

# Final Issue Report on 'Thick' Whois

## STATUS OF THIS DOCUMENT

This is the Final Issue Report on 'Thick' Whois as requested by the GNSO Council. This report is published following the closure of the public comment forum on the Preliminary Issue Report, which was published on 21 November 2011.

## SUMMARY

This report is submitted to the GNSO Council in response to a request received from the Council pursuant to a Motion proposed and carried during the Council teleconference meeting on 22 September 2011.

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# 1 Executive Summary

## 1.1 Background

- As recommended by the IRTP Part B Working Group, the GNSO Council requested an Issue Report on 'thick' Whois at its meeting on 22 September 2011. The Issue Report is expected to *'not only consider a possible requirement of 'thick' WHOIS for all incumbent gTLDs in the context of IRTP, but should also consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not'*.
- In accordance with the proposed revised GNSO Policy Development Process, [a Preliminary Issue Report was published for public comment](#) on 21 November 2011. Following review of the public comments received, the Staff Manager has updated the Issue Report accordingly and included a summary of the comments received (see Annex 2), which is now submitted as the Final Issue Report to the GNSO Council for its consideration.

## 1.2 Discussion of the Issue

- Section 4 describes in further detail the difference between 'thick' and 'thin' Whois, provides an overview of the current situation for incumbent gTLDs as well as for new gTLDs which will all be required to provide 'thick' Whois.
- In addition, this section highlights some of the issues that the GNSO Council might want to consider when it decides whether or not to initiate a Policy Development Process (PDP) and provides an initial list of potential benefits and/or negative effects that will need to be considered in further detail should a PDP go forward, including amongst others: consistent response; enhanced stability; enhanced accessibility; cost implications; privacy and data protection; effect on competition in registry services; data escrow; Whois implications; potential issues related to database synchronization, and; potential need for exemptions.

### 1.3 Staff Recommendation

- ICANN staff has confirmed that the proposed issues are within the scope of the ICANN policy process and the GNSO. It is reasonable from the staff's perspective to expect that further investigation of 'thick' Whois for all gTLDs would be beneficial to the community generally, as it would allow for an informed decision by the GNSO Council as to whether 'thick' Whois for all gTLDs should be required or not. ICANN staff, therefore, recommends that the GNSO Council proceed with a policy development process limited to consideration of the issues discussed in this report.

## 2 Objective

2.1 This report is submitted in accordance with Step 2 of the Policy Development Process described in Annex A of the ICANN Bylaws (<http://www.icann.org/general/bylaws.htm#AnnexA>).

2.2 In this context, and in compliance with ICANN Bylaw requirements:

a. The proposed issue raised for consideration:

The requirement of 'thick' Whois for all gTLDs. The Issue Report should not only consider a possible requirement of 'thick' Whois for all gTLDs in the context of IRTP, but should also consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all gTLDs would be desirable or not.

b. The identity of the party submitting the issue:

GNSO Council.

c. How that party is affected by the issue:

The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains. The GNSO includes various stakeholder groups and constituencies, which are affected in various ways by issues relating to 'thick' Whois. These issues are discussed in further detail in Section 4 below.

d. Support for the issue to initiate the PDP:

The GNSO Council voted with 17 votes in favor, and three abstentions, of requesting an Issue Report on 'thick' Whois at its meeting of 22 September 2011 (see <http://gns0.icann.org/resolutions/#201109>).

e. Staff recommendation:

i. Whether the issue is within the scope of ICANN's mission statement:

ICANN's mission statement includes the coordination of the allocation of certain types of unique identifiers, including domain names, and the coordination of policy development reasonably and appropriately related to these technical functions, which includes Whois related activities.

