**Stakeholder Group / Constituency / Input Template with Verisign Input - 18 Jan 13**

**‘thick’ Whois PDP Working Group**

Verisign input is shown in light blue font.

PLEASE SUBMIT YOUR RESPONSE AT THE LATEST **BY 9 January 2012** TO THE GNSO SECRETARIAT ([gnso.secretariat@gnso.icann.org](mailto:gnso.secretariat@gnso.icann.org)), which will forward your statement to the Working Group. If additional time is needed by your SG / C to provide your feedback, please inform the secretariat accordingly, including the expected delivery date so that this can be factored in by the WG.

The GNSO Council has formed a Working Group of interested stakeholders and Stakeholder Group / Constituency representatives, to collaborate broadly with knowledgeable individuals and organizations, in order to consider recommendations in relation to ‘thick’ Whois.

Part of the working group’s effort will be to incorporate ideas and suggestions gathered from Stakeholder Groups, Constituencies through this template Statement. Please note that the WG is currently in an information-gathering phase. Inserting your response in this form will make it much easier for the Working Group to summarize the responses. This information is helpful to the community in understanding the points of view of various stakeholders. However, you should feel free to add any information you deem important to inform the working group’s deliberations, even if this does not fit into any of the questions listed below.

For further information, please visit the WG Workspace (<https://community.icann.org/display/PDP/Home>).

**Process**

* Please identify the member(s) of your stakeholder group / constituency who is (are) participating in this working group
* Please identify the members of your stakeholder group / constituency who participated in developing the perspective(s) set forth below
* Please describe the process by which your stakeholder group / constituency arrived at the perspective(s) set forth below
* If not indicated otherwise, the WG will consider your submission a SG / C position / contribution. Please note that this should not prevent the submission of individual and/or minority views as part of your submission, as long as these are clearly identified.

**Topics:**

The WG is tasked to provide the GNSO Council with a policy recommendation regarding the use of ‘thick’ Whois by all gTLD Registries, both existing and future. As part of its deliberations, the WG is expected to consider the topics listed below in the context of ‘thick’ Whois. Please provide your stakeholder group’s / constituency’s views, including quantitative and/or empirical information supporting your views, on these topics in relation to whether or not to require ‘thick’ Whois for all gTLDs and/or provide any information that you think will help the WG in its deliberations (for further information on each of these topics, please see the WG Charter <https://community.icann.org/x/vIg3Ag>):

* Response consistency - a ‘thick’ Registry can dictate the labeling and display of Whois information to be sure the information is easy to parse, and all Registrars/clients would have to display it accordingly. This could be considered a benefit but also a potential cost. This might also be a benefit in the context of internationalized registration data as even with the use of different scripts, uniform data collection and display standards could be applied.

**Your view:**

A thick registry could dictate labeling and display requirements for Whois information for all of its TLDs and that would result in consistency across its TLDs but that would not create consistency across other TLDs offered by different registry operators. A consensus policy defining labeling and display of Whois information could create consistency across all gTLDs at both the registry and registrar levels. Either approach would result in increased costs for registries and registrars but a consensus policy might result in reduced costs for registrars because the requirements would be the same for all gTLDs.

* Stability - in the event of a Registrar business or technical failure, it could be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four organizations (the Registry, the Registry's escrow agent, the Registrar, and the Registrar's escrow agent), which would be the case in a ‘thick’ registry.

**Your view:**

Maintaining four separate copies seems unnecessary. Why should there ever be a need beyond two if the escrow provider is reliable? Four seems to just increase the expense unnecessarily and create opportunities for confusion. For the purpose of maintaining stability, two separately maintained copies of the database should really be more than sufficient, whereas four copies simply provides added cost and confusion.

Additionally, under most circumstances the data will not be consistent between any two sources due to the point in time the data is recorded. Escrow data will only be as current as the latest deposit and registrars maintain registration contact data that is not required to be passed to a registry operating thick Whois. This includes customer login and account information that are necessary to associate a registrant with a registration, including information necessary to authenticate the registrant. Relying on data held by anyone other than the registrar introduces security risks including domain hijacking.

In the event of a registrar failure, data consistency will require a clear definition of rules to determine authoritativeness. For example, who is responsible for resolving a discrepancy between the registrant contact data at the registrar’s escrow agent and the registry when the registrar data are not available? Which source is authoritative when the data passed from registrar to registry reflects contact data for a proxy service operated by the registrar, but the escrow agent provides different data, or perhaps the agent will have no data for domain names registered since the last deposit?

* Accessibility - is the provision of Whois information at the registry level under the ‘thick’ Whois model more effective and cost-effective than a ‘thin’ model in protecting consumers and users of Whois data and intellectual property owners?

**Your view:**

To answer this question, it will be important to understand what is meant by “protecting” consumers, users, and IP owners. Since a thick registry adds another location where the contact data are maintained, there is additional cost to replicate, store and provide access to that data. This also creates the potential inconsistencies for data protection through data mining controls such as Captcha. Centralizing the accessibility of Whois information at the registry is a natural efficiency for users of Whois data when considering one TLD at a time. With the introduction of new gTLDs, the number of registries could soon exceed the number of registrars; therefore, a Whois user may need to access dozens or hundreds of registries to obtain responses for a common second level string that is registered across multiple registries. That same information could be obtained through a single registrar, although identifying the appropriate registrar is not certain from the domain name itself. There are existing 3rd party services that provide aggregation of Whois from multiple sources, which should be considered in a discussion on efficient and cost-effective accessibility.

