

## **GNSO gTLD Registries Stakeholder Group Statement**

### **Issue: A Study of Whois Privacy and Proxy Service Abuse Draft Report**

Date: 31 October 2013

Public Comment URL: <http://www.icann.org/en/news/public-comment/whois-pp-abuse-study-24sep13-en.htm>

This statement on the issue noted above is submitted on behalf of the gTLD Registries Stakeholder Group (RySG). The statement that follows represents a consensus position of the RySG as further detailed at the end of the document. The RySG statement was arrived at through a combination of RySG email list discussion and RySG meetings (including teleconference meetings).

The RySG supported the GNSO Council Resolution to perform the 'Whois Privacy and Proxy Service Abuse Study' with the hope of providing the ICANN community with objective data regarding the extent to which domain names used to conduct illegal or harmful Internet activities are registered via privacy or proxy services. The RySG believes that such information is important for domain name registration data publication policy work. The timing of the Study of Whois Privacy and Proxy Service Abuse Draft Report's (Draft Report) release is particularly opportune because of recent developments related to the new RAA and the ongoing work of the Expert Working Group on gTLD Directory Services.

We believe that this study was important because much of the debate concerning the use of privacy and proxy services was based on anecdotal opinions rather than on objective data. We concluded therefore that performing this study provided a way to test the validity of some of those opinions and thereby validate or refute them in a statistically reliable way so that future domain name registration policy efforts would have solid data to use.

After review of the Draft Report, it is our view that the study was successful in producing data that can be used to facilitate future domain registration data privacy and proxy services policy development efforts. We believe that the methodology was thorough and appropriate to the task.

In addition, we commend the authors for expanding the scope of the study in order to provide a more thorough look at issues relating to proxy and privacy registrations, in particular the balance of proxy and privacy registrations by "bad actors" as opposed to such registrations for legal or harmless purposes. The study also took on more value by a decision to look at other ways to hide registrants' identity, such as providing incorrect registration data.

The broad range of sources for raw data and the exhaustive work examining the data, which included not only data analysis but activities such as calling telephone numbers in registration data in order to assist in determining how domains were intended to be used,<sup>1</sup> give us confidence

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<sup>1</sup> Certain elements of the authors' experience with phone calls also may be useful in policy discussions concerning

in the authors’ work. In addition, the wide range of domain activity categories that were examined provides a solid base for more granular examinations of proxy and privacy service usage.

With the last item in mind, the study did not examine all categories specified in the initial ICANN study terms. The Draft Report did provide reasons, such as lack of statistically valid samples, topic overlap, and prior experience in the field, for limiting its topics. However, more detailed justifications for omitting categories would have been useful in a few instances; *e.g.*, media piracy. In addition, a clearer explanation of why the study was limited to .biz, .com, .info, .net and .org would have been useful.

We also note that the study: 1) did not fully define the percentages of domain names used for lawful Internet activities that employ privacy or proxy services; and 2) relied on telephone contact rather than investigating other contact mechanisms available through Whois data. It would have been useful to attempt to identify or contact registrants through privacy or proxy services so that conclusions might be drawn about the accuracy, effectiveness or usefulness of privacy/proxy services. However, these measures are outside the scope of the study.

The concerns that we have identified are not intended to minimize the value of the report but rather are meant to be suggestions for constructively interpreting and using the information in future policy work. The RySG believes that the scope and thoroughness of the Draft Report provides sufficient information to support careful analysis of its stated results. Most importantly, we believe that the study results provide objective data that will facilitate policy development work going forward.

**RySG Level of Support**

- 1. **Level of Support of Active Members:** [Supermajority]
  - 1.1. # of Members in Favor: 10
  - 1.2. # of Members Opposed: 0
  - 1.3. # of Members that Abstained: 2
  - 1.4. # of Members that did not vote: 5

**2. Minority Position(s):**

**3. General RySG Information**

3.1 Total # of eligible RySG Members<sup>2</sup>: 17

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authentication of domain registration data.

<sup>2</sup> All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the “effective date” set forth in the operator’s or sponsor’s agreement (RySG Charter, Article II, RySG Membership, Sec. A). The RySG Charter can be found at

- 3.2 Total # of RySG Members: 19
- 3.3 Total # of Active RySG Members<sup>3</sup>: 19
- 3.4 Minimum Requirement for supermajority of Active Members: 13
- 3.5 Minimum requirement for majority of Active Members: 10
- 3.6 # of Members that participated in this process: 17
- 3.7 Names of Members that participated in this process:
  - 3.7.1 Afilias, Ltd.
  - 3.7.2 Charleston Road Registry
  - 3.7.3 CORE Internet Council of Registrars (non-voting)
  - 3.7.4 Dot Asia
  - 3.7.5 dotCooperation LLC
  - 3.7.6 Dot Kiwi Ltd.
  - 3.7.7 Employ Media LLC
  - 3.7.8 Fundació punt CAT
  - 3.7.9 ICM Registry LLC
  - 3.7.10 International Domain Registry Pty. Ltd.
  - 3.7.11 Museum Domain Management Association (MuseDoma)
  - 3.7.12 Neustar, Inc.
  - 3.7.13 Pioneer Cypress LLC (Donuts Inc.)
  - 3.7.14 Public Interest Registry (PIR)
  - 3.7.15 SITA
  - 3.7.16 Telnic Limited
  - 3.7.17 Tralliance Registry Management Co.
  - 3.7.18 Universal Postal Union (UPU)
  - 3.7.19 Verisign

Names and email addresses for points of contact:

- Chair: Keith Drazek, [kdrzek@verisign.com](mailto:kdrzek@verisign.com)
- Alternate Chair: Paul Diaz, [pdiaz@pir.org](mailto:pdiaz@pir.org)
- Secretariat: Cherie Stubbs, [Cherstubbs@aol.com](mailto:Cherstubbs@aol.com)
- RySG representative for this statement: Don Blumenthal, [dblumenthal@pir.org](mailto:dblumenthal@pir.org)

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RySG.Charter.Approved.ICANNBoard.020213.pdf

<sup>3</sup> Per the RySG Charter, Article II, RySG Membership, Sec.D: Members shall be classified as “Active” or “Inactive”. An active member must meet eligibility requirements, must be current on dues, and must be a regular participant in RySG activities. A member shall be classified as Active unless it is classified as Inactive pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in three consecutively scheduled RySG meetings or voting processes or both. An Inactive member shall continue to have membership rights and duties except being counted as present or absent in the determination of a quorum. An Inactive member immediately resumes Active status at any time by participating in a RySG meeting or by voting.