- ii. Whether the issue is broadly applicable to multiple situations or organizations:  
As Whois affects all registrants of gTLDs, registrars and registries, and a large part of the user community, the issue is broadly applicable to multiple situations or organizations. Any changes to the policy or the rules that may result from a PDP would also be broadly applicable to multiple situations or organizations.
  - iii. Whether the issue is likely to have lasting value or applicability, albeit with the need for occasional updates:  
A requirement for 'thick' Whois for all gTLDs is expected to have lasting applicability.
  - iv. Whether the issue will establish a guide or framework for future decision-making:  
A requirement for 'thick' Whois for all gTLDs is expected to set a framework for future decision-making in relation to this issue.
  - v. Whether the issue implicates or affects an existing ICANN policy.  
Currently no policy exists on the use of 'thick' Whois as ICANN specifies Whois service requirements through the registry agreements for generic Top Level Domains (see <http://www.icann.org/en/registries/agreements.htm>). Registries satisfy their Whois obligations using different services.
- 2.3 Based on the above, the launch of a dedicated policy development process limited to consideration of this issue has been confirmed by the General Counsel to be properly within the scope of the ICANN policy process and within the scope of the GNSO.
- 2.4 In accordance with the proposed revised GNSO Policy Development Process, the Staff Manager published a Preliminary Issue Report for public comment in order to allow for community input on additional information that may be missing from the Preliminary Issue Report, or the correction or updating of any information in the Preliminary Issue Report. In addition, the public comment period allowed for members of the ICANN Community to express their views to the GNSO Council on whether or not to initiate a PDP. Following review of the public comments received, the Staff Manager has updated the Issue Report accordingly and included a summary of the comments (see Annex 2), which is now submitted as the Final Issue Report to the GNSO Council for its consideration.

## 3 Background

### 3.1 Introduction

In the context of the Inter-Registrar Transfer Policy (IRTP) Part A as well as the Part B Working Group, the issue of 'thick' Whois was discussed and it was noted that:

*The benefit would be that in a thick registry one could develop a secure method for a gaining registrar to gain access to the registrant contact information. Currently there is no standard means for the secure exchange of registrant details in a thin registry. In this scenario, disputes between the registrant and admin contact could be reduced, as the registrant would become the ultimate approver of a transfer<sup>1</sup>.*

At the same time it was noted that even though requiring 'thick' Whois for all gTLDs would have benefits in the context of transfers, it would be important to explore 'any other potential positive or negative effects that are likely to occur outside of IRTP that would need to be taken into account'. As a result, the IRTP Part B Working Group recommended requesting:

*an Issue Report on the requirement of 'thick' WHOIS for all incumbent gTLDs. Such an Issue Report and possible subsequent Policy Development Process should not only consider a possible requirement of 'thick' WHOIS for all incumbent gTLDs in the context of IRTP, but should also consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not.*

This recommendation that was adopted by the GNSO Council at its meeting on 22 September 2011 (see <http://gns0.icann.org/resolutions/>).

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<sup>1</sup> See [IRTP Part B Final Report](#)

## 4 Discussion of Proposed Issue

### 4.1 Difference between 'thick' vs 'thin' Whois<sup>2</sup>

For the generic top-level domain (gTLD) registries, ICANN specifies Whois service requirements through the registry agreements (ICANN 2009 Registry Agreements) and the Registrar Accreditation Agreement (RAA). Registries satisfy their Whois obligations using different services. The two common models are often characterized as “thin” and “thick” Whois registries. This distinction is based on how two distinct sets of data are managed. One set of data is associated with the domain name, and a second set of data is associated with the registrant of the domain name. A thin registry only stores and manages the information associated with the domain name. This set includes data sufficient to identify the sponsoring registrar, status of the registration, creation and expiration dates for each registration, name server data, the last time the record was updated in its Whois data store, and the URL for the registrar’s Whois service. With thin registries, Registrars manage the second set of data associated with the registrant of the domain and provide it via their own Whois services, as required by Section 3.3 of the RAA 3.3 for those domains they sponsor. COM and NET are examples of thin registries.

Thick registries maintain and provide both sets of data (domain name and registrant) via Whois. INFO and BIZ are examples of thick registries.

To illustrate thick and thin Whois, consider the Whois response for two domains, cnn.com and cnn.org. Both domains are registered by Turner Broadcasting System and have the same technical and administrative contact information, but one of the registrations is managed in a thin registry (COM) manner and the other is in managed as a thick registry (ORG).

If we query COM’s Whois server for cnn.com, we get the following results:

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Domain Name: CNN.COM  
Registrar: CSC CORPORATE DOMAINS, INC.
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<sup>2</sup> From the [Whois Service Requirements Report](#) (July 2010)



WHOIS Server: whois.corporatedomains.com  
Referral URL: http://www.cscglobal.com  
Name Server: NS1.TIMEWARNER.NET  
Name Server: NS3.TIMEWARNER.NET  
Name Server: NS5.TIMEWARNER.NET  
Status: clientTransferProhibited  
Updated Date: 04-feb-2010  
Creation Date: 22-sep-1993  
Expiration Date: 21-sep-2018<sup>3</sup>

However, if we query the .org's whois server, we get both the domain and registrant Whois information:

