



Comment on 2013 RAA Whois Accuracy Program Specification Review

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Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC), from the perspective of business users and registrants, as defined in our Charter:

The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:

1. promotes end-user confidence because it is a safe place to conduct business
2. is competitive in the supply of registry and registrar and related services
3. is technically stable, secure and reliable.

Comments

The BC offers these comments (in **bold**) on observations provided by ICANN's Contractual Compliance team, based on their experiences in enforcing the Specification and on registrar feedback received during the course of compliance inquiries.

Section 1, Observation 1: It would be helpful to clarify the difference between "validation" and "verification" or use different terminology, because the distinction is often lost in translation.

For example, the terms could be defined as follows, or as otherwise defined through this review:

Verification: The process by which a registrar confirms or corrects the accuracy of Whois data by contacting and receiving an affirmative response from the Registered Name Holder.

Validation: The process by which a registrar ensures that the format of Whois data is consistent with standards.

The BC points out that SSAC defined validation in their report SAC058 and recommended that the community adopt these definitions. The definition of verification above may align with Syntactic Validation.

The SSAC recommends that the ICANN community should consider adopting the terminology outlined in this report in documents and discussions. In particular:

- **Syntactic Validation - the assessment of data with the intent to ensure that they satisfy specified syntactic constraints, conform to specified data standards, and are transformed and formatted properly for their intended use.**
- **Operational Validation - the assessment of data for their intended use in their routine functions.**
- **Identity Validation - the assessment that the data corresponds to the real world identity of the entity.**

The BC urges adherence to SSAC's recommended language in this specification.

Section 1, Observation 2: It might be helpful to clarify what is intended by "manual verification" in Sections 1, 2, and 4, in order to help prevent unnecessary suspensions of domain names.

The BC agrees this term needs additional definition. The BC suggests "In manually verifying (validating) data the registrar will do one or more of the following:

- 1) call the admin contact phone number;
- 2) send a letter to the admin and registrant address;
- 3) fax a letter to the admin fax number or
- 4) contact via other methods identified by the registrant such as SMS

The other option is to remove the extra manual verification step altogether. It basically repeats the core verification process, just uses other contact info in the whois record. While it does allow a better chance of a successful cure period, it also extends the timeframe of the domain's existence in a potentially nefarious state. The cure period for the 'manual' step needs to be time bound.

Section 1, Observation 3: We might wish to make explicit that validation and verification are not required upon renewal (absent a change to contact data, etc.). Similarly, we might clarify that data can be validated/verified before registration (to help prevent suspension of new registrations).

The BC agrees that if no changes are made to the contact data it may not make sense to require validation every year upon renewal. However a maximum-allowed stasis period still makes sense to enforce data quality and recency. The BC suggests if there have been no changes to the contact information for a specified period, such as 3 or 5 years, validating again at that time should be required.

Section 2, Observation 1: Section 2 requires registrars to re-validate and re-verify changed fields. If the registrant does not respond to the verification attempt, the registrar must either manually verify the data or suspend the registration. The section should be more explicit that suspension would also be required if the validation failed.

The BC agrees that the suspension of the domain name should occur after a manual validation and verification has failed.

Section 5, Observation 1: This section currently reads: "Upon the occurrence of a Registered Name Holder's willful provision of inaccurate or unreliable WHOIS information, its willful failure promptly to update information provided to Registrar, or its failure to respond for over fifteen (15) calendar days to inquiries by Registrar concerning the accuracy of contact details associated with the Registered Name Holder's registration, Registrar shall either terminate or suspend the Registered Name Holder's Registered Name or place such registration on clientHold and clientTransferProhibited, until such time as Registrar has **validated** the information provided by the Registered Name Holder." We believe *verification* should be required, in addition to validation, where a domain name was suspended due to inaccurate Whois data, since the inaccurate data presumably passed validation checks already.

The BC notes that if the SSAC's definitions of validation are accepted this language would not require modification.

Registrar Stakeholder Group Input

The Registrar Stakeholder Group ("RrSG") provided ICANN with the following questions and suggestions for updates to the Specification.

Section 1, RrSG suggestion 1: Section 1 of the Specification requires registrars to validate and verify Whois information and corresponding customer account holder information when a domain name is registered, transferred, or when the Registered Name Holder is otherwise changed. This section should be amended to require validation and verification only when a domain name is registered, not when a domain name is transferred or when there is any change in the Registered Name Holder. The transfer-related requirement is the most harmful part of this provision and should be removed since law enforcement recommendations that called for validation and verification did not target domain name transfers.

The BC does not agree that validation and verification are not required when a domain name is transferred. A domain name transfer initiates other requirements, such as a 60 day registrar hold, so a requirement to validate and verify the new data associated with the domain name record is essential. We have seen many registrants transfer a domain name to a new registrant to avoid legal proceedings, so it is essential to require that validation and verification are triggered with a change of registrant.

If the domain name is transferred to a new registrant and a new registrar it should be treated as if it is a new registration and be subject to the existing policy.

Section 1, RrSG suggestion 2: Section 1(a) requires validation of the presence of data for all fields required under RAA Subsection 3.3.1 (<https://icann.org/2013raa#3.3.1>) in a proper format for the applicable country or territory. The "proper format" requirement should be deleted because it duplicates a requirement in Section 1(d).

The BC understands that 1(a) refers to all data fields (not just postal code), and we do not see that requirement repeated elsewhere in Section 1. The BC therefore believes we should retain this requirement.

Section 1, RrSG suggestion 3: Section 1(d) requires registrars to validate that postal addresses are in a proper format for the applicable country or territory as defined in UPU format templates, the S42 address templates, or other standard formats. This should be amended to consider alternative, non-UPU formatting sources.

The BC agrees that other locally recognized address formats be accepted.

Section 1, RrSG suggestion 4: Section 1(e) requires registrars to validate that all postal address fields are consistent across fields where such information is technically and commercially feasible. This requirement should be deleted.

The BC cannot respond without understanding the reasoning behind the deletion request.

Section 1, RrSG suggestion 5: Section 1(f)(i) requires registrars to verify the email address of the registered name holder (and, if different, the account holder) by sending an email requiring an affirmative response through a tool-based authentication method such as providing a unique code that must be returned in a manner designated by the registrar. This section should be amended to delete the required process, giving registrars leeway to choose the process they will use to verify the email address.

The BC would agree to a variety of effective verification methods a registrar can choose from but the selected methods must be definitive and must be agreed upon in writing in this document.

Section 1, RrSG suggestion 6: Section 1(f)(ii) requires registrars to verify the telephone number of the registered name holder (and, if different, the account holder) by either calling or sending an SMS to the registered name holder providing a unique code or calling the registered name holder's telephone number and requiring the registered name holder to provide a unique code that was sent to the registered name holder. This section should be updated to delete the required processes, giving registrars leeway to choose the process they will use to verify telephone numbers.

The BC would agree to a variety of effective verification methods a registrar can choose from but the selected methods must be definitive and must be agreed upon in writing in this document.

Section 1, RrSG suggestion 7: Section 1(f) states that if a registrar does not receive an affirmative response from the registered name holder, the registrar shall either verify the applicable contact information manually or suspend the registration. This should be updated to provide a 45-day window for the registered name holder's response.

The BC would agree to extend this timeline to a 30-day window. But a 45-day window seems excessive in light of the manual verification process which itself provides a natural extension to the cure period.

Section 1, RrSG suggestion 8: It is unclear what Section 1(f) means by "verify the applicable contact information manually." This section should be amended to add an example "i.e. email or telephone number."

Please see prior comment on this topic in the ICANN Staff section above.

Section 1, RrSG suggestion 9: In Section 1(f), are there any other options short of suspension of a registration if a registrar does not receive an affirmative response from the registered name holder?

