SAC055
WHOIS: Blind Men And An Elephant

A Comment from the ICANN
Security and Stability Advisory Committee (SSAC)
14 September 2012

Preface

This is a Comment to the ICANN Board from the Security and Stability Advisory Committee (SSAC) concerning the final report of the WHOIS Policy Review Team. The SSAC advises the ICANN community and Board on matters relating to the security and integrity of the Internet's naming and address allocation systems. This includes operational matters (e.g., matters pertaining to the correct and reliable operation of the root name system), administrative matters (e.g., matters pertaining to address allocation and Internet number assignment), and registration matters (e.g., matters pertaining to registry and registrar services). The SSAC engages in ongoing threat assessment and risk analysis of the Internet naming and address allocation services to assess where the principal threats to stability and security lie, and advises the ICANN community accordingly. The SSAC has no official authority to regulate, enforce, or adjudicate. Those functions belong to others, and the advice offered here should be evaluated on its merits.

A list of the contributors to this Comment, references to SSAC members' biographies and statements of interest, and SSAC members' objections to the findings or recommendations in this Comment are at end of this Comment.

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Executive Summary

The SSAC believes that the problem of "WHOIS" is analogous to the tale about the Blind Men and the Elephant.[1] As the story goes, a group of blind men (or men in the dark) touch an elephant to learn what it is like. Each one feels a different part, but only one part, such as the side or the tusk. They then compare notes, only to learn that they are in complete disagreement. Each believes their experience fully defines the problem and that all other explanations are wrong. Eventually, either they listen and collaborate to "see" the full elephant, or remain adamant in their perspectives, dooming their ability to arrive at a common understanding.

The SSAC believes that the foundational problem facing all "WHOIS" discussions is *understanding the purpose of domain name registration data*. The lack of progress in the "WHOIS" debate is not surprising, given this fundamental disconnect on what problem is being solved.

The answers to common questions about the "WHOIS" should be derived from a clear statement of the problem to be solved. To the extent that the answers are different among various use cases, solutions will likely be different. To the extent that the solutions are different, a single universal "WHOIS" policy, as defined in the Review Team's report, is unlikely to be effective or even achievable.

The SSAC believes that there is a critical need for a policy defining the purpose of collecting and maintaining registration data. This policy should address the operational concerns of the parties who collect, maintain or use this data as it relates to ICANN's remit. The policy should address at least the following questions:

- Why are data collected?
- What purpose will the data serve?
- Who collects the data?
- Where is the data stored and how long is it stored?
- Where is the data escrowed and how long is it escrowed?
- Who needs the data and why?
- Who needs access to logs of access to the data and why?

The SSAC believes that a single consensus policy answering at least *the questions listed above* is achievable and the essential first step toward any "solution" to "the WHOIS

[1]See Wikipedia entry "Blind men and an elephant." <http://en.wikipedia.org/wiki/Blind_men_and_an_elephant>.

[2]ICANN Board of Directors (ICANN Board) (2012). *Resolutions on WHOIS Policy Review Team Final*

problem." It is within ICANN's remit to work collaboratively with the community to retroactively establish this policy.

The SSAC believes that the formation of a properly authorized committee to drive solutions to these questions *first*, and to then derive a universal policy from the answers, is the appropriate sequence of steps to address the WHOIS Review Team's report.

The SSAC recommendation to the ICANN Board of Directors is therefore succinct:

1. The Board should pass a resolution clearly stating the criticality of the development of a registration data policy defining the purpose of domain name registration data, and
2. The Board should direct the CEO to create a registration data policy committee that includes the highest levels of executive engagement to develop a registration data policy that defines the purpose of domain name registration data, as described elsewhere in this document; and
3. The Board should explicitly defer any other activity (within ICANN's remit) directed at finding a "solution" to "the WHOIS problem" until the registration data policy identified in (1) and (2) has been developed and accepted by the community.

1. Introduction

On 11 May 2012 the WHOIS Policy Review Team (hereinafter abbreviated as Review Team), constituted under ICANN's Affirmation of Commitments (AoC) agreement with the U.S. Department of Commerce, submitted its Final Report and Recommendations to the ICANN Board.[8]

On 23 June 2012 the ICANN Board of Directors passed a resolution encouraging public input on the Final Report and Recommendations, and requesting that the ICANN supporting organizations and advisory committees provide input to the Board by 31 August 2012.[2] This Comment is the SSAC's input to the Board.

