

Report of Public Comments

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| Title: | Draft Implementation Plan for the WHOIS Online Accuracy and Reporting System | | | | | | | | | | | | | | | | | | | | |
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| Prepared By: | Margie Milam | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td colspan="2">Comment Period:</td> </tr> <tr> <td>Comment Open Date:</td> <td>11 Mar 2014</td> </tr> <tr> <td>Comment Close Date:</td> <td>1 Apr 2014</td> </tr> <tr> <td>Reply Close Date:</td> <td>23 Apr 2014</td> </tr> <tr> <td>Time (UTC):</td> <td>23:59 UTC</td> </tr> </table> | | Comment Period: | | Comment Open Date: | 11 Mar 2014 | Comment Close Date: | 1 Apr 2014 | Reply Close Date: | 23 Apr 2014 | Time (UTC): | 23:59 UTC | <table border="1"> <tr> <td colspan="2" style="text-align: center;">Important Information Links</td> </tr> <tr> <td colspan="2" style="text-align: center;">Announcement</td> </tr> <tr> <td colspan="2" style="text-align: center;">Public Comment Box</td> </tr> <tr> <td colspan="2" style="text-align: center;">View Comments Submitted</td> </tr> </table> | | Important Information Links | | Announcement | | Public Comment Box | | View Comments Submitted | |
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| Section I: General Overview and Next Steps | | | | | | | | | | | | | | | | | | | | | |
| <p>The new WHOIS Online Accuracy Reporting System is a key project linked to ICANN's strategic initiative to improve the overall effectiveness and accuracy of the WHOIS system. In response to the recommendations of the WHOIS Review Team, the system is designed to produce statistical reports on WHOIS accuracy rates. These reports will be made available on the WHOIS website on a periodic basis, providing visibility and transparency into whether accuracy levels are improving over time.</p> <p>With the help of NORC at the University of Chicago, the pioneer of one of the earliest studies into WHOIS accuracy, ICANN published NORC's suggested model for implementing this statistical analysis. Taking into account recent WHOIS developments, such as the adoption of the new 2013 Registrar Accreditation Agreement (2013 RAA), the model examines a WHOIS record for each of the validation perspectives highlighted in SSAC-58 [PDF, 490 KB], namely, syntactic, operational, and identity validation, and assigns a scoring methodology. These in turn will translate into a finding of accuracy labels, based on range of possibilities, such as: <i>No Failure</i>, <i>Minimal Failure</i>, <i>Limited Failure</i>, <i>Substantial Failure</i>, and <i>Full Failure</i>, which will be reported on a regular basis, and tracked over time. The model also describes a sampling methodology to ensure that a statistically significant number of records are examined to provide adequate geographic scope, and that enable a comparison of accuracy levels associated with new gTLDs and legacy gTLDs, as well as other comparisons.</p> <p>The Draft Implementation Plan describes ICANN's proposed design based on the NORC model for determining how to identify a WHOIS record as "inaccurate" for use in the WHOIS Online Accuracy Reporting System. It also includes additional information on the proposed next steps for developing other aspects of the WHOIS Online Accuracy Reporting System.</p> <p>The comments received through this Forum will inform the design of the WHOIS Online Accuracy Reporting System. A Pilot Report based on the methodology proposed by NORC is expected to be published prior to the Los Angeles ICANN Meeting, and will be discussed at the All Things WHOIS Session on 13 October 2014.</p> | | | | | | | | | | | | | | | | | | | | | |

Section II: Contributors

At the time this report was prepared, a total of three (3) 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.

Organizations and Groups:

| Name | Submitted by | Initials |
|----------------------|------------------------------------|----------|
| Paul Diaz | Registries Stakeholder Group | RySG |
| Steven Metalitz | Intellectual Property Constituency | IPC |
| ICANN At-Large Staff | At-Large Advisory Committee | 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).

Registries Stakeholder Group (RySG)

- The RySG expresses its reservations about the value of the results of a statistical sampling not being the same as a full data analysis. The RySG believes that the statistical data presents the potential for results that do not lead to valid conclusions.
- The RySG also expresses its concerns that domains registered under privacy and proxy services will be excluded from the program, thereby clouding the validity of any reviews or the value of the system.
- The RySG applauds the draft Plan's recommendation to include stakeholders in subsequent steps. Moreover, the RySG applauds the draft's suggestion to use the hierarchical Syntactic, Operational, Identity Validation process as presented in SAC058.
- The RySG expresses a concern that, as reviews moves up the hierarchy steps and require more hands-on analysis, subjective analysis will be inevitable. As such, to ensure that the studies are accurate, a normalization or review mechanism must be part of the record validity determinations.
- The RySG expresses a concern regarding the following three issues in the model:
 - The granularity of a five step scale and if a scale should have equal differentials between each level;
 - Whether all data elements should be treated equally or weighted; and
 - If the three steps in the review hierarchy should be given equal weight or treated independently.

Intellectual Property Constituency (IPC)

The IPC believes that the Draft Implementation Plan is a positive step forward, but has the following four concerns:

- The draft Implementation Plan reads much more like a research project than a compliance tool – the Implementation Plan must be both of these.
- The Implementation Plan should place dialogue with users on par with dialogue with contracted parties.
- The IPC shares its concern that too much weight is being given to what it considers the most complex, expensive, and labor-intensive – and least readily achievable – aspect of verifying the accuracy of WHOIS

data: the “identity” aspect. They urge ICANN to focus first on the syntactic and operational checks to improve WHOIS data accuracy.

- The IPC also expresses disappointment at the means by which the draft Implementation Plan was made available for public comment. They specifically note that the draft Implementation Plan should have been posted on the corresponding Public Comment page earlier and that the comment period length should have taken into account the ICANN meeting in Singapore.

At-Large Advisory Committee (ALAC)

- The ALAC is very supportive of the ICANN initiative to take responsibility for measuring and ultimately ensuring WHOIS accuracy.
- The ALAC notes that, in parallel with developing the measurement methodology and tools, a plan regarding how the accuracy metrics developed will be used must also be developed.
- The ALAC believes that in parallel with developing the measurement methodology and tools, a plan must be developed regarding how the accuracy metrics developed be used.
- The ALAC expresses that it is important ICANN not only monitor WHOIS accuracy and address the problems resolved, but that the community is kept informed of the results in sufficient detail.

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.

Support for the Initiative

The ALAC and the IPC expressed support for the ICANN initiative to measure and track accuracy rates.

Concerns about the Proposed Methodology

The ALAC called for development of a plan to develop and use the accuracy metrics.

The IPC called for ICANN to focus less on expensive and less labor intensive “identity” validation analysis and instead focus on the syntactic and operational validation approaches. It also recommended that ICANN approach the analysis in phases, focusing first on simpler validation approaches.

The RYSG applauded the use the hierarchical Syntactic, Operational, Identity Validation process a presented in SAC058. However, The RySG expresses a concern that, as reviews moves up the hierarchy steps and require more hands-on analysis, subjective analysis will be inevitable. A normalization or review mechanism must be part of the record validity determinations. The RySG expressed a concern regarding the granularity of a five step scale and if a scale should have equal differentials between each level; whether all data elements should be treated equally or weighted; and whether the three steps in the review hierarchy should be given equal weight or treated independently.

Follow-up and Role of ICANN Contractual Compliance Department