Domain ID:D5353343-LROR  
Domain Name:CNN.ORG  
Created On:16-Apr-1999 04:00:00 UTC  
Last Updated On:04-Feb-2010 22:48:15 UTC  
Expiration Date:16-Apr-2011 04:00:00 UTC  
Sponsoring Registrar:CSC Corporate Domains, Inc. (R24-LROR)  
Status:CLIENT TRANSFER PROHIBITED  
Registrant ID:1451705371f82308  
Registrant Name:Domain Name Manager  
Registrant Organization:Turner Broadcasting System, Inc.  
Registrant Street1:One CNN Center  
Registrant Street2:13N  
Registrant Street3:  
Registrant City:Atlanta  
Registrant State/Province:GA  
Registrant Postal Code:30303  
Registrant Country:US  
Registrant Phone:+1.4048273470  
Registrant Phone Ext.:  
Registrant FAX:+1.4048271995  
Registrant FAX Ext.:  
Registrant Email:tmgroup@turner.com

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<sup>3</sup> To get the registrant's information, the user or client application must make a referral query to the registrar's Whois service, which in this case is whois.corporatedomains.com

...<sup>4</sup>

The content of registration data provided via Whois may differ across TLDs registries. Some gTLD registry agreements, such as .tel, have provisions in place that in certain circumstances exclude personal information from the public Whois. For example, .tel Whois output for individuals may only mention registrant's name with no other contact information<sup>4</sup>.

In relation to 'Thick' vs. 'Thin' Whois, it is noted that there have been considerable debates on the merits of thin Whois versus thick Whois<sup>5</sup>. From a technical perspective, a thick Whois model provides a central repository for a given registry. Historically, centralized databases are operated under a single administrator that sets conventions and standards for submission and display, archival/restoration and security have proven easier to manage. By contrast, a thin Whois model is a decentralized repository<sup>6</sup>. Registrars set their own conventions and standards for submission and display, archival/restoration and security registrant information. Today, for example, Whois data submission and display conventions vary among registrars. The thin model is thus criticized for introducing variability among Whois services, which can be problematic for legitimate forms of automation.

A thick Whois model offers attractive archival and restoration properties. If a registrar were to go out of business or experience long-term technical failures rendering them unable to provide service, registries maintaining thick Whois have all the registrant information at hand and could transfer the registrations to a different (or temporary) registrar so that registrants could continue to manage their domain names. A thick Whois model also reduces the degree of variability in display formats. Furthermore, a thick registry is better positioned to take measures to analyze and improve data quality since it has all the data at hand. From a technical perspective, some argue that the thin Whois model has its benefits as well. For example, they comment that the extensible provisioning protocol (EPP) was not designed to

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<sup>4</sup> In addition, contact information of administrative and technical contact are also provided, but have been truncated here.

<sup>5</sup> See for example discussions outlined in this thread: <http://gnso.icann.org/mailing-lists/archives/registrars/thrd35.html>

<sup>6</sup> To be more precise, the data model for a thin registry has two "chunks". The registry still centrally manages all the domain name related data (it's in one place, under one administrator, etc.). Each registrar, in turn, manages its set of sponsored names – but these are **separate** databases, each is a unique database and not part of a decentralized one. The more accurate term might therefore be a hierarchical vs flat (monolithic) database model.

handle the extensive updates every time a registrar makes changes to the Whois record.<sup>7</sup>

#### 4.2 Situation of incumbent gTLDs

The following table was developed by the IRTP Part A Working Group and has been updated with the recent addition of .xxx as a gTLD:

gTLD	Thin	Thick
.AERO		✓
.ASIA		✓
.BIZ		✓
.CAT		✓ <sup>8</sup>
.COM	✓	
.COOP		✓
.INFO		✓
.JOBS	✓	
.MOBI		✓
.MUSEUM		✓
.NAME		✓ <sup>9</sup>
.NET	✓	
.ORG		✓
.PRO		✓
.TEL		✓ <sup>10</sup>
.TRAVEL		✓

<sup>7</sup> See above thread

<sup>8</sup> .CAT has requested changes to its agreement to allow for tiered access to Whois data in a similar way that .TEL currently provides (see <http://www.icann.org/en/registries/rsep/index.html#2011007>).

<sup>9</sup> 'Thick' Whois information is available at the registry, but public access to the data is organized in four tiers. Full set of data is available to requesters if the requester enters into an agreement with the registry under the Extensive Whois Data tier. See <http://www.icann.org/en/tlds/agreements/name/appendix-05-15aug07.htm> for further details.