The Comment has four principal sections. The first explains the "elephant" reference and specifies the SSAC's recommendations, which we consider critical. These critical recommendations are not covered by the Review Team report. The SSAC believes the critical recommendations must be completed before implementation of the high priority recommendations from the Review Team.

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[2]ICANN Board of Directors (ICANN Board) (2012). *Resolutions on WHOIS Policy Review Team Final Report*. <http://www.icann.org/en/groups/board/documents/resolutions-23jun12-en.htm#5>.

The SSAC reviewed each of the recommendations in the Review Team report and grouped them in order of their perceived priority (high, medium, and low) to the SSAC. For each recommendation, we provide our comments and implementation advice where appropriate.

Recommendations identified as "high priority" are prerequisites and are critical to the successful implementation of medium and low priority recommendations. Implementation and fulfillment of other recommendations may start before the "high priority" recommendations are complete, but not before the high priority recommendations commence and make meaningful progress.

Recommendations identified as "medium priority" are essential but either have a dependency on a "high priority" recommendation or would be usefully informed by the completion of a "high priority" recommendation.

Recommendations identified as "low priority" are important and should be completed. These recommendations are either administrative in nature or have no other related dependencies and can be scheduled as time permits.

The SSAC notes that the term "WHOIS" is overloaded [6] and thus is ambiguous. We therefore propose three specific terms be used to disambiguate the term "WHOIS" depending on context: domain name "registration data," "access protocol," and "directory services." Our comments in this report will use this taxonomy of terms.

1.1 Review of WHOIS-Related Recommendations From the SSAC

The SSAC has been making "WHOIS" recommendations since its inception. The following is a list of the recommendations made by the SSAC that have not yet been completely resolved within the ICANN community.

- In 2003, in SAC 003 [1], the SSAC highlighted the need for improvements to the accuracy and consistency of the format of registration data maintained at registrars and registries, and recommended that ICANN modify the registry and registrar contracts to implement the improvements.

- In 2007, an SSAC study described in SAC 023 [2] found that the appearance of email addresses in responses to WHOIS protocol queries virtually assures that spam will be delivered to those email addresses. The SSAC recommended that registries and registrars implement anti-abuse measures such as rate limiting, CAPTCHA, and an Acceptable Use Policy (AUP) to protect registration data from automatic collection. Although some registries and registrars have implemented these measures, there is no uniform agreement, policy, or requirement mandating their implementation.

- In 2008, the SSAC published SAC 027 [3], a comment to the GNSO reiterating the fact that the limitations of the WHOIS protocol and inconsistencies among WHOIS implementations and services contribute to the poor quality of domain name registration data currently available. The SSAC again recommended that ICANN take "aggressive measures with respect to improving registration data accuracy and integrity," using contractual vehicles and non-compliance penalties to improve registration data accuracy and integrity (e.g., archival and restoration).

- The SSAC further recommended in SAC 027 that the ICANN community should adopt an Internet standard directory service as an initial step toward deprecating the use of the WHOIS protocol in favor of a more complete directory service. SAC 033 [4] complements SAC 027 by providing rationale and adding clarity to the SSAC recommendations in SAC 027.

- In 2011, the SSAC published SAC 051 [6] to facilitate further efforts to improve registration data retrieval by clarifying the taxonomy associated with the term "WHOIS," making observations in light of that taxonomy, and offering a set of recommendations aimed at moving forward efforts to improve "WHOIS." The critical recommendations that the SSAC made are: a) the adoption of a new set of terminology to clarify discussions; b) the evaluation of a replacement access protocol to support the query and display of IDNs; and (c) addressing the relevant recommendations in past SSAC reports made by the SSAC.

- Recognizing that one of the central issues with "WHOIS" is the variability among data models, in 2012 the SSAC published SAC 054 [7], proposing a standards-based, structured, and extensible data model that takes into consideration existing data requirements from registrar and registry agreements, escrow agreements, and ongoing work on internationalized registration data requirements. Further action and adoption by the community of this work is necessary.

