

Google Registry

August 24, 2015

Via Electronic Mail

comments-sharp-proposed-amendment-30jul15@icann.org

Re: Removal of Searchable Whois Service from .SHARP Registry Agreement

Charleston Road Registry d/b/a Google Registry (“Google Registry”) appreciates the opportunity to comment on the request to remove the requirement to operate searchable WHOIS from the .SHARP Registry Agreement. Google Registry fully supports Sharp Corporation’s RSEP request for the following reasons.

Removal of searchable WHOIS provides important protections for registrant privacy without sacrificing the ability to obtain registrant information when appropriate.

Registries may decide not to provide a searchable WHOIS service for a variety of reasons, including, most importantly, protecting registrant privacy. At the time of registration, many registrants are unaware that in providing WHOIS information, such information will be published and publicly accessible by all Internet users. Creating a circumstance in which a registrant’s personal information is made generally searchable, even apart from domain name lookups, would unnecessarily further erode registrants’ privacy. By limiting the circumstances by which a registrant’s personal information is revealed to domain name lookups, operating a non-searchable WHOIS service helps to ensure that registrant information is only accessed for appropriate purposes. At the same time, a non-searchable WHOIS does not compromise a user’s ability to access WHOIS information for key purposes, including but not limited to determining domain name availability, intellectual property enforcement, reporting or enforcing illegal or abusive conduct, confirming the identity of a company conducting business online, and resolving domain-related disputes.

Operating a searchable WHOIS service is not a registry requirement.

The Applicant Guidebook explicitly states that operation of a searchable WHOIS service is an optional service, offered at the sole discretion of the registry, and is not a requirement for new gTLDs. According to the Guidebook, applicants providing a basic, non-searchable WHOIS functionality can still “meet [ICANN’s] requirements” in Technical & Operational Evaluation. Because operation of a searchable WHOIS service was not a stated requirement for the new gTLD application round, it would be inconsistent for ICANN to bar the removal of this service by way of the RSEP process.

The .SHARP application did not rely upon the inclusion of searchable WHOIS to pass Technical & Operational Evaluation.

During ICANN's Initial Evaluation, applicants that proposed a searchable WHOIS service were eligible for an extra point in Technical & Operational Evaluation. That extra point was not necessary to achieve a passing score provided that a registry achieved a minimum score of 22 points and did not fail any single tested functionality. Though the .SHARP application initially proposed a searchable WHOIS service, no additional point was awarded to .SHARP for its WHOIS Functionality in its Initial Evaluation.¹ Notwithstanding that, the application received a score of 27 in ICANN's evaluation of Technical & Operational Capability and did not fail any tested functionality, easily passing Initial Evaluation.

The WHOIS functionality of .SHARP's new backend provider, Japan Registry Services Co., was similarly tested during Initial Evaluation through its application for .JPRS. The application for .JPRS did not propose a searchable WHOIS service, but, likewise, successfully passed ICANN's evaluation of Technical & Operational Capability with a score of 27 and a determination that its proposed WHOIS service and all other functionalities met requirements.² This demonstrates that the .SHARP TLD is technically viable notwithstanding the removal of searchable WHOIS from its Registry Agreement.

Operating a non-searchable WHOIS service is not a new service.

Given the absence of a strict requirement to provide a searchable WHOIS service, many applicants from the 2012 Application Round, including Google Registry and .SHARP's future backend provider Japan Registry Services Co., opted to offer non-searchable WHOIS services. As such, operation of a non-searchable WHOIS services is not new to the Domain Name System, nor does it introduce new technical, competition, or intellectual property concerns.

For the foregoing reasons Google Registry firmly supports the request by Sharp Corporation to remove the requirement to operate searchable WHOIS from the .SHARP Registry Agreement.

Sincerely,



Stephanie Duchesneau
Domains Policy and Compliance

¹ See ICANN, .SHARP Initial Evaluation Report:
<http://newgtlds.icann.org/sites/default/files/ier/bri7ro5gla319uspkaf3a2ri/ie-1-1733-97084-en.pdf>

² See ICANN, .JPRS Initial Evaluation Report:
<http://newgtlds.icann.org/sites/default/files/ier/ciasie0hjiec3lamxawrle7ia/ie-1-913-735-en.pdf>