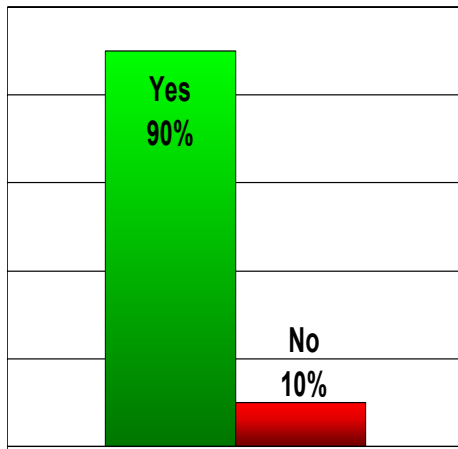
Searchability, Q12

12. Should data elements used in .com, .net, and .org be available uniformly in country code top-level domains?



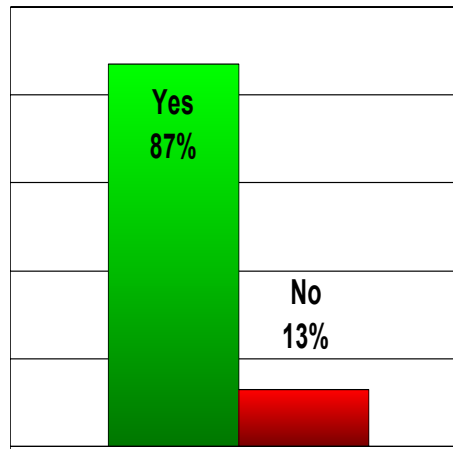
Searchability, Q14

14. (a) Do you support the concept of centralized public access to WHOIS across .com/.net/.org/ ?



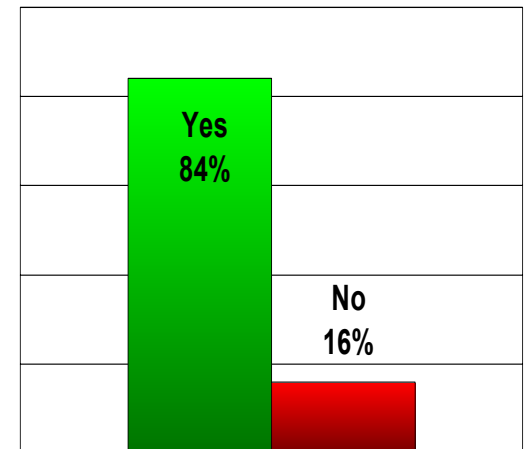
2725 Responses

14. (b) Do you support the concept of centralized public access to WHOIS across all gTLDs (i.e. including the new TLDs)?



2686 Responses

14. (c) Do you support the concept of centralized public access to WHOIS across all TLDs (i.e. including country code TLDs)?



2696 Responses

Key Findings: WHOIS Searchability

1. Support for Centralized Public Access across gTLDs including new gTLDs and ccTLDs.
2. Support to search on elements in addition to domain name.
3. While there is also support for Advanced Queries and Centralized Searches (across all TLDs), privacy concerns and the current RFC environment both need time for growth and to be further examined prior to any policy recommendations being made.
4. Defraying Cost of Enhancement could be accomplished several different ways, a few suggestions from the survey:
 - Through registration fee
 - Absorbed by registrar/registry
 - WHOIS searchers

Recommendations:

1. Centralized Public Access (gTLDs)

(A.) CENTRALIZING THE DATA:

Current RAA's provision "requires registrars cooperation to cooperatively implement a distributed capability with query-based WHOIS search functionality across all registrars."

- “ ...to supply data from Registrar's database to facilitate the development of a centralized WHOIS database for the purpose of providing comprehensive Registrar WHOIS search capability.”
- ***Should be in the interests of the Registrars to provide the WHOIS service themselves. IF, after reasonable exploration of this approach, it appears that no progress will be forthcoming, THEN,***

Recommendations, cont'd

(B.) PORTAL APPROACH:

Consideration should be given to means to meet the stated desire for portal approach to offering centralized access to WHOIS data, across multiple TLDs. Such consideration would require a further work effort and should be based on non-proprietary standards based solutions.

Recommendations:

2. Additional Query Keys

(A.) The Task Force recommends searchability on additional elements beyond domain names. Data elements recommended for searches:

- (1) Registrant Name
- (2) Technical Contact Name or Handle
- (3) Administrative Contact Name or Handle
- (4) Primary Name Server or IP Address
- (5) Secondary Name Server or IP Address

(B.) The Task Force recommends search returns be limited to necessary information only. [Discussion of implementation still underway].

Recommendations:

3. Advanced Queries, Centralized Searches (all TLDs):

(The provision of still more advanced database query capabilities and centralized search services across Top Level Domains, including Country Code TLDs.)

(A.) We recommend a Public Forum to address further the issues of more advanced database query capabilities.

(B.) Before undertaking further recommendations, the Task Force recommends a brief examination to any barriers to further additions to these services be undertaken.