2. Which Universal Policy?

The cornerstone of the Review Team Report recommendations is the creation of a universal policy that addresses "WHOIS in all its aspects." The SSAC believes that the creation of a universal policy as defined in the Review Team report does not address the most critical question:

> What is the purpose of WHOIS?

Historically, WHOIS was created to provide a means to make contact information available for both sites and prominent individuals of what was then a very small (and essentially homogeneous in terms of user community) Internet compared to what exists today. Since then the domain name industry has come into existence and the WHOIS protocol has been adopted for multiple purposes in support of that industry. The critical

issue that has emerged is the use of the WHOIS to satisfy the requirements of multiple different use cases.

The single term "WHOIS" is used by each of the communities supporting each of the use cases that the WHOIS is (ab)used to address. The term means something different to each of these communities. This is the reason the term is overloaded and the reason the SSAC proposed a new standardized taxonomy in SAC 051.

To answer the question of the purpose of WHOIS it is necessary to first ask the question:

> What problem are we trying to solve?

The SSAC believes that people are attempting to use the WHOIS two meet four distinct needs:

4. Public access to details about a domain name registration;
5. Law enforcement access to details about a domain name registration;
6. Intellectual property owner access to details about a domain name registration; and
7. Security practitioner access to details about a domain name registration.

2.1 Public Access to Domain Registration Data

It is a widely held belief that the public Internet should have access to domain name registration data. The following questions need further consideration:

1. What value does the public realize with access to registration data?
2. Of all the registration data available, which does the public need access to?

Note: Giving access only to service providers is tantamount to giving access to the public, given the large number of service providers.

2.2 Law Enforcement Access to Domain Registration Data

The SSAC believes that law enforcement has a legitimate need to access the real identity of the responsible party(ies) for a domain name. The following questions need further consideration:

1. Is the WHOIS protocol the best choice for providing that access?
2. What comprises a legitimate law enforcement need?
3. How is a law enforcement agent identified?
4. What registration data and to what level of accuracy comprises the real identity of the responsible party?

5. What registration data and to what level of accuracy comprises valuable information to a law enforcement agent that is looking for the real identity of the responsible party?

2.3 Intellectual Property Practitioner Access to Domain Registration Data

It is a widely held belief that intellectual property owners should have access to domain name registration data. It is generally understood that the access is used to protect intellectual property interests. The following questions need further consideration:

6. Is the WHOIS protocol the best choice for providing that access?
7. Is the desired domain name registration data access consistent with access that intellectual property owners have to similar types of data in other industries?
8. How is an intellectual property owner identified?
9. Of all the registration data available, what does an intellectual property owner need access to?

2.4 Security Practitioner Access to Domain Registration Data

The SSAC believes that security practitioners have a legitimate need to access the real identity of those responsible for a domain name. It is generally understood that the access is used in support of various anti-abuse services and programs. These include commercially available products, registry operators who run anti-abuse programs in their TLDs, and noncommercial efforts. The following questions need further consideration:

1. Is the WHOIS protocol the best choice for providing that access?
2. How is a security practitioner identified?
3. Of all the registration data available, what does a security practitioner need access to?

In all of the use cases presented above there are three questions in common.

1. What registration data is appropriate to be made available?
2. Is the WHOIS protocol the appropriate method for access?
3. How is the party to be provided access to be identified?

The answers to these questions should be commonly derived from a clear statement of the problem to be solved. To the extent that the answers are different among the use cases, the solutions will be different. To the extent that the solutions are different, a single universal “WHOIS” policy, as defined in the Review Team’s report, will not be effective nor will it be achievable.

WHOIS: Blind Men And An Elephant *[SSAC Comment on the WHOIS Review Team Final Report]*

The SSAC believes that the *real* fundamental problem facing all "WHOIS" discussions is understanding the purpose of domain name registration data. The SSAC considered this question when proposing a draft registration data model in SAC 054. There does not currently exist a clear statement of purpose for registration data. A clearly stated purpose would provide the basis for knowing what information needs to be collected, rather than what is apparently the ad hoc basis we have today. The SSAC chose to select elements for its draft registration data model based on meeting the needs of the lifecycle of a domain name registration, which has received varying levels of support from other constituencies within ICANN. Additional work is needed to progress the adoption of a registration data model.