<sup>10</sup> 'Thick' Whois information is available, but tiered access is provided consistent with a registry request approved by ICANN in order for the registry to harmonize with UK data protection requirements.

.XXX		✓
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### 4.3 Thick Whois in new gTLDs

Within the context of the new gTLD programme, new gTLD registries will be required to operate a 'thick' Whois model<sup>11</sup>. As outlined in the [new gTLD Program Explanatory Memorandum Thick vs. Thin Whois for new gTLDs](#):

*While current registry agreements have differing provisions with regards to the Whois output specification, ICANN's intent with the next round of new gTLDs has been to have the agreements as standard as possible, with minimal or no individual negotiation and variation of provisions such as a registry's Whois output specification. In an attempt to standardize on a one-size fits-all approach for new gTLDs, the first draft of the proposed new registry agreement suggested a least-common denominator approach under which all registries would have been required to be at least thin, but registries could opt on their own to collect and display more information at their discretion. This was consistent with the approach used by ICANN for at least the past five years in which registry operators have been free to suggest their own preferred Whois data output and whatever specification each registry proposed was incorporated into the that registry operator's agreement.*

*Registrars would continue to display detailed contact information associated with registrations, so there is no question about the total set of data elements that will be published concerning each registration, the only question is whether all of the data will be maintained/published by both the registry and the registrar, or whether the full data will be displayed by the registrar only and the registry could, if it so elected, maintain just a subset of data as in the example above.*

*Many commenters on the proposed registry agreement have requested a change to the agreement to mandate thick Whois for all new registries. The commenters have suggested that*

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<sup>11</sup> To clarify, as was pointed out in the public comments, the requirement for 'thick' Whois for new gTLDs was not the result of a policy development process.

*such a requirement would be in line with the status quo since most gTLD agreements require thick Whois output (all except com, net and jobs, as noted above). Comments have suggested substantial benefits from mandating thick instead of thin Whois, including enhanced accessibility and enhanced stability.*

*Critics of the proposed thick Whois mandate have raised potential privacy concerns as a reason to require thin Whois only, but proponents of thick Whois point to ICANN's community-developed "Procedure For Handling Whois Conflicts with Privacy Law"*

*<http://www.icann.org/en/processes/icann-procedure-17jan08.htm> as a means for resolving any potential situations where a registry operator's Whois obligations are alleged to be inconsistent with local legal requirements concerning data privacy. Also it could be argued that, as indicated above, all of the data that might be published by a thick registry is already public data since it would already be published by the registrar. ICANN's Registrar Accreditation Agreement obligates registrars to ensure that each registrant is notified and consents to the purposes and recipients of any personal data collected from the registrant in association with every domain registration <http://www.icann.org/en/registrars/ra-agreement-17may01.htm#3.7.7.4>.*

*Proponents of requiring thick Whois argue that being able to access the thick data at both the registry and the registrar level will ensure greater accessibility of the data. The draft report of the Implementation Recommendations Team put together by ICANN's Intellectual Property Constituency stated "the IRT believes that the provision of WHOIS information at the registry level under the Thick WHOIS model is essential to the cost-effective protection of consumers and intellectual property owners." <http://icann.org/en/topics/new-qtlds/irt-draft-report-trademark-protection-24apr09-en.pdf>. There are at least two scenarios in which the additional option of retrieving the data at the registry would be valuable:*

- 1. Where the registrar Whois service might be experiencing a short- or long-term outage (in violation of the registrar's accreditation agreement), and*
- 2. Where the registrar has implemented strong (or sometimes overly-defensive) measures to prevent large-scale automated harvesting of registrar data.*

*Also, in the event of a registrar business or technical failure, it could be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four organizations (the registry, the registry's escrow agent, the registrar, and the registrar's escrow agent) instead of just two organizations (the registrar and the registrar's escrow agent).*

#### **4.4 Issues to consider when deciding whether or not to initiate a PDP**

As part of its reason for abstaining from the vote on the request for an Issue Report, the Registries Stakeholder Group (RySG) noted that it believed that the issue 'is just directed at one member of the Registry Stakeholder Group' as all the current gTLDs that have a 'thin' Whois are operated by VeriSign. As a result, some have suggested that instead of dedicating community resources on a PDP, the issue should be discussed directly with VeriSign. It should be noted that the IRTP Part B Working Group specifically requested that this effort should 'consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not'. While registry agreement amendments are typically subject to public comment prior to adoption, a PDP would have the advantage of being designed to incorporate at an early stage the full range of effects on the community and community views.

