



**InterContinental Hotels Group (IHG) Comments
on
WHOIS
Review Team Final Report
June 7, 2012**

InterContinental Hotels Group (IHG) is pleased to have this opportunity to comment on the WHOIS Policy Review Team (WHOIS RT) Final Report published on May 11, 2012. IHG is the world's largest hotel company by number of rooms with more than 620,000 rooms in over 100 countries. IHG has been an industry leader in making use of the Internet for productive and innovative commerce to support its nine brands and those in development.

Access to an accurate, user-friendly and viable WHOIS database, and development of a strong enforcement policy in support of that database, are essential to safeguard IHG and others in the business community from exploitation by unscrupulous registrants who profit from registering domain names confusingly similar to the IHG brands. Such registrants are also the first to disregard their contractual obligations to provide true and accurate WHOIS data.

Given the difficult environment in which the WHOIS Review Team was asked to operate, IHG applauds the work of the team and the quality of its Final Report. The membership of the WHOIS RT was representative of the ICANN community at large. Their ability to find a path forward given the lack of consensus on WHOIS policy and compliance is a tribute to their

diligence and hard work. The Final Report accurately assesses the current flaws in operations affecting WHOIS and recommends clear and concise solutions which ICANN and the ICANN community can implement.

We support the difficult and challenging, yet necessary, conclusions reached in the WHOIS Final Report and we urge their implementation. As a representative of the Business Constituency, IHG provided a detailed response to the initial WHOIS RT "Discussion Paper" in July of 2011. We appreciate that portions of IHG's comments are referenced in the Final Report as well as those from our colleagues with the Coalition for Online Accountability (COA) and the Intellectual Property Constituency (IPC). Following are our thoughts on selected specific elements of the report:

Strategic Priority

We agree that WHOIS in all aspects must be a strategic priority for ICANN. The WHOIS database must be both central and universal, with strong enforcement mechanisms in place to protect both brand and intellectual-property owners and to ensure the continued stability of the Internet. This compliance task is monumental and will require additional compliance staff and budget to assure all stakeholders that WHOIS data are complete and accurate. We agree with the Intellectual Property Constituency that one-third of the surplus generated by revenue from the new gTLD applications should be devoted to contract-compliance activities.

We also agree that the leadership for enforcing this structure must come from the top, in the form of an ICANN committee created by, and reporting directly to, the Board of Directors. This must be a permanent committee vested with the authority to develop effective strategic priorities and the resources to carry out those priorities. The ICANN CEO must be an active participant in this committee.

Finally, we concur that senior staff performance evaluations must be tied to the organization's effectiveness in delivering WHOIS outcomes in terms of enforcement procedures, including the ability to weed out bad actors quickly and effectively.

Single WHOIS Policy

We agree that ICANN must develop a single, clear and concise WHOIS policy. This policy must be contained in a single document; consistently articulated worldwide; referenced in all agreements with contracted parties; and aggressively and consistently enforced.

Compliance with WHOIS data reporting should continue to be compulsory and included in the Registrar Accreditation Agreement. Noncompliance should be met with a stern enforcement mechanism, including severe monetary fines for registrars who fail to verify the accuracy of the information provided to them. Registrants who intentionally submit false, faulty or incomplete information should have all registrations associated with their account suspended until their WHOIS data meets the full reporting requirements.

Data Accuracy

We agree that ICANN must use all means available to improve WHOIS accuracy, including any internationalized WHOIS data, as an organizational objective. In particular, ICANN should require that registrars actually confirm the WHOIS data provided by registrants and not merely allow registrars to blindly accept any data provided by registrants. We agree that ICANN must ensure that requirements for accurate WHOIS data are widely and pro-actively communicated to current and prospective Registrants.

Complete and accurate WHOIS data provide a level of consumer confidence when conducting business online. The existence of a failsafe avenue to contact administrators should all other attempts fail is essential to encouraging individuals and organizations to partake in online activity and transactions. The lack of such a system has caused IHG to file more than 4,300 "defensive registrations" in the current gTLD system and file dozens of complaints under the Uniform Domain Name Dispute Resolution Policy (UDRP) and other domain name dispute policies. This problem must be effectively resolved before any expansion of the gTLD process occurs.

We also agree that ICANN must take appropriate measures to reduce the number of WHOIS registrations that fall into the accuracy groups "Substantial Failure" and "Full Failure" (as

defined by the NORC Data Accuracy Study, 2009/10) by 50 percent within 12 months and by 50 percent again over the following 12 months.

Data Access

Privacy and Proxy Services

In IHG's experience, and although we recognize the need for legitimate use of privacy services, such services have frequently frustrated our ability to protect our hotel brands online. This often leads to confusion and other problems among consumers to the detriment of our brands. Proxy services have become a widely used tool for registrants hoping to avoid making sensitive information available to the public. IHG does not seek to halt these services in their entirety; rather, we concur with the Review Team that ICANN must take the necessary steps to assure the accuracy of the information proxy administrators maintain.

ICANN must initiate processes to oversee and regulate privacy and proxy service providers. This oversight must be standardized, and requirements for registrars to meet accreditation standards must be contractual. We concur that the goal of this process should be to provide clear, consistent and enforceable requirements for the operation of these services consistent with national laws, and to strike an appropriate balance between stakeholders with competing but legitimate interests.

Common Interface

We strongly concur with the Review Team's finding that consumers struggle with locating WHOIS services and interpreting WHOIS Data on existing "thin" WHOIS services such as .com and .net. We welcome efforts to make the interface with new gTLDs more robust and user-friendly, and we urge ICANN to extend the improvements contemplated going forward to existing gTLDs. The current Internic service, intended as a "go to" place for information about domain-name registrants, is little known and not user-friendly. We encourage ICANN to take steps to optimize the Internic service for usability across all gTLDs. This is essential to making the WHOIS service more widely used and relied on by consumers.

Conclusion

IHG appreciates the opportunity to provide comments to the ICANN Board on the WHOIS Policy Review Team Final Report. Once again, we applaud the work of the Review Team and urge the Board to promptly review, accept and act upon these recommendations. Further, we believe that an effective and sustainable domain-name system must include a procedure for regular review; publication and assessment of implementation efforts; and ongoing analyses that lead to corrections and adjustments as the effort goes forward.

Respectfully Submitted,

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