The question of access to the registration data, including to which elements of the data to grant access, is an independent issue. One element of the negative discourse in "WHOIS" discussions is the tension between what is collected, what is visible, and what should be visible. Privacy and proxy services have come into existence, at least in part, for legitimate registrants to mitigate some of the risks associated with their lack of control and the lack of accountability associated with the accessibility of registration data.

The SSAC believes that there is a critical need for a policy asserting the purpose of collecting and maintaining registration data. This policy should address the operational concerns of the parties who collect, maintain or use this data as it relates to ICANN's remit. The policy should address at least the following questions:

- Why are data collected?
- What purpose will the data serve?
- Who collects the data?
- Where is the data stored and how long is it stored?
- Where is the data escrowed and how long is it escrowed?
- Who needs the data and why?
- Who needs access to logs of access to the data and why?

Another question that needs to be considered both separately and independently is what parties outside of the operational system should have access (e.g., the public, law enforcement agents, intellectual property owners, and security practitioners) to registration data?

The SSAC believes that a single universal policy answering at least *the questions listed above* is achievable. It is within ICANN's remit to work collaboratively with the community to retroactively establish this policy.

The SSAC believes that it is unlikely that a single policy as defined in the WHOIS Review Team's report will be able to guide access to registration data by different third parties. These parties will have different needs for different purposes. Further, they should not be constrained to using the same technology to realize the access they are

granted. Since the data will have different purposes it is reasonable to explore different access methods to ensure the data can be delivered in the most efficient manner possible, both for the provider and the consumer.

The formation of a properly authorized committee to drive solutions to these questions *first*, and to then derive a universal policy from the answers, is the right way to address the WHOIS Review Team's report.

2.5 SSAC Recommendations

1. The Board should pass a resolution clearly stating the criticality of the development of a registration data policy defining the purpose of domain name registration data, and
2. The Board should direct the CEO to create a registration data policy committee that includes the highest levels of executive engagement to develop a registration data policy which defines the purpose of domain name registration data, as described elsewhere in this document; and
3. the Board should explicitly defer any other activity (within ICANN's remit) directed at finding a "solution" to "the WHOIS problem" until the registration data policy identified in (1) and (2) has been developed and accepted by the community.

3. SSAC Responses to Review Team Recommendations

The SSAC has placed the Review Team's recommendations into three categories: High priority, Medium priority, and Low priority.

Review Team Recommendation	SSAC Priority	SSAC Recommendation(s) on implementation options
1: Strategic Priority	High	ICANN CEO to create a domain name policy committee that includes the highest level of executive management.
2: Single WHOIS Policy	High	The Board to clearly state that the development of a uniform policy is a critical priority.
3: Outreach	Low	
4: Compliance	High	The domain name policy committee should develop clear targets for compliance with respect to registration data accuracy; performance provisions

		such as SLA must be considered as part of the compliance function.
5-9: Data Accuracy	Medium	An accuracy policy should define each data element and require that it be examined and indicate for each element a method for determining the level of accuracy of the data.
10: Data Access: Privacy & Proxy Services	Medium	No specific recommendation not already covered elsewhere.
11: Data Access: Common Interface	Low	
12-13: Internationalized Domain Names	Medium	Internationalization MUST be supported by default, not called out separately. The focus should be on Recommendation 2 from the IRD-WG final report.
14: Internationalized Domain Names	Low	Policies with respect to the accuracy of registration data should apply equally to all registration data without regard to whether it is internationalized or ASCII registration data.
15: Detailed and Comprehensive Plan	Low	
16: Annual Status Reports	Low	

The SSAC believes the high priority recommendations are critical to the successful completion of the medium and low priority recommendations. These high priority recommendations should be completed after the critical recommendations and before all other recommendations. Lower priority recommendations can be started concurrently with high priority recommendations but since they are at least informed by the results of these recommendations their completion should be planned to occur after the completion of the high priority recommendations.

The SSAC believes that Review Team Recommendations 1, 2, and 4 should all be considered high priority and should be addressed together.

