

Report of Public Comments

Title:	Preliminary Issue Report on gTLD registration data services		
Publication Date:	29 May 2013		
Prepared By:	Lars Hoffmann		
Comment Period:		Important Information Links	
Comment Open Date:	15 March 2013		
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Section I: General Overview and Next Steps			
<p>Comprehensive 'Whois' policy reform remains the source of long-running discussions within ICANN and the wider Internet community. Any discussion of 'Whois' – hereafter called gTLD registration data and directory services – typically includes topics such as purpose, accuracy, availability, privacy, anonymity, cost, policing, intellectual property protection, security and malicious use and abuse. Last November, the Board requested an Issue Report on gTLD Data Directory Services as part of a Board directed PDP to help redefine the purpose and provision of gTLD registration data (such as WHOIS) and to create of a new global policy for gTLD directory services.</p> <p>The Preliminary Issue report, published for public comment, described in detail many of the issues mentioned above and how they relate to the gTLD registration data and directory services. In addition, it also provides an overview of many of the affected Stakeholder Groups, Constituencies, and other relevant parties. Furthermore, the Report explains in details the continuous issues with regard to accuracy and purpose of gTLD registration data services and elaborates on the need for changes to the technical aspects.</p> <p>In addition to requesting the Issue Report, the Board has directed the formation of an Expert Working Group (EWG) that is currently working on a comprehensive proposal how to solve the issues surrounding the purpose and accuracy of domain registration data services. The EWG is tasked with providing concrete solutions to many (if not all) of the issues raised in this Report.</p> <p>In accordance with the Board's direction, the outcome of the EWG will feed into the Final Issue Report, which will form the basis for the next steps in the Board directed Policy Development Process.</p>			
Section II: Contributors			
<p><i>At the time this report was prepared, a total of [number] (n) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.</i></p>			
Organizations and Groups:			

Name	Submitted by	Initials
ALAC	ICANN At-Large Staff	ALAC

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

ALAC states that it is unanimous in its agreement ‘with the issues identified in the report as germane for crafting an acceptable community solution to gTLD Directory Services [...]’

ALAC believes that the timeline proposed in the Preliminary Issue Report concerning community consideration ‘runs counter’ to the relevant Board resolution, which states: ‘The outcomes of [the Expert Working Group (EWG)] should act as guidance to the Issue Report that will be presented as part of the GNSO’s policy development work; as a result, the Issues Report is not expected to be produced until such time as the President and CEO determines that his work has progressed to a point that it can serve as a basis of work within the PDP.’

ALAC is of the view that the EWG has not reached the point yet where its outcome can serve as a basis of work within the PDP and thus deems the Preliminary Issue Report as ‘premature’ as it could also ‘undermine undermine the process the Board has outlined in progressing resolution of the gTLD Data Directory Service issues.’ Thus, ALAC recommends that the Preliminary Issue Report ‘be re-called and re-issued at a later date [...] reflecting the benefits that may be accrued from the output of the EWG.’

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

The ALAC’s main concern relates to a procedural issue, rather than the content of the report itself, namely whether the publication of the Preliminary Issue Report is in accordance with the Board resolution.

It appears that the ALAC comments misunderstood the process proposed by Staff. Consistent with ALAC’s recommendations, the publication of the Final Issue Report will be delayed to allow the EWG’s recommendations to serve as guidance to the PDP. Staff’s interpretation of the Board resolution is that the Final Issue Report ‘is not expected to be produced until such time as the President and CEO determines that this work has progressed to a point that it can serve as a basis of work within the PDP’. In order to already allow for community input on this issue and gather relevant background information, Staff produced the Preliminary Issue Report for public comment as requested by the Board, to be followed by the publication of the Final Issue Report after the EWG activities have completed or at the very least reached a point where its output can serve as a work for a GNSO PDP. At that point, the current Preliminary Issue Report will be updated and subsequently a Final Issue Report will be published. As a result, there is no need to recall the Preliminary Report.