An additional consideration might be that should the outcome of a PDP be that 'thick' Whois should be required for all gTLDs, this would allow for a uniform application of this requirement, while addressing this issue through bilateral discussions might leave the door open for different approaches for future or existing gTLDs.

#### **4.5 Potential positive and/or negative effects**

The request for the Issue Report specifically refers to 'any other potential positive or negative effects that are likely to occur outside of IRTP that would need to be taken into account'. The IRTP Working Groups were clear on the benefits of 'thick' Whois in relation to transfers as outlined in section 3, but other issues that may need to be considered include:

- Consistent response – a 'thick' Registry can dictate the labeling and display to be sure the information is easy to parse, and all Registrars/clients would have to display accordingly, which could be considered a benefit but also a potential cost. This might also be a benefit in the

context of internationalized registration data as even with the use of different scripts, uniform data collection and display standards could be applied.

- Enhanced stability – as outlined above, ‘in the event of a registrar business or technical failure, it could be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four organizations (the registry, the registry's escrow agent, the registrar, and the registrar's escrow agent’.
- Enhanced accessibility - as noted by the Implementation Review Team ‘the provision of WHOIS information at the registry level under the Thick WHOIS model is essential to the cost-effective protection of consumers and intellectual property owners’, while at the same time privacy concerns have been raised.
- Impact on privacy and data protection, including consideration of cross border transfers of registrant data – how would ‘thick’ Whois affect privacy and data protection, also taking into account the involvement of different jurisdictions with different laws and legislation with regard to data privacy.
- What are the cost implications of a transition to ‘thick’ Whois for registries, registrars but also registrants as a transition to ‘thick Whois for all gTLDs would affect over 110 million domain name registrations? What are the implications if no changes are made and the status quo is maintained?
- Potential issues related to database synchronization between the registry and registrars – what would be the impact on the registry and registrar WHOIS and EPP systems, both in the migration phase to ‘thick’ WHOIS as well as ongoing operations?
- Consideration would need to be given to those ‘thick’ Whois registries that currently provide tiered access (see footnote 9 and 10) and whether an exemption would need to be provided should there be a recommendation for a requirement for ‘thick’ Whois for all gTLDs.
- Link with possible changes to registry/registrar separation and access to customer data
- Impact on competition in registry services should all registries be required to provide a uniform Whois service – would there be more, less or no difference with regard to competition in registry services.

- Impact on existing Whois applications and users of those applications – should 'thick' Whois be required, do these applications need to be updated / changed and how would that impact users of those applications.
- Impact on data escrow – 'thick' Whois might obviate the need for the registrar escrow program and attendant expenses to ICANN and registrars.
- Impact on Registrar Port 43 WHOIS requirements- 'thick' Whois could make the requirement for Registrars to maintain Port 43 Whois access redundant.

For each of these issues highlighted above, which is not necessarily an exhaustive list, further data gathering and analysis would need to be carried out in order to make an assessment of the overall positive and/or negative effects of requiring 'thick' Whois for all gTLDs.

#### 4.6 Other issues to consider if a PDP goes ahead

Should the GNSO Council decide to initiate a Policy Development Process (PDP) on this issue, a Working Group would need to consider at a minimum, in addition to the issues outlined above, the following issues:

- **Relationship with other Whois activities** – A number of other activities are ongoing in relation to Whois such as, amongst others, the Whois Service Requirements Drafting Team (<http://gns0.icann.org/issues/whois/policies>), the GNSO approved Whois Studies (<http://gns0.icann.org/issues/whois/studies>) and the Whois Policy Review Team<sup>12</sup> (<http://www.icann.org/en/reviews/affirmation/review-4-en.htm>). It might be beneficial for the PDP Working Group to keep an eye on these other initiatives to identify potential overlaps.
- **Scope of the PDP** – Should the PDP be limited to considering 'thick' Whois, or, as suggested in the public comment forum, could one of the potential outcomes also be the recommendation to require the 'thin' Whois model as the minimum standard? Is 'thick' Whois the only answer to some of the issues raised or are there other solutions that would warrant consideration as part of the PDP? Careful consideration would also need to be given to which issues are included in a

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<sup>12</sup> The Whois Review Team published its [draft Final Report for public comment](#) on 5 December. Recommendation #17 of the Draft Final Report reads: 'To improve access to the WHOIS data of .COM & .NET gTLDs (the Thin Registries), ICANN should set-up a dedicated, multilingual interface website to provide thick WHOIS data for them. Alternative for public comment: to make WHOIS data more accessible for consumers, ICANN should set-up a dedicated, multilingual interface website to allow "unrestricted and public access to accurate and complete WHOIS information" to provide thick WHOIS data for all gTLD domain names'.



