

**Registrar Stakeholder Group Comment on
Proposed Implementation of GNSO Thick Whois Consensus Policy Requiring Consistent
Labeling and Display of RDDS (Whois) Output for All gTLDs**

The PDP on the Thick WHOIS policy was initiated in March 2012, and is likely to be obsolete by the time it is implemented. The Registrar Stakeholder Group (RrSG) observes that, while this comment period is intended to "to ensure that the proposed implementation meets the intent of the relevant policy recommendation", the policy recommendation itself was made by the WG in October 2013. Since that time, the GNSO has initiated a PDP for "Next Generation gTLD RDS to Replace WHOIS" ("NextGen"), for which the Working Group Charter was issued 19 November 2015 (<http://gns0.icann.org/en/drafts/whois-ng-gtld-rds-charter-07oct15-en.pdf>). As indicated in the RrSG comment on the coupled RDAP Operational Profile, implementation of the Thick WHOIS policy recommendations is unlikely to occur on a timescale in which the recommendations remain relevant in light of the pending NextGen recommendations.

As noted in the comment submitted by the Registry Stakeholder Group, the Thick WHOIS implementation goes beyond express recommendations of the Working Group, and implicitly assumes data collection and synchronization obligations between registrars and registries which are not specified in the relevant registry/registrar contracts, nor are specified as required by any existing consensus policy. The RrSG believes that the implementation phase is not the appropriate mechanism for backdoor policy introduction.

Specifically the "Reseller" data requirement, which was not the subject of any discussion in the Working Group, creates a new object type to be associated, managed and maintained. It would require registrars to keep reseller id, names, and domain references in sync between registrar and registry (or vice versa), while having had no substantive discussion by the Working Group. Presently, if a domain name is transferred between two resellers of the same registrar, that is not an event for which data synchronization between the registry and the registrar is required. The imposition of a new data synchronization requirement between registries and registrars was not contemplated in the Working Group discussions, and cannot be reasonably considered to have been the subject of consensus.

Likewise requiring registries to display the registrar and registry expiration dates is likely to

generate confusion. The registrar expiration date defines the end of the term for contracted services between the registrar and the registrant. The registry expiration date defines the endpoint of services available from the registry to the registrar. These dates can be different. For example, many registries implement an auto-renew period after expiration of a domain name during which, if the registrant seeks to renew or redeem the registration contract with the registrar, the registrant may do so. During the first post-expiration month, the registry will advance the "registry expiration date" to the following year, whereas the registrar expiration date will remain fixed, and then the domain name will proceed to registry deletion short of the "registry expiration date". Domain registrants have unambiguous access to the registrar domain expiration data from their registrars. Presenting both the registrar and registry expiration dates in all contexts is more likely to confuse registrants than to provide them timely actionable information.

Accordingly, while this proposal has indeed reached the implementation phase, the Registrar Stakeholder Group believes that this proposal has, in the larger context, become a transitional phase to a dead-end, in view of other policy work in progress, is likely to be obsolete by the time it is implemented, and imposes new data collection and synchronization requirements which were not contemplated by the Working Group.