3.1 High Priority Recommendations

3.1.1 Strategic Priority & Single WHOIS Policy

The WHOIS Review Team recommended that:

> "… WHOIS, in all its aspects, should be a strategic priority for ICANN the organization. It should form the basis of staff incentivization and published organizational objectives. To support WHOIS as a strategic priority, the ICANN board should create a committee that includes the CEO."
>
> " … The ICANN Board should oversee the creation of a single WHOIS policy document, and reference it in subsequent versions of agreements with Contracted Parties. In doing so, ICANN should clearly document the current gTLD WHOIS policy as set out in the gTLD Registry and Registrar contracts and GNSO Consensus Policies and Procedure."

3.1.1.1 SSAC Comments

The SSAC interprets recommendations 1 and 2 referring to "WHOIS, in all its aspects" to cover domain name registration data, domain name access protocol, and domain name directory services.

The SSAC agrees with the Review Team that Recommendations 1 and 2 are a high priority and suggests that these recommendations should be addressed together because there is a cause-effect relationship between Recommendation 2 and 1.

As detailed in Section 2, the SSAC neither expects a single policy to be achievable nor effective. We note that ICANN has legal ability to affect generic Top Level Domain (gTLD) services, and has the ability to provide best practices and guidelines for use by the country code TLD (ccTLD) community. Thus the goal of providing a single policy should always be the target and clearly identifying any differences that develop would inform best practices and guidelines. This will facilitate the development of a uniform policy with a uniform structure that is based on uniform principles.

The SSAC notes that this uniform policy need not be new. Assembling and reconciling the fragmented policies in place for gTLDs could be used to construct the uniform policy. For example, the SSAC agrees with the Review Team that the policies described in the "WHOIS Policy in Registrar and Registry contracts, GNSO Consensus Policies and a Consensus Procedure, the Internet Engineering Task Force (IETF) Requests for Comments (RFCs) and domain name history" [8] should be combined into a uniform policy document that normalizes the differences between these areas.

The SSAC supports the idea that there should be a Domain Name Policy Committee (henceforth called the Committee) to support development of a uniform policy for

registration data, access protocol, and directory services, with the highest level of executive engagement from ICANN. However, the SSAC believes that a more effective way to engage on this topic exists.

Specifically, the SSAC does not believe the CEO should be required to be a member of the Committee. Subject matter experts should be the primary constituents of the Committee, with clearly defined outcomes subject to the CEO's periodic review. The CEO's role in this Committee should be to ensure that the priority of the work is maintained, and that meaningful outcomes result from the Committee's work in a predictable timeframe.

It is essential that the development of this uniform policy be done with adequate and effective community collaboration. Many task forces and working groups have attempted this task in the past, with uneven results. The SSAC suggests that this community outreach be formulated in such a way that ICANN does not appear to impose a policy on the Regional Internet Registries (RIRs) or the ccTLDs. On the contrary, ICANN should make it clear that it is seeking input so that the comments from the RIRs and ccTLDs can inform the structure of the gTLD uniform policy and thus will have the greatest probability of representing best practices and guidelines for use by those communities.

3.1.1.2 SSAC Recommendation

The SSAC recommends the ICANN Board adopt the following steps:

1. Clearly state that the development of a uniform policy is a critical priority, and
2. Direct the CEO to create a Domain Name Policy Committee that includes the highest levels of executive engagement to develop the policy as described in this document.

The Domain Name Policy Committee's charter must include at least the following components:

- Development of a uniform policy for gTLDs;
- Adequate and effective collaboration with the community;
- Be intentionally short in duration with a clear timeframe associated with the completion of the charter tasks; and
- Specify "execution" tasks more than "policy development" tasks.

