

## Comments of the Asia Pacific Top Level Domain Association (APTLD) on the final report of the WHOIS Policy Review

### About APTLD

The Asia Pacific Top Level Domain Association (APTLD) is an organisation for country-code Top Level Domain (ccTLD) registries in the Asia Pacific region. APTLD was established in 1998, and was legally established in Malaysia in 2003.

APTLD works as a forum for information exchange regarding technological and operational issues relating to domain name registries in the Asia Pacific region. Also, as an interface to other international Internet coordinating bodies, APTLD fosters and elevates participation of AP ccTLDs in these global fora, as well as acting in the best interest of APTLD members in global Internet policy making processes. APTLD's vision is for all members to operate world class ccTLDs.

### Comments

It is noticed that ICANN has released a final report of the WHOIS POLICY Review. APTLD welcomes the opportunity to provide comments in response to the report.

We appreciate the hard work done by the WHOIS POLICY Review Team. We understand that this is a complicated issue and that there has been a long running debate within ICANN, especially in the gNSO. The issues include – but not restricted to - data accuracy, privacy, cost, SPAM, enforcement, and even more.

In General we support the recommendations the Review Team has made in the final report. In particular, APTLD would like to make the following comments:

1. ICANN should ensure that the WHOIS Policy issues are accompanied by cross-community outreach since this is an important issue for domain name registration and a common interest for multi-stakeholders. Some stake-holders - like ccTLD managers - feel that they have been missed out of the discussion in the past. We strongly encourage ICANN to be as inclusive of all stakeholders as possible in the future.
2. ICANN should ensure that its compliance function is managed in accordance with the best practice principles, including keeping more transparency by publishing progress reports regularly.
3. The low level accuracy WHOIS data will decrease consumer trust and provide opportunities for Internet crime. Improving WHOIS accuracy is for a common interest within the domain name industry. ICANN should increase their priority on improving WHOIS data accuracy and provide more clear rules and coordination on WHOIS policy development. A clear, unambiguous, and enforceable chain of contractual agreements among registries, registrars, and registrants will be helpful to require the

provision and maintenance of accurate WHOIS data. Also, WHOIS data “validation” - or data “verification” - would be one possible way to improve the WHOIS data accuracy. Some ccTLDs have good experience to share in this regard. While we support this recommendation, we have concerns that Data Protection or Privacy laws in some countries might prevent applying these standards.

4. IDNs have always been and will remain the big interest for the Asia-Pacific region. There has been substantial progress on IDNs in recent years, but the development is not accompanied by corresponding changes related to WHOIS data. There is no support from current WHOIS protocol for non-ASCII characters, and the need for resolving the issue is pressing. Although we realized that there has been some effort within ICANN – mainly the joint gNSO and SSAC working groups on IDN, we still feel that ICANN should prioritize this task and make more efforts in resolving it. We would like to encourage ICANN to adopt Recommendations 12-14 on IDN WHOIS.

5. Under Recommendation 4 on Compliance, the report mentions “We find that basic information, for example on staffing, budget vs. actual spend, and key performance metrics, remain difficult to obtain”. Ever since ICANN appointed their new CFO, financial reports have become more detailed and better written. A good example would be the FY12 and FY13 reports.

6. One recommendation to improve WHOIS data accuracy is to force registrants – at the time of their domain name renewal – to review their data on record and update the necessary fields. Once this is done, payment can be made. This requires registrars to update their systems to accommodate this additional step.

7. While all gTLD registrars have responsibility to escrow registration data, it is not applicable to all ccTLD registries. Registrars dealing with both gTLDs and ccTLDs may want to act coherently among all the TLDs. Some ccTLD registries may have their WHOIS privacy service and may also have policies for proxy services. This situation should depend on the laws/regulations of each country. Such being the case, further active cross-SO analysis and discussion may make the issues clearer and make it easy to be more practical.

Once again, we thank the Review Team for the hard work, and appreciated being given the opportunity to comment. We hope that our comments could be helpful towards a global consensus on this very important matter.

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