PDP to ensure that the focus is on 'thick' vs thin Whois and does not spill into the broader Whois policy debate.

- **Are there other models that could / should be considered?** – For example, in the context of registrar deliberations on this issue, it was suggested that 'depositing the [W]hois at a common third party across all ICANN-contracted TLDs<sup>13</sup>' could be considered<sup>14</sup>. However, care should be taken that such consideration should not result in importing the global Whois debate into this PDP.
- **Evaluation of the domain name market:** Determine whether earlier conditions that resulted in the implementation of 'thin' Whois for .com and .net still exist or not.
- **Transition** – Should a recommendation be made for a 'thick' Whois requirement, consideration would need to be given to transitioning to such a system and whether there are any implications for existing 'thick' Whois registry operators (e.g. as a result of new requirements that might be part of a potential 'thick' Whois consensus policy), as well as transition costs for registrars.
- **Benefits /downsides of a uniform vs. patchwork approach** – The effort should also consider whether there are any broader implications of opting for a 'thick' Whois requirement for all gTLDs versus maintaining the current situation where it is decided on a case by case basis which model should apply.
- **Potential impact on registrants, registrars and users** – the potential impact on registrants as well as registrars would need to be considered both in relation to maintaining status quo and requiring 'thick' Whois for all gTLDs.
- **Resources available** – As also pointed out in the UDRP Final Issue Report, 'the GNSO Council will need to consider, taking into account the current workload and resources, whether there is sufficient bandwidth [to take on this issue] at this time, or whether other projects need to be halted should it decide to move forward'.

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<sup>13</sup> However, as it was pointed out as part of the public comments, such alternative models might have other limitations or negative side effects.

<sup>14</sup> See <http://gns0.icann.org/mailling-lists/archives/registrars/msg02057.html>.

## 5 Staff recommendation

### 5.1 Scope considerations

In determining whether the issue is within the scope of the ICANN policy process and the scope of the GNSO, Staff and the General Counsel's office have considered the following factors:

#### **Whether the issue is within the scope of ICANN's mission statement**

ICANN's mission statement includes the coordination of the allocation of certain types of unique identifiers, including domain names, and the coordination of policy development reasonably and appropriately related to these technical functions, which includes Whois related activities.

#### **Whether the issue is broadly applicable to multiple situations or organizations.**

As Whois affects all registrants of gTLDs, registrars and registries, the issue is broadly applicable to multiple situations or organizations. Any changes to the policy or the rules that may result from a PDP would also be broadly applicable to multiple situations or organizations.

#### **Whether the issue is likely to have lasting value or applicability, albeit with the need for occasional updates.**

A requirement for 'thick' Whois for all gTLDs is expected to have lasting applicability.

#### **Whether the issue will establish a guide or framework for future decision-making.**

A requirement for 'thick' Whois for all gTLDs is expected to set a framework for future decision-making in relation to this issue.

#### **Whether the issue implicates or affects an existing ICANN policy.**

Currently no policy exists on the use of 'thick' Whois as ICANN specifies Whois service requirements through the registry agreements for generic Top Level Domains (see <http://www.icann.org/en/registries/agreements.htm>). Registries satisfy their Whois obligations using different services.

## 5.2 Staff recommendation

ICANN staff has confirmed that the proposed issues are within the scope of the ICANN policy process and the GNSO. It is reasonable from the staff's perspective to expect that further investigation of 'thick' Whois for all gTLDs would be beneficial to the community generally, as it would allow for an informed decision by the GNSO Council as to whether 'thick' Whois for all gTLDs should be required or not. ICANN staff, therefore, recommends that the GNSO Council proceed with a policy development process limited to consideration of the issues discussed in this report.

## Annex 1 – GNSO Council Request for Issue Report

### The Adoption of the IRTP Part B Recommendation #3 (Issue Report on 'Thick' WHOIS)

WHEREAS on 24 June 2009, the GNSO Council launched a Policy Development Process (PDP) on IRTP Part B addressing the following five charter questions:

- a. Whether a process for urgent return/resolution of a domain name should be developed, as discussed within the SSAC hijacking report <http://www.icann.org/announcements/hijacking-report-12jul05.pdf>); see also (<http://www.icann.org/correspondence/cole-to-tonkin-14mar05.htm>)
- b. Whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a Registrant and Admin Contact (AC). The policy is clear that the Registrant can overrule the AC, but how this is implemented is currently at the discretion of the registrar;
- c. Whether special provisions are needed for a change of registrant when it occurs near the time of a change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases;
- d. Whether standards or best practices should be implemented regarding use of a Registrar Lock status (e.g. when it may/may not, should/should not be applied);
- e. Whether, and if so, how best to clarify denial reason #7: A domain name was already in 'lock status' provided that the Registrar provides a readily accessible and reasonable means for the Registered Name Holder to remove the lock status.