3.1.2 Compliance

Compliance is a central piece of the Review Team's report. The Review Team recommended that ICANN should act to ensure that its compliance function is managed in accordance with best practice principles, including that:

> "There should be full transparency regarding the resourcing and structure of its compliance function. To help achieve this ICANN should, at a minimum, publish

> annual reports that detail the following relevant to ICANN's compliance activities: staffing levels; budgeted funds; actual expenditure; performance against published targets; and organizational structure (including the full lines of reporting and accountability).
>
> "There should be clear and appropriate lines of reporting and accountability, to allow compliance activities to be pursued pro-actively and independently of other interests. To help achieve this, ICANN should appoint a senior executive whose sole responsibility would be to oversee and manage ICANN's compliance function. This senior executive should report directly and solely to a sub-committee of the ICANN Board. This sub-committee should include Board members with a range of relevant skills, and should include the CEO. The sub-committee should not include any representatives from the regulated industry, or any other Board members who could have conflicts of interest in this area.
>
> "ICANN should provide all necessary resources to ensure that the compliance team has the processes and technological tools it needs to efficiently and pro-actively manage and scale its compliance activities. The Review Team notes that this will be particularly important in light of the new gTLD program, and all relevant compliance processes and tools should be reviewed and improved, and new tools developed where necessary, in advance of any new gTLDs becoming operational."

3.1.2.1 SSAC Comments

The SSAC interprets the Review Team's recommendation on compliance as relating to domain name registration data.

The SSAC observes that it is difficult for ICANN to perform an adequate compliance function because ICANN does not have clear targets with which to confirm compliance. Performance provisions such as service level agreements must be specified before a proper compliance function can be performed. The policy to be developed by the Committee should inform the performance provisions needed by the compliance function.

3.1.2.2 SSAC Recommendation

The SSAC recommends that the Domain Name Policy Committee should develop clear targets for compliance with respect to registration data accuracy (see Section 3.2.1 below).

3.2 Medium Priority Recommendations

The SSAC believes that recommendations identified as a "medium priority" are essential but either have a dependency on a "high priority" recommendation or would be usefully informed by the completion of a "high priority" recommendation.

3.2.1 Data Accuracy

Regarding the accuracy of registration data, the Review Team recommended that:

5. ICANN should ensure that the requirements for accurate WHOIS data are widely and pro-actively communicated, including to current and prospective Registrants, and should use all means available to progress WHOIS accuracy, including any internationalized WHOIS data, as an organizational objective. As part of this effort, ICANN should ensure that its Registrant Rights and Responsibilities document is pro-actively and prominently circulated to all new and renewing registrants.

6. ICANN should take appropriate measures to reduce the number of WHOIS registrations that fall into the accuracy groups Substantial Failure and Full Failure (as defined by the NORC Data Accuracy Study, 2009/10) by 50% within 12 months and by 50% again over the following 12 months.

7. ICANN shall produce and publish an accuracy report focused on measured reduction in WHOIS registrations that fall into the accuracy groups Substantial Failure and Full Failure, on an annual basis.

8. ICANN should ensure that there is a clear, unambiguous and enforceable chain of contractual agreements with registries, registrars, and registrants to require the provision and maintenance of accurate WHOIS data. As part of these agreements, ICANN should ensure that clear, enforceable and graduated sanctions apply to registries, registrars and registrants that do not comply with its WHOIS policies. These sanctions should include de-registration and/or de-accreditation as appropriate in cases of serious or serial non-compliance.

9. The ICANN Board should ensure that the Compliance Team develop, in consultation with relevant contracted parties, metrics to track the impact of the annual WHOIS Data Reminder Policy (WDRP) notices to registrants. Such metrics should be used to develop and publish performance targets, to improve data accuracy over time. If this is unfeasible with the current system, the Board should ensure that an alternative, effective policy is developed (in accordance with ICANN's existing processes) and implemented in consultation with registrars that achieves the objective of improving data quality, in a measurable way.

3.2.1.1 SSAC Comments

The SSAC interprets the above recommendations (5-9) as referring to domain name registration data.

With respect to Recommendation 5, the SSAC believes that the term "accuracy" or "accurate registration data" should be explained carefully and that an unambiguous definition should be made clear in the unified policy. As of the date of this publication, the SSAC is actively working on a draft registration data validation taxonomy that will include definitions that could serve as the basis of discussion for community consensus on these terms. Recall that the final report of the Internationalized Registration Data Working Group [0] recommends syntactic requirements for many registration data elements, which would be a precursor to specifying what it means to validate the elements.

Recommendations 6-9 are operational specifics that should be considered in the context of the proposed uniform policy. The implementation details specified in these recommendations should be re-evaluated in light of the uniform policy.

