

## Comment on Dot Pro Renewal Registry Agreement

<http://www.icann.org/en/public-comment/#pro>

April 7, 2010

A few questions about Appendix 5 (Whois Specifications) to the proposed revised .pro agreement should be answered before any further action is taken on this revision.

1. The following statement appears just before the example of a Whois response for a domain record: “The Registry Operator will not be required to post Whois output fields that are not required for posting in the Registrar Accreditation Agreement.”

Many (probably most) gTLD registries, which maintain and publish so-called Thick Whois, are required to publish a superset of what their registrars are required to publish as Whois data under the Registrar Accreditation Agreement (RAA). To my knowledge no other registry agreement contains a provision like the one just quoted. Specifically, the relevant appendix to the 2006 .biz agreement, which is cited by ICANN staff as the model for the proposed .pro revision, does not contain this limitation.

A. What is the justification for this novel provision, which could have the effect of sharply reducing the range of publicly accessible Whois data from this registry?

B. Why should the registry’s Whois obligations be tied to the obligations set forth in a wholly different agreement (the RAA), to which the registry is not a party?

C. As of today, there are two different RAA texts applicable to different accredited registrars. This situation is likely to persist and to recur in the future as new versions of the RAA are phased in upon the expiration of older versions. In the future, the two (or multiple) different active versions of the RAA may well differ in “Whois Output Fields that are ... required for posting” in Registrar Whois. When this occurs, what would be the obligation of the .pro registry with regard to the Whois data that it makes available? Would it depend upon which version of the RAA was binding on the registrars that sponsor registrations in .pro? If the roster of registrars sponsoring .pro registrations changed, would .pro’s Whois publication obligations also change, depending upon which version of the RAA was binding upon the then-current registrar roster?

2. The .pro registry has always published, as part of its Whois data, so-called “right to use” information, documenting the registrant’s entitlement to register in the TLD. The Whois output example in the Appendix O to the current .pro agreement includes the following:

“Right to Use: NY State Bar #3244568”

Section 8.3.4 of Appendix 11 to the proposed .pro revised agreement seems to indicate that this practice will continue, since it states that “the relevant qualification of the registrant will appear in the Registry Operator’s Whois record of the domain name registration....”. However,

there is no reference to this type of data in the Whois output example provided in Appendix 5 to the proposed revised agreement, or indeed anywhere in Appendix 5.

A. Will “right to use” data still be displayed in .PRO registry Whois if the revised agreement is adopted? Either Appendix 5 or Appendix 11 may require revision, depending on the answer.

B. If this data element is to be suppressed from publicly accessible .pro Whois in the future, why?

Finally, all the documents should be proof-read before being presented to the Board for consideration. There are a number of inaccurate cross-references in Appendix 11. For example, section 8.4.5(i) cross-references subsection 10.1.2. There is no such subsection in Appendix 11; it was probably intended to cross-reference subsection 9.1.2. There are numerous other examples.

Respectfully submitted,

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