WHEREAS this PDP has followed the prescribed PDP steps as stated in the Bylaws, resulting in a Final Report delivered on 30 May 2011;

WHEREAS the IRTP Part B WG has reached full consensus on the recommendations in relation to each of the five issues outlined above;

WHEREAS the GNSO Council has reviewed and discussed these recommendations;

WHEREAS the GNSO Council resolved at its meeting on 22 June to 'consider IRTP Part B Recommendation #3 concerning the request of an Issue Report on the requirement of 'thick' WHOIS for all incumbent gTLDs at its next meeting on 21 July'.

RESOLVED, the GNSO Council requests an Issue Report on the requirement of 'thick' WHOIS for all incumbent gTLDs. Such an Issue Report and possible subsequent Policy Development Process should not only consider a possible requirement of 'thick' WHOIS or all incumbent gTLDs in the context of IRTP, but should also consider any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not. (IRTP Part B Recommendation #3).

## Annex 2 – Report of Public Comments

<b>Title:</b>	Preliminary Issue Report on 'Thick' Whois		
<b>Publication Date:</b>	11 January 2012		
<b>Prepared By:</b>	Marika Konings		
<b>Comment Period:</b>		<b>Important Information Links</b>	
Open Date:	21 November 2011	<a href="#">Announcement</a>	
Close Date:	30 December 2011	<a href="#">Public Comment Box</a>	
Time (UTC):	23:59 UTC	<a href="#">View Comments Submitted</a>	
<b>Staff Contact:</b>	Marika Konings	<b>Email:</b>	<a href="mailto:Policy-staff@icann.org">Policy-staff@icann.org</a>
<b>Section I: General Overview and Next Steps</b>			
<p>ICANN Staff requested input on its <a href="#">Preliminary Issue Report on 'Thick' Whois</a> [PDF, 635 KB]. Specifically, this Report addressed not only a possible requirement of 'thick' WHOIS for all incumbent gTLDs in the context of the Inter-Registrar Transfer Policy (IRTP), but also considered any other positive and/or negative effects that are likely to occur outside of IRTP that would need to be taken into account when deciding whether a requirement of 'thick' WHOIS for all incumbent gTLDs would be desirable or not.</p> <p>The Preliminary Issue Report informs the GNSO Council concerning the possible requirement of 'thick' Whois for all incumbent gTLDs in advance of the Council's vote on whether to commence a Policy Development Process (PDP) on this issue.</p> <p>The Public Comment solicitation represented an opportunity for the ICANN community to provide its views on this topic and on whether a Policy Development Process should be initiated to consider the requirement of 'thick' Whois for all incumbent gTLDs. The Preliminary Issue Report will now be updated to reflect the community feedback submitted through this forum. Subsequently a Final Issue Report will be presented to the GNSO Council for its consideration following which the GNSO Council will decide whether or not to formally initiate a Policy Development Process.</p>			
<b>Section II: Contributors</b>			
<p><i>At the time this report was prepared, a total of 9 (nine) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.</i></p>			
<b>Organizations and Groups:</b>			
<b>Name</b>	<b>Submitted by</b>	<b>Initials</b>	
Coalition Against Domain Name Abuse	Posie Wilkinson	CADNA	
International Anticounterfeiting Coalition	Andy Coombs	IACC	

Intellectual Property Constituency	Kristina Rosette	IPC	
Verisign	Keith Drazek	VS	
Non-Commercial Users Constituency	Wendy Seltzer	NCUC	
Business Constituency	Elisa Cooper	BC	
At-Large Advisory Committee	ICANN At-Large Staff	ALAC	

Individuals:

Name	Affiliation (if provided)	Initials
Bob		B
Ray Fassett		RF

**Section III: Summary of Comments**

*General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

The comments received have been broken down in this summary into the following four categories:

- 1) Comments that focused on issues that should be included and/or amplified as part of the Issue Report.
- 2) Views expressed on the pros and cons of a 'thin' or a 'thick' Whois model.
- 3) Opinions on whether a PDP should be initiated or not.
- 4) Comments in relation to the scope of a PDP, should one be initiated.