3.2.1.2 SSAC Recommendation

The SSAC recommends that the Registration Data Policy Committee's charter should include the requirement to define "accurate registration data" and provide guidance as to how to achieve it.

The SSAC recommends that the Committee should consider the operational specifics found in the Review Team's recommendations 6-9 and should provide guidance as to the efficacy of those recommendations in its final work product.

3.2.2 Data Access: Privacy and Proxy Services

With respect to privacy and proxy services, the Review Team recommended that:

> … ICANN should initiate processes to regulate and oversee privacy and proxy service providers. ICANN should develop these processes in consultation with all interested stakeholders. This work should take note of the studies of existing practices used by proxy/privacy service providers now taking place within the GNSO.

3.2.2.1 SSAC Comments

The SSAC interprets the above recommendation as referring to domain name directory services.

The SSAC's position on the presence of privacy and proxy services is that they should not undermine the security and stability of the domain name registration service, nor should they interfere with the utility of the registration service or unduly impede access to the registrant, or other contacts.

The Review Team found that privacy and proxy services need to be distinguished from each other. The SSAC does not have a position on whether or not this is necessary.

It is a widely held belief that some registrants are hiding from law enforcement investigation behind privacy and proxy services. Some preliminary research suggests this is the case, but the SSAC would like to see a more research to validate this point.[3] The SSAC also restates one of our questions from Section 2: Is a standard directory service the appropriate mechanism to meet the needs of law enforcement? The SSAC does agree that law enforcement agents need access to the real identity of the responsible party(ies) for a domain name. We observe that if an alternate mechanism were available to achieve this access then the presence or absence of privacy and proxy services would be less relevant to law enforcement agents.

The Review Team found that problems with both registration data accuracy and registration data access is often exacerbated by the presence of resellers. The SSAC observes that to the extent that if it is true the problem(s) could be mitigated by a complete registration data policy as described in Section 2.

3.2.2.2 SSAC Recommendation

The SSAC does not have a specific recommendation with respect to privacy and proxy services that is not covered elsewhere in this document by other recommendations.

3.2.3 Internationalized Domain Names

With respect to internationalized domain names and the associated registration data, the Review Team recommended that:

> "ICANN should task a working group within six months of publication of this report, to determine appropriate internationalized domain name registration data requirements and evaluate available solutions (including solutions being implemented by ccTLDs). At a minimum, the data requirements should apply to all new gTLDs, and the working group should consider ways to encourage consistency of approach across the gTLD and (on a voluntary basis) ccTLD space. The working group should report within a year of being tasked.
>
> "The final data model, including (any) requirements for the translation or

[3] See http://securityskeptic.typepad.com/the-security-skeptic/2010/04/domain-name-privacy-misuse-studies.html

> transliteration of the registration data, should be incorporated in the relevant Registrar and Registry agreements within 6 months of adoption of the working group's recommendations by the ICANN Board. If these recommendations are not finalized in time for the next revision of such agreements, explicit placeholders for this purpose should be put in place in the agreements for the new gTLD program at this time, and in the existing agreements when they come up for renewal."

3.2.3.1 SSAC Comments

The SSAC believes that internationalization should not be distinct from registration data. Internationalized registration data should be supported by default.

The SSAC reiterates that where and how translation and/or transliteration will occur is an open question. In particular, the SSAC recommends that the ICANN Board should adopt the Internationalized Registration Data working group's advice on this topic, reproduced below:

> ***"Recommendation 2:*** The GNSO council and the SSAC should request a common Issue Report on translation and transliteration of contact information. The Issue Report should consider whether it is desirable to translate contact information to a single common language or transliterate contact information to a single common script. It should also consider who should bear the burden and who is in the best position to address these issues. The Issue Report should consider policy questions raised in this document and should also recommend whether to start a policy development process (PDP)." [0]

3.2.3.2 SSAC Recommendation

The SSAC recommends the ICANN Board adopt recommendation 2 from the Internationalized Registration Data working group's final report.

3.3 Low Priority Recommendations

Recommendations identified as "low priority" are important and should be completed. These recommendations are either administrative in nature or have no other related dependencies and can be scheduled as time permits. The SSAC does not have a specific recommendation related to any of these Review Team recommendations.

