



Comments of the IPC on the
ICANN Whois Information Status Policy
May 31, 2013

The Intellectual Property Constituency (IPC) of the Generic Names Supporting Organization welcomes this opportunity to comment on the proposed Whois Information Status Policy (WISP) developed by ICANN staff on the basis of the GNSO Working Group.

Initially, IPC agrees that the goal of the WISP – i.e. creating consistency across the system by requiring registry operators and registrars that display statuses in their Whois output to only use the Extensible Provisioning Protocol (EPP) status codes as described in the Policy – is important. It promotes both consistency and transparency in the information provided in Whois records. In doing so it not only ensures that such records provide uniform information, but that the status information is accurate and understandable. This information is important to registrants, other registries and registrars, parties searching for Whois information for particular domains, as well as for prospective domain registrants.

IPC notes that the WISP would require that the status output must not only include the appropriate EPP code, but must (a) provide a link or URL directing to an ICANN page that describes and defines the EPP status codes, and (b) include the general statement “For more information on Whois status codes, please visit [URL].”^[1][\[1\]<https://mgbmail2.marshallip.com/owa/?ae=Item&a=Open&t=IPM.Note&id=RgAAAADKbSb9QsrgQZQbkI%2fiVQT9BwBbkzUMb8QGTZgVgM6DVjNbAAAAF31%2bAACwp cMaWdn%2bRKsA4OBjjmxAAAi4hLpAAAJ&s=Draft&pspid=_1369838659823_974035009#_ftn1>](https://mgbmail2.marshallip.com/owa/?ae=Item&a=Open&t=IPM.Note&id=RgAAAADKbSb9QsrgQZQbkI%2fiVQT9BwBbkzUMb8QGTZgVgM6DVjNbAAAAF31%2bAACwp cMaWdn%2bRKsA4OBjjmxAAAi4hLpAAAJ&s=Draft&pspid=_1369838659823_974035009#_ftn1) However, IPC notes that the WISP confusingly states: “Although not mandatory, the URL [linked to from the status output EPP code] should link to the HTML anchor for the respective EPP code on this page”. (underlining added).

This statement is self-contradictory in using the term “should” but only after stating that such linking is not “mandatory.” We believe this contradiction is due to some change in the Policy during the drafting process. We believe it was the working group’s sense that it would be best if the link were to the particular EPP status code. IPC believes that a link and URL to the specific EPP should be required as both further clarification of the status and to encourage consistency between the various registry and registrar Whois records.

Second, and more importantly, however, IPC believes that in order to meet its goal of consistency across the registries and registrars, the WISP should require **all registry operators and registrars** to display Whois statuses in their Whois output. This information should be

required even of those statuses for domains that have been registered using either privacy services or proxies, and should apply to all Whois records. The reasons for the benefit of all types of entities for which accurate Whois data may be important: Registrants need this information to clarify the status of domains they own and take action accordingly; Registries and Registrars can utilize this standardization to ensure the status of domains which they sponsor or wish to obtain; and third parties can use this information to ensure themselves of the status of the domain in order to take action appropriate in respect to that specific domain.

Finally, the Policy does not explain how it would be enforced against registrars and registries. If this is intended to be a Consensus Policy that would automatically become binding on all gTLD registries and accredited registrars, this should be specified. Otherwise, the policy should be included in the Registry Agreement for new gTLDs, and in all other registry agreements as they expire, thereby making them subject to contractual enforcement. A similar requirement should be made in the RAA for registrars. We believe this would avoid inconsistent application or enforcement and best embody the GNSO working group's policy proposal.

Thank you for considering our views on these important issues.

Respectfully submitted,
Intellectual Property Constituency (IPC)