**Other issues to be considered as part of the Issue Report**

In addition to the issues to be considered should a PDP be initiated as outlined in the Preliminary Issue Report, the following topics have been suggested for inclusion and/or amplification in the Final Issue Report:

- Risks posed by registries if a 'thin' Whois would be maintained, e.g. cybersquatting (CADNA)
- Whois accuracy enforcement (CADNA)
- Registry/registrar separation (RF)
- Impact on competition in registry services (RF)
- Benefit of 'thick' Whois in the context of internationalized registration data (IPC)
- Evaluation of the domain name market to determine whether earlier conditions that resulted in the implementation of 'thin' Whois for .com and .net still exist or not (VS)
- Transition costs for registrars if 'thick' Whois would be required (VS)
- Impact on existing Whois applications and users of those applications (VS)
- Impact on privacy and data protection and cross border transfers of registrant data (VS, NCUC, ALAC)
- Highlight issues that 'thick' Whois does not address, such as accuracy, or display of data protected by proxy or private registration service (VS)
- Legitimacy of the requirement for 'thick' Whois for new gTLDs (NCUC)
- Alternative models, such as standards that could streamline the distributed database of thin Whois or a centralized database (NCUC)

**Views on 'thick' vs. 'thin'**

In the opinion of B, 'thin' Whois 'helps maintain Whois data inaccuracy', while VS points out that 'thick' Whois does not necessarily improve data accuracy as 'the registry only displays data that is provided by the registrar and the registry has no way of validating registrant data'. IPC notes that 'thick' Whois is not the only answer to enhance data accuracy, but 'it is one step that, along with a number of other changes, could move us toward a solution' pointing to a recent study conducted by NORC at the request of ICANN which demonstrates that a 'thick' Whois model provides more accessible and accurate contact data. IPC is of the view that centralized access to Whois data in a 'thick' model would bring a number of advantages including simplified access, reducing consumer confusion, reducing the burden on contractual compliance, provide a back-up in case data is not available at the registrar level and allow for a quicker response in case of fraud. VS is of the view that 'the current Whois model for .com, .net, .name and .jobs is effective and that the proper repository of registrant data is with registrars', but recognizes that if through a PDP the ICANN community should decide differently it 'will respect and implement the policy decision'.

**Views on whether or not to initiate a Policy Development Process**

CADNA, IACC, IPC, BC and ALAC support the initiation of a PDP to further examine the possible benefits and/or negative consequences of requiring 'thick' Whois for all incumbent gTLDs. VS is neither in favor or against the initiation of a PDP. The NCUC does not support the initiation of a PDP at this time and questions 'the timing and sequence of this proposed PDP' as in its view it offers a solution without the problem being sufficiently defined.

In addition, IPC points out that there are a number of other mechanisms by which 'thick' Whois for all incumbent gTLD registries could be achieved such as through contract negotiations with the relevant gTLD registries or ICANN could mandate 'thick' Whois as foreseen in for example the .com registry agreement (section 3.1(h)). As a result, IPC notes that 'if a PDP is initiated on this topic, it must be launched explicitly without prejudice to ICANN pursuing these other routes to this goal'.

**Scope of a Policy Development Process**

RF raises the question whether the scope of a potential policy development process on this topic would also allow a possible outcome a consensus policy that would require thin Whois for all gTLD operators. RF also notes that the use of the term of incumbents seems to imply that any outcome of a PDP would only apply to incumbents and recommends this is clarified as a consensus policy would normally apply to all gTLD operators. ALAC notes its concern with regard to including a consideration of other models that could be considered, as suggested in the Preliminary Issue Report. In addition to expressing its concern with the example used for a possible alternative model, ALAC notes that 'opening up this PDP to an overall review of Whois models [...] will take what appears to be a relatively straight-forward issue and transform it into the global Whois debate'.

In addition to the issues outlined in above, some of the comments pointed out inaccuracies or incorrect information in the Issue Report, which will be corrected in the final version.

**Section IV: Analysis of Comments**

*General Disclaimer: This section is intended to provide an analysis and evaluation of the comments*



*received along with explanations regarding the basis for any recommendations provided within the analysis.*

ICANN Staff will review the comments received and make changes to the Issue Report accordingly. In addition, this summary of comments will be submitted to the GNSO Council so that the comments can be considered in conjunction with the GNSO Council's consideration of the Final Issue Report.