Questions

1. Should search returns be limited to necessary information only?
2. Should the mandate to gTLD registrars and registries to provide (or to cooperate in the provision of) complete WHOIS search services (RAA/TLD Registry Agreements) be enforced?
3. Do you support the need for a practical plan to support development of competitive cross-registry WHOIS services, including through third party services, based on bulk access to WHOIS data?

Marketing, Resale and Bulk Access

Current Bulk Access Provisions

Allow sale of customer information to third parties under certain conditions, including:

- Annual fee (not more than \$10,000)
- Third party must agree not to use the data:
 - For mass unsolicited marketing.
 - To enable high-volume, automated, electronic processes.
- Agreement may:
 - Require third party not to sell or redistribute the data, and
 - Enable individual registrants to opt out of bulk access for marketing purposes.

Survey Findings

- 89% of respondents indicated:
 - “opt in” for use of data for marketing purposes, or
 - no use for marketing purposes at all.
- 11% indicated use for marketing purposes:
 - generally was acceptable, or
 - by virtue of an opt-out policy.

Results suggest respondents object to use of WHOIS information for unsolicited marketing activities.

Conclusion

There must be evaluation of the bulk access provisions in the Registrar Accreditation Agreement to determine:

- How and whether the policy may be changed.
- Can data uses realistically be limited?
- Whether bulk access should be eliminated.

Questions

Given that marketing is not a necessary feature of the DNS, does it make sense to make WHOIS data available for marketing purposes?

How do we weigh the legitimate interests served by use of bulk access to WHOIS against the preferences expressed by registrants?

Concerns

- We cannot say yet with certainty that bulk access should be totally eliminated – comments needed. Needs more research, discussion and debate.
- Numerous legitimate uses being served by bulk access, but survey indicates objection to bulk access use for marketing purposes.

Recommendations

- Better protection of data subjects from marketing use of the data contained in the WHOIS database will require review of marketing uses/resale by registrars.
- Weigh legitimate interests served by bulk access against privacy concerns of registrants.

RAA Evaluation

RAA provisions (consensus policy) should be evaluated to determine whether the following is feasible:

- Limitation of the types of entities – ie those able to articulate a legitimate need; “legitimate” still to be developed.
- Cost/fee structure of access to bulk access – make “legitimate” bulk access more affordable;
- Clear limitation on use of bulk access to non-marketing purposes;
- No resale or distribution of the database to other third parties;

Fall Back Approach, if limiting is not possible:

- Opt-out policy for marketing uses.

Results

- Policy changes could ensure prevention of resale of indirect access though limiting what resold data can be used for
- Provisions could be simplified, unified and extended to contact data for organizational entities.
- Marketing outside of existing relationships could depend on “opt in”
- Policy could maintain access and facilitate bulk access for non marketing purposes. Process would be needed to determine what “non-marketing purposes” are acceptable.

Possible Activities to further examine and validate recommendations

- Voluntary workshop/initiative with ccTLDs to better understand some of their existing practices in accuracy, access, privacy laws, etc. – yet to be discussed with ccTLDs in any detail
- Establish prioritization of #1,2,3,4 within Task Force/based on feedback from community. Tentative: 1 and 4 can be partly addressed.
- Examination of where clear consensus can be documented on specific recommendations in #1 and #4
- Consider separating short term possible policy consensus agreements from mid term, and longer term.

Possible Activities, con't'd

- Discussion with GAC regarding WHOIS interests; Exploration of conference.
- Exploration of other technical options to address “directory like uses” of WHOIS – briefing by IETF speakers/agreed to/needs scheduling – possibly December ICANN meeting?
- Briefing on searchability policy implications - IETF for technical/identify speakers for other profiling/privacy concerns – possibly December ICANN meeting?
- Discussion of standards approach to consistency of elements – consider inviting small technical working group to advise TF

Possible Activities, con't'd

First Priority:

- Focus on accuracy as addressable under existing contracts- Registrars
- Discuss with ICANN staff issues questions of possible role of “thick” registries/ input from relevant registries re concerns, views.
- Input from registrars re views re role of thick registries.
- Explore success to date on ICANN Internic form on accuracy complaints
- Explore registrants’ concerns regarding “redemption grace period “ or “registry hold” approach to fixing inaccurate data.
- Are special arrangements needed for developing country registrants without regular email access/how to understand/balance needs?

Next Steps.....

- Interim Report open for comment until 11/8
- Proposed Plan: break report's final recommendations into three categories:
 - Short Term
 - Mid Term
 - Long Term
 - Prioritize in each segment. Identify recommended actions to Names Council, including options for how to 1) present policy recommendations and related activities 2) if necessary, establish further comment to document consensus 3) create any additional or auxiliary work initiatives [e.g. planning outreach event(s) at Dec. ICANN
 - 4) Dialogue with GAC regarding WHOIS workshop [consider inviting WIPO to join in planning of program]

Is it Over?

Not Yet. WHOIS issues will be ongoing ... but expectation is that based on comments, that the TF will be recommending dividing the proposed work. ALSO will need to address:

- Access/Privacy
- Other input received during comment period.
- Evaluation of e-communications/telecommunications directive and existing data privacy directive for impact to gTLD WHOIS, versus
- ccTLD WHOIS