3.3.1 Outreach

The Review Team recommended that:

> "ICANN should ensure that WHOIS policy issues are accompanied by cross community outreach, including outreach to the communities outside of ICANN with a specific interest in the issues, and an ongoing program for consumer awareness."

3.3.1.1 SSAC Comments

The SSAC believes that the Registration Data Policy Committee, through its work of creating a unified policy (see Section 3.1), should address the issue of outreach.

3.3.2 Data Access: Common Interface

The Review Team recommended that:

> "… the Internic Service is overhauled to provide enhanced usability for consumers, including the display of full registrant data for all gTLD domain names (whether those gTLDs operate thin or thick WHOIS services) in order to create a one stop shop, from a trusted provider, for consumers and other users of WHOIS services."

3.3.2.1 SSAC Comments

The SSAC notes that this item is a prescriptive operational recommendation, and therefore does not endorse it. Instead, we suggest that the concepts behind such a recommendation be considered as part of the development of the uniform policy.

It should be noted that these concepts are a work in progress. In particular, the name and number resource technical communities of ICANN are actively participating in a working group within the IETF to work on the Review Team recommendation 3 (see the WEIRDS working group[4]). The working group charter states that "The purpose of this working group is to broaden the use of RESTful web services by achieving simple and common URI patterns and responses amenable to all number resource and domain name registries." This purpose is consistent with several SSAC's recommendations, Recommendation 3 from the Internationalized Registration Data Working Group (see below), and the recommendations of the Review Team. This work is well under way and both registry operators and private organizations have announced experimental implementations of clients and servers.

[4] See IETF Web Extensible Internet Registration Data Working Group. Available at: http://datatracker.ietf.org/wg/weirds/charter/

3.3.3. Internationalized Domain Names

The Review Team recommended that:

> "In addition, metrics should be developed to maintain and measure the accuracy of the internationalized registration data and corresponding data in ASCII, with clearly defined compliance methods and targets, as per the details in Recommendations 5-9 in this document."

3.3.3.1 SSAC Comments

With respect to Review Team Recommendation 14, the SSAC agrees that additional study is needed, but notes that the uniform policy with respect to data accuracy should apply equally to all registration data without regard to whether it is internationalized or ASCII registration data.

3.3.4 Detailed and Comprehensive Plan

The Review Team recommended that:

> "ICANN should provide a detailed and comprehensive plan within 3 months after the submission of the Final WHOIS Review Team report that outlines how ICANN will move forward in implementing these recommendations."

3.3.4.1 SSAC Comments

With respect to Review Team Recommendation 15, the SSAC agrees that a comprehensive plan is needed, but believes that the suggested timeline might be too aggressive to adequately reflect community outreach.

3.3.5 Annual Status Reports

The Review Team recommended that:

> "ICANN should provide at least annual written status reports on its progress towards implementing the recommendations of this WHOIS Review Team. The first of these reports should be published one year, at the latest, after ICANN publishes the implementation plan mentioned in recommendation 15, above. Each of these reports should contain all relevant information, including all underlying facts, figures and analyses."

3.3.5.1 SSAC Comments

The SSAC agrees that transparency is very important, and agrees with the recommendation for a plan and annual status report. However, the SSAC believes a more

effective way to provide this information exists than an annual written report. ICANN should consider creating a tracking mechanism that is easily accessible and continuously updated to demonstrate the progress on each of the Review Team's recommendations, e.g., a web-enabled tool.

4. Acknowledgments, Statements of Interests, and Objections and Withdrawals

In the interest of greater transparency, these sections provide information on three aspects of our process. The Acknowledgments section lists the members who contributed to this particular document. The Statements of Interest section points to the biographies of the Committee members and any conflicts of interest, real, apparent or potential, that may bear on the material in this document. The Objections and Withdrawals section provides a place for individual members to disagree with the content of this document or the process for preparing it.

4.1 Acknowledgments

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4.2 Statements of Interest

SSAC member biographical information and Statements of Interest are available at: http://www.icann.org/en/groups/ssac/biographies-15jun12-en.htm.

4.3 Objections and Withdrawals

There were no objections or withdrawals.

5. References

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