

## WHOIS Policy Review Team Draft Report and Recommendations March 12, 2012

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The Canadian Internet Registration Authority (CIRA) is the not-for-profit corporation responsible for operating the .CA country code top level domain. CIRA is a member of ICANN's country code Name Supporting Organization (ccNSO), a member of the Council of European National Top Level Domain Name Registries (CENTR), and a member of the Internet Society (ISOC). CIRA is pleased to have the opportunity to provide comments on the NTIA's Request for Comment.

CIRA welcomes the opportunity to comment on the WHOIS Policy Review Team's draft Report and Recommendations.

### General Comments

The WHOIS Policy Review Team (RT) makes a number of recommendations about the strategic direction ICANN should take to address the problems with WHOIS. There are, however, a number of tangible solutions that still need development. This means in all likelihood that ICANN will have a weighty task of making decisions on and implementing changes to WHOIS. ICANN must continue to consult with the community and remain transparent in decision-making related to these recommendations. In addition, in developing these recommendations, timelines should be established and adhered to. In that regard, the experience of ccTLDs who have developed WHOIS policies, including CIRA, might be very helpful.

### Specific Comments

CIRA also has a number of specific comments on the recommendations made by the RT.

#### *Oversight Required*

CIRA agrees that major strategic and tactical changes to WHOIS "policy" are required and an individual or group within ICANN needs to be given responsibility to overview to implement these changes, as well as continue to oversee, review, and report on WHOIS on a go-forward basis. This is particularly the case with the advent of new gTLDs.

#### *Data Accuracy*

Data accuracy is essential to a functional WHOIS. The RT suggests ICANN undertake contractual amendments and enforcement. In particular, developing registrant validation could be an important tool in improving data accuracy. In fact, in a recent [article](http://www.forbes.com/sites/ciocentral/2012/01/18/beyond-sopa-why-easy-solutions-dont-stop-net-crime/)<sup>1</sup>, the Internet Society has listed registrant

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<sup>1</sup> <http://www.forbes.com/sites/ciocentral/2012/01/18/beyond-sopa-why-easy-solutions-dont-stop-net-crime/>

validation as one alternative solution to the very unpopular DNS blocking or filtering proposed in the recent Stop Online Piracy Act (SOPA): “For one, better authentication of DNS name registrants would allow for the possibility of tracking bad behavior to a responsible entity, which itself may act as a deterrent.”

### *Privacy*

The RT recommends ICANN develop and manage a system of clear, consistent and enforceable requirements for all privacy services consistent with national laws. CIRA would simply caution that this appears to be among the most complex of recommendations, entailing major international policy development. CIRA agrees however that any WHOIS policy must reflect that a registry will have a responsibility to comply with local law. While ccTLDs are clearly subject to local laws, gTLDs must also comply with applicable domestic law, which may include privacy laws.

For example, CIRA policies are subject to Canadian laws, and take into consideration privacy and other best practices. CIRA maintains a WHOIS look-up directory which permits queries to the .CA Registry database to determine the availability of .CA domain names or to view the administrative contact and technical information provided by registrants who have registered .CA domain names. More can be found on CIRA’s Privacy Policy [here](http://cira.ca/privacy/policy.html)<sup>2</sup>.

### *Internationalisation*

The RT recommends a new working group should be tasked with finalizing (i) encoding, (ii) modifications to data model, and (iii) internationalized services, to give global access to gather, store and make available internationalized WHOIS registration data. The working group should aim for consistency of approach across the gTLD and – on a voluntary basis – the ccTLD space. CIRA supports this recommendation, not only for the benefit of the global internet community, but also for Canadians, given that we are currently working on adding French character IDNs to the .CA domain space.

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<sup>2</sup> <http://cira.ca/privacy/policy.html>