* Impact on privacy and data protection - how would ‘thick’ Whois affect privacy and data protection, also taking into account the involvement of different jurisdictions with different laws and legislation with regard to data privacy as well as possible cross border transfers of registrant data?

**Your view:**

We agree that the final report from the Thick WhoIs PDP should take into account impacts on privacy and Data protection. In particular attention should be given where the migration from thin to thick could involve the transfer of large amounts of Personally Identifiable Information (PII) across jurisdictions. Consideration should be given to the protection and privacy of the Registrant in cases where having their PII publically available could constitute a risk to the Registrantas well as to the applicable registry and registrar as well as the increased risk to consumers; by making such PII publicly available, it could be misused to facilitate phishing and fraudulent activities.

* Cost implications - what are the cost implications of a transition to 'thick' Whois for Registries, Registrars, registrants and other parties for all gTLDs? Conversely, what are the cost implications to Registries, Registrars, registrants and other parties if no transition is mandated?

**Your view:**

We maintain that the costs of all relevant parties should be considered in the recommendation of the Thick Whois PDP. As it is likely that the bulk of the migration costs would be on the Registrars, due to the number of registrars that would be required to support the migration. It is critical that their input be solicited and considered as part of the Policy Development Process.

* Synchronization/migration - what would be the impact on the registry and registrar WHOIS and EPP systems for those Registries currently operating a thin registry, both in the migration phase to ‘thick’ WHOIS as well as ongoing operations?

**Your view:**

In order to fully address Synchronization/Migration, the Thick Whois PDP WG needs to consider how and when the migration of the thick data from the Registrars to the Registry would occur. Lessons learned from previous thin to thick Registry migrations could be particularly informative here. The effort of migrating thick data for tens of millions of domains spread across over 900 Registrars is a non-trivial effort. Consideration should be given to how the migration will impact both the Registry and the Registrars and what the costs will be to both.

* Authoritativeness - what are the implications of a ‘thin’ Registry possibly becoming authoritative for registrant Whois data following the transition from a thin-registry model to a thick-registry model? The Working Group should consider the term “authoritative” in both the technical (the repository of the authoritative data) and policy (who has authority over the data) meanings of the word when considering this issue.

**Your view:**

It is important to consider both the technical and policy aspects of authority. While a Registry might be considered technically authoritative, it does not have a direct relationship with the registrant so it cannot be responsible for the accuracy of the data. Registries are obligated to accept authorized EPP commands from Registrars. They have neither the means nor ability to validate the accuracy of the data received from or changes made to the data by Registrars.

* Competition in registry services - what would be the impact on competition in registry services should all Registries be required to provide Whois service using the ‘thick’ Whois model – would there be more, less or no difference with regard to competition in registry services?

**Your view:**

* Existing Whois Applications - What, if anything, are the potential impacts on the providers of third-party WHOIS-related applications if ‘thick’ WHOIS is required for all gTLDS?

**Your view:** No comment

* Data escrow - ‘thick’ Whois might obviate the need for the registrar escrow program and attendant expenses to ICANN and registrars.

**Your view:**

A registry operating a thick Whois will only contain the contact data provided by the registrar, typically registrant, technical and administrative contacts. It is unlikely that the registrar will provide the registry with additional registrant information that would be necessary to reconstitute registrar data, such as account authentication credentials and billing data, and in the case of a registration with proxy data, the registry would not be able to determine the proper registrant. Additionally, most registrars offer services for multiple TLDs. Therefore, registrar escrow should be more effective and efficient because this would contain the authoritative data for all domain names managed by the registrar for their customers. Elimination of the registrar escrow program could place registrants at greater risk in the event of a registrar failure and threaten stability.

* Registrar Port 43 Whois requirements - ‘thick’ Whois could make the requirement for Registrars to maintain Port 43 Whois access redundant.

**Your view:** No comment

Based on your assessment of these topics, you are also encouraged to indicate whether you think there should or there shouldn’t be a requirement for ‘thick’ Whois by all gTLD Registries.

**Your view:**

We believe that the community should decide whether there should be a requirement for thick Whois for all gTLD registries.

If there is any other information you think should be considered by the WG as part of its deliberations, please feel free to include that here.

**Other information:**

As the WG deliberates on the value of having all existing and future registries operate a Thick Whois, it should consider the following in its cost-benefit analysis:

1. The operation of a Thick Whois registry does not make Whois data any more accurate or valid than if the TLD were operated under the thin registry model. Thick Whois centralizes the data at the registry level, but registry operators have no direct relationship with the registrant and have no way of verifying the identity of the registrant or validating the registration data submitted by the registrant. The registry will only collect, store and display the data provided by the registrar. If the registrar submits inaccurate data, or privacy/proxy data, the registry will display only that data. Moreover, the operation of a Thick Whois registry does not obviate the need for Registrar Escrow.
2. If Thick Whois data is no more accurate, valid or verified than data currently maintained and displayed by registrars, what is the benefit of moving existing registrations from thin to thick? As the WG considers the cost-benefit analysis of a transition from thin to thick, it should work to define the cost of such a transition to registrars and registrants and evaluate whether the rationale for such a transition is reasonable.
3. There is significant work underway in various fora, including at the IETF, on possible future Whois replacement protocols. As the WG considers recommending a transition of existing TLDs from thin to thick, it should compare the benefit of doing so prior to the introduction of a new Whois protocol against the cost to registrars and registrants of conducting two transitions -- from thin to thick and then from the existing to a new protocol.