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

Registrars would like to thank ICANN Staff for their hard work associated with the published WHOIS Accuracy Pilot Study Report. Under the 2013 RAA, Registrars have taken additional steps with respect to enhancing WHOIS Accuracy for their respective Registrants.  It is important to note the results of the WHOIS Accuracy Pilot Study demonstrate that increased control mechanisms have resulted in less accuracy of the WHOIS data.

1. Methodology Feedback on Pilot Results

   a. The verification results do not contain any details of the steps taken to reduce or eliminate false positives in the reported inaccuracies.  It is unclear as to what (if any) verification steps were taken by the reporting contractors to ensure findings were accurate and false positives were identified and removed from the study results. The absence of these proactive measures may have led to inaccurate results and statistics.
   b. The study did not contain the detailed requirements (referencing either the Registrar Agreement, and/or ICANN policy) that determined the framework for the Accuracy Result Study. ARS design should only determine whether a record matches the minimum requirements of the registration agreement and ICANN policies. For example "catch all" email addresses should be considered as accurate as they provide a functional means for email communications.
   c. The email analysis conducted by Strike Iron has produced results already known to be partially false. It has been determined by review of Whois inaccuracy reports sent by ICANN compliance to the sponsoring registrar that a fully functional, accurate and previously verified sample email address was reported as being inaccurate by the study. Since the analysis methodology of the study was automated, it must be noted that manual validation of any "inaccurate" results would be advisable.
   d. The report conflates "ease of validation" with "validity". It is significantly easier to validate physical addresses in countries such as the USA where the postcode system is well established. The report confuses this ease of automated validation with actual accuracy.
   e. The survey results do not contain information related to the total number of domains that used privacy services vs. unique registrant data. One may argue the domains with higher concentration of privacy may skew the report results since the WHOIS output for private registration services is typically a Registrar specific template. The "geographic region" aspect of the report does not appear to attempt any correlation between the region of the registrant and the region of the registrar.

2. Recommendations

   a. Each allegedly inaccurate set of domain registration details contained within the report should include documented details of the associated key findings including determining factors that led to such a conclusion. By providing the actual data for

each domain, participating Registrars would be able to reach a better understanding of the published statistical summary. If a domain is deemed as being inaccurate, then additional measures such as cross-referencing could occur with alternative verification methods. This would allow for improved quality of the data results prior to referencing for the purposes of statistical analysis.

b. For postal address validation, the difference between success and failure should be determined only by deliverability of mail to the address. As long as the postman can find it, it is a valid address. However, the opposite need not be true.  Valid addresses can result in mail being returned due to failures of the delivering entities. The report rightly states that quality of databases varies from country to country. Therefore, if the validation process produces a result of failed verification the result should be verified by sending actual mail to the address and examining the returns due to inability to deliver.

c. We believe that ICANN should not conduct Identify Validation in subsequent phases of the ARS Development. Performing such action would violate the laws of multiple countries. It is our position that any enforced verification of the identity of internet users carries very concrete risks for the privacy and security of the associated individuals...

d. The survey results do not contain information associated to the total number of domains that were associated to privacy services vs. unique registrants. One may argue the domains with higher concentration of privacy may skew the report results.

3. Development

a. If the GAC deems the verification of identity of domain owners to be desirable, verification of identities should first be incorporated into the legal structures within their respective countries. While this may already be the case for some ccTLDs such as China or Russia, most countries rightly believe such measures are undesirable. It should also be noted that not all countries have GAC representation.

b. Any attempts at "identity validation" would put an unreasonable burden on registrars and registrants and there is no policy or contractual obligation that obliges it. For ICANN Staff to suggest that such actions are desirable would infer that ICANN the corporation is supportive of such a change.  This would not only send the wrong message to the broader internet community but would also be a clear example of ICANN Staff circumventing the multi-level stakeholder process by effectively mandating a top-down change on Whois policy which would impact millions of domain name registrants.

4. Next Steps

a. ICANN may want to consider conducting two independent analyses of the report findings based on multiple data sources in order to compare the quality of the results and identifying validation gaps. The RrSG notes that a high error rate within the determinations of the study would render any conclusion drawn from these determinations useless, therefore all care should be taken to avoid incorrect determinations.

b. ICANN staff should consult with the RrSG prior to launching the next phase to ensure the study methodology meets real-world requirements and expectations.

c. ICANN should refrain from using ICANN compliance (and thereby registrars) as a validation tool to check whether a potential inaccuracy is an actual inaccuracy. Performing inaccuracy verification under the Whois inaccuracy reporting system is an onerous task for both registrars and compliance that must be undertaken manually, thereby needlessly incurring substantial costs and work-load.

d. For future study results, registrations associated with privacy or proxy services shall not be treated differently from other registrations as they are no different from other registrations.

In conclusion, we note that Whois Inaccuracy Reports issued by ICANN compliance based on ARS reports contain a high rate of false positives results. It has been noted that the experience of one particular Registrar has concluded a very high error rate in the data output, i.e. reporting accurate data as inaccurate. Based on this information, the quality of the reported results is questionable. Therefore, unless the accuracy rates of the data contained within the report increases, ICANN compliance is not the appropriate venue for WHOIS records that have been categorized as inaccurate. All reports should be manually verified before compliance-related actions are required.