

April 15, 2010

Registrar Stakeholder Group Position Regarding The Draft Report on WHOIS Accuracy

BACKGROUND

In March 2010, the Registrar Stakeholder Group ("RrSG") was asked to provide feedback regarding the Draft Report on WHOIS Accuracy ("WHOIS Accuracy Report"). This position paper captures the overall sentiment expressed by the RrSG members who provided feedback about this matter. Due to time constraints, however, no formal vote regarding this position paper was taken.

RrSG POSITION

The RrSG is troubled by the methodology employed by the National Opinion Research Center ("NORC") in its recently published WHOIS Accuracy Report. The RrSG agrees in part, however, with NORC's ultimate conclusion that greater attempts to measure or improve WHOIS accuracy will result in commensurate increases in cost to registrants.

Regarding NORC's methodology, The RrSG is concerned that the WHOIS Accuracy Report established its "deliverability of the mailing address" criteria based on the address model of the United States Postal Service, which calls for a street or physical address among other data. RrSG members note that many international addresses fail to satisfy this criteria. For example, RrSG members note there are no postal codes in most geographic areas of Ireland and that it is not unusual for an Ireland mailing address to consist of only the name, town, and county of the addressee. It is clear that international mailing addresses differ from mailing addresses in the United States and the WHOIS Accuracy Report fails to account for these worldwide variations. ICANN must be cognizant of the international nature of domain names when it commissions studies examining data such as addresses or telephone numbers as these international variations are likely to lead to errors.

The RrSG notes that the WHOIS Accuracy Report identified only 7.8% of WHOIS records containing a full failure of WHOIS data accuracy. The WHOIS Accuracy Report did not examine, however, each domain name's expiration or deletion status. The RrSG suggests that a significant portion of this 7.8% full failure rate may be attributed to domain names that were near expiration or were intended to be deleted by their respective registrants. In such cases the likelihood that the domain name registrant maintained accurate WHOIS data is probably decreased, which may account for a portion of the 7.8% full failure rate. The RrSG also notes that approximately 80% of the registrants studied were located or accurately provided deliverable addresses which indicates to the RrSG that WHOIS data accuracy issues articulated by other ICANN community stakeholders are exaggerated.

With respect to barriers to maintenance of accurate data, the RrSG agrees with the conclusions of the WHOIS Accuracy Report that state, "there would be costs involved in [maintaining accurate WHOIS data] which ultimately would need to be borne by the registrants," "the cost of ensuring accuracy will escalate with the level of accuracy sought, and ultimately the cost of increased accuracy would be passed through to the registrants in the fees they pay to register a domain." These potential costs are substantial and should not be underestimated by ICANN.

RrSG members draw analogies to the United States census, which attempts to gather demographic data including names, addresses and telephone numbers for more than 300MM Americans. The United States conducts its census study only once every 10 years and the 2010 census study is projected to cost a staggering \$11 billion U.S. dollars.¹

With more than 100MM gTLDs currently registered, the RrSG suggests that reliably measuring the accuracy of WHOIS data is analogous to undertaking a worldwide census of domain name registrants. This is a financially and technically unfeasible proposition. Equally as troubling in terms of both cost and reliability are proposals that call for implementing systems to verify the accuracy of WHOIS data. In the RrSG's view, the only acceptable proposal to verify the accuracy of WHOIS data is a system that is flawless and could not potentially interfere with bona fide domain name registrants. No such system currently exists nor is such a system likely feasible. To this end, it should be recognized that even well established and rigorous offline systems that attempt to verify contact information, such as processes for automobile driver licensing, are subject to inaccuracies.

In summary, effectively measuring WHOIS accuracy or verifying WHOIS data are extraordinarily complex and costly tasks. As the WHOIS Accuracy Report correctly indicates, the cost of increased accuracy would ultimately be passed through to registrants in the fees they pay to register a domain name. Additional registration fees may negatively impact financial accessibility to domain names for registrants, ultimately resulting in fewer domain name registrations or underutilization of registrations. A decrease in domain registrations results in negative economic consequences for domain name registrars and registries, thereby harming the health and growth of the entire ICANN community.

The RrSG submits that an appropriate mechanism already exists to manage incomplete or inaccurate WHOIS data. The WHOIS Data Problem Report System ("WDPRS") was implemented in 2002 and recently revised in 2008. In 2008 alone more than 200,000 reports were filed which enabled ICANN to address concerns including inaccurate WHOIS data. The RrSG strongly prefers that ICANN focus its resources on improving and publicizing awareness of the WDPRS rather than commissioning expensive research

¹ See Significant Problems of Critical Automation Program Contribute to Risks Facing 2010 Census, United States Govt. Accountability Office, *available at* <http://www.gao.gov/new.items/d08550t.pdf> (published March 5, 2008).

into further WHOIS accuracy studies which lead to unrealistic and cost prohibitive conclusions.

CONCLUSION

The opinions expressed by the RrSG in this position paper should not be interpreted to reflect the individual opinion of any particular RrSG member.