

Registrar Stakeholder Group Comment on the new Preliminary Issue Report concerning Next-Generation gTLD Registration Directory Services (RDS) to Replace WHOIS.

This comment is submitted on behalf of the Registrar Stakeholder Group (RrSG).

Registrars would like to thank ICANN and its staff for their work in connection with the new Preliminary Issue Report concerning Next-Generation gTLD Registration Directory Services (RDS) to Replace WHOIS.

Due to the complexity of the proposed Next Gen RDS, the RrSG believes the following items must be addressed and firmly decided *prior to* the completion of Phase I.

First and foremost is cost. Cost must be analyzed during each step of the PDP. At a minimum we must be able to answer the following questions:

- 1) What is the cost to develop and who will pay for it?
- 2) What is the cost to deploy and who will pay for it?

Second, given the parallel relationship between the Next Gen RDS and other ICANN initiatives, how will the redundancy be eliminated? If overlapping working groups are not placed on hold or delayed, how will the outcomes of those working groups be incorporated? (The idea of “deferring” other WHOIS activity has been referenced in the SSAC report mentioned in Section 3.2.7.)

Next, Phase I must be prioritized as certain questions must be resolved before other questions can be answered. Accordingly, the RrSG calls for all questions and issues related to gated access, required data elements, data accuracy and privacy to be addressed in full. We must know the requirements a provider will have to fulfil to ensure the protection of privacy and rights of those whose data would be entered into the database. We must know which users will be granted access, their purpose and create policy statements to be stress tested against those users and purposes.

Privacy is internationally recognized as a fundamental human right. Individuals should have reasonable expectations of privacy; any incursions into an individual's privacy should be necessary and proportionate. Research indicates that individuals' expectations of privacy are heavily dependent on context, and this makes it difficult to create policy which is simple enough to understand while offering sufficient flexibility. The current system of privacy proxy registrations, a market solution which arose from a policy gap in the WHOIS, offers such flexibility. The ICANN community should be open to learning from ccTLD implementations of WHOIS (particularly from registries in data protection environments) which both safeguard individuals' privacy by limiting the registrant data displayed and offer access to stakeholders who have a legitimate need to access the data.

Questions regarding technical feasibility and industry impact must be answered. At a minimum, we must 1) have engineers review the proposals and advise us regarding technical feasibility, and 2) consider how the legacy WHOIS and the Next Gen RDS will be addressed until a complete transition occurs, particularly as new contracted parties are being added. We have learned from IPv6 that deployment of changes to fundamental protocols are challenging and we must understand completely how this transition will be

managed prior to completion of Phase I. With around 160 million gTLD registrations, and all of our systems designed to interact with the WHOIS configuration, how a Next Gen RDS will be deployed must be thoroughly examined and stress tested to ensure the transition will have favorable outcome.

Finally, jurisdictional issues must be addresses. Have we considered where the Next Gen RDS will be located and if it will be managed by ICANN? Should it be centralized or decentralized? What happens if a data breach occurs? How will ICANN or the provider ensure this database of the entire world's registration data remains secure? If ICANN compliance is tasked with monitoring the accuracy of the data, would they need access to the RDS? Based on recent security breaches at ICANN, this would be troubling.

Given the overarching scope and impact a Next Gen RDS would have on the industry as a whole, the RrSG believes it would be irresponsible to the DNS to allow the process to move forward without addressing the above questions in full prior to the completion of Phase I.