

**Registrar Stakeholder Group Comment on
Registration Data Access Protocol (RDAP) Operational Profile for gTLD Registries and
Registrars**

The Registrar Stakeholder Group submits that implementation of RDAP should not proceed without broader consideration of the direction of WHOIS policy generally. This implementation will impose significant development and operational costs, ultimately imposed on registrants, while running the risk of being obsolete by the time it is implemented. While a great deal of work has gone into WHOIS related policy and technical initiatives, there seems to have been inadequate attention given to how these initiatives interact with, and in some instances conflict with, one another. In the meantime, the Expert Working Group on gTLD Directory Services (EWG) published its Final Issue Report on 7 October 2015 (<http://whois.icann.org/sites/default/files/files/final-issue-report-next-generation-rds-07oct15-en.pdf>), and a corresponding Working Group Charter for Next Generation gTLD RDS to Replace WHOIS PDP (NextGen) was issued by the GNSO on 19 November 2015 (<http://gns0.icann.org/en/drafts/whois-ng-gtld-rds-charter-07oct15-en.pdf>). While the RDAP Operational Profile has been synchronized with the related Thick WHOIS proposal, the rare coupling of these two related proposals fails to take in the broader scope of WHOIS-related policy activity.

Within any realistic timeframe, Registrar implementation of the RDAP Operational Profile will be, at best, rendered obsolete by the NextGen Working Group and will at worst be incompatible with the ultimate specification for NextGen gTLD RDS. While the RDAP provides a platform for effecting a range of access policies for obtaining registration data, there are no existing policies relevant to the capabilities of RDAP. It is unknown whether RDAP will support or be compatible with the outcomes of the NextGen PDP. It is, at best, a short-lived transitional proposal to the NextGen PDP, and imposes an economic impact for implementation which is not justified for a temporary solution. Mandating Registrar implementation of RDAP at this time is an exercise in putting the cart before the horse, as there is not an adequate rationale for requiring Registrars to incur development and implementation costs of a system which (a) is designed to support access policies which are not specified and (b) is unlikely to be compatible with pending registration data policy work in progress. Hence, by the time RDAP is implemented, it is likely to be immediately discarded in favor of the NextGen RDS implementation requirements, whatever they may turn out to be. Additionally, an RDAP

implementation that is designed to operate within the current WHOIS policy framework, merely replicates WHOIS technical and policy shortcomings without a tangible benefit, as stated in the comment submitted by the RySG, which the RrSG notes with approval.

The 2013 RAA requires Registrars to provide an interactive web page for sponsored names and port-43 service for sponsored names which are registered with thin registries. As the thin registry model is being phased out, the requirement for registrars to provide port-43 WHOIS service for names with thin registries will likewise become irrelevant. The RDAP Operational Profile at 3.1.1, however, mandates "A Registrar is REQUIRED to respond with information regarding domain names for which the Registrar is the Sponsoring Registrar" regardless of whether the registry is a thick registry or one of the remaining thin registries being phased out. The Report states at page 4, "Contracted parties operating according to an agreement, which includes a clause to implement a successor protocol to WHOIS...". There is a distinction between "a successor protocol to WHOIS" on the one hand, and an implicit policy mandate, which has not been the subject of adequate discussion, to expand the range of required technical operations. In other words, any implementation of RDAP should be understood to apply only to the limited and diminishing instances for which Registrars are currently required implement port-43 WHOIS. In other words, requiring implementation of RDAP at the registrar level for names which registrars are not currently required to provide port-43 WHOIS, is not a "successor protocol". It is a policy mandate which itself has not been the subject of a relevant policy process.

There are several instances of required RDAP responses for data items which are inapplicable to registrars. Sections 1.4.1 and 1.5.4, which are stated by the Report to be applicable to both registries and registrars, refer to name server objects, which is inapplicable to registrars.

Accordingly, the RrSG submits that it is ill-advised to mandate implementation of RDAP as a "successor protocol" to Port-43, because the draft RDAP Operational Profile embodies an implicit policy directive beyond the scope of a "successor protocol", does not solve any of the further policy issues on which work is proceeding in parallel, may be incompatible with an eventual Consensus Policy in progress, and is likely to be obsolete upon implementation.