The BC suggests the following as an option that may get to faster resolution: Registrars can change the nameservers to point to a default page that lists a path to resolution, likely the email or phone number of the registrar in question. Some registrars are using this solution today, rather than a full takedown/suspension.

Section 2, RrSG suggestion 1: Section 2 requires registrars to validate and verify changed fields in Whois or the corresponding account information within fifteen calendar days after receiving any changes to the contact information. This should be updated to only require validation and verification when a change is "substantial."

The BC can agree to this stipulation so long as 'substantial' can be clearly defined, which appears challenging. The BC believes changes to fields such as email, phone or contact name or organization are all material and substantial changes to Whois.

Section 2, RrSG suggestion 2: Section 2 states that if a registrar does not receive an affirmative response from the registered name holder, the registrar shall either verify the applicable contact information manually or suspend the registration. This should be updated to clarify that the registrar's duty to verify the contact information or suspend the registration arises if the registrar has not received an affirmative response within forty-five days. This should also be updated to provide examples of "applicable contact information," "(i.e., email or telephone number)."

The BC reiterates its guidance on a maximum 30 day period here. The BC believes the definitions around applicable contact information have been previously defined in the document.

Section 4, RrSG suggestion 1: Section 4 states that if a registrar has any information suggesting that Whois or account holder information is incorrect, the registrar must verify or re-verify the email address(es). This should be updated to add the word "substantiated" before "information," which would force complainants to provide evidence of their claims and could reduce the number of inaccuracy complaints that would trigger re-verification.

The BC agrees with this suggestion so long as a strong definition of 'substantiated' can be written.

Section 4, RrSG suggestion 2: Section 4 states that "...Registrar must verify or re-verify, as applicable, the email address(es) as described in Section 1.f (for example by requiring an affirmative response to a Whois Data Reminder Policy notice)." This should be amended to state that "...Registrar must verify or re-verify, as applicable, the incorrect information."

The BC agrees with this change.

Section 4, RrSG suggestion 3: Section 4 should be amended to provide registered name holders a forty-five day window to respond to a registrar communication regarding potentially incorrect Whois or account information before the registrar must either manually verify the applicable information or suspend the registration.

The BC reiterates its guidance on a maximum 30 day period here.

Section 5, RRsG suggestion 1: Section 5 requires registrars to either terminate or suspend a registered name holder's registered name or place such registration on clientHold and clientTransferProhibited status upon a registered name holder's failure to respond for over fifteen calendar days to inquiries by the registrar concerning the accuracy of contact details. This requirement should be limited to instances when registrar inquiries concerning the accuracy of contact details are substantiated.

The BC agrees with this suggestion so long as a strong definition of 'substantiated' can be adopted.

Section 6, RRsG suggestion 1: Section 6 states that the terms and conditions of the Specification are to be reviewed by ICANN in consultation with the Registrar Stakeholder Group on or about the first anniversary of the date that the 2013 RAA was first executed by a registrar. This section should be amended to require an annual review of the Specification, but no more than once per twelve calendar months.

The BC agrees with this change.

In addition to these specific suggested edits and questions, the RrSG urged ICANN to keep in mind the goal of universal acceptance: "If we are to have universal acceptance of TLDs and IDNs, increased

pressures on validation/verification might work against the goal of greater internationalization of the namespace, at least in the short term.

As discussions move toward enabling registrants to enter WHOIS data in their own script / language, it is foreseeable that many may want to use an IDN email address. If we are to support and encourage universal acceptance, there will need to be some relaxation of the rules to account for universal acceptance issues in internationalized email addresses and contact data."

The BC agrees the use of IDNs should be accommodated pursuant to universal acceptance of TLDs. However the email address basis in the verification and validation process should not change.

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These comments were drafted by Susan Kawaguchi and Tim Chen.

They were approved in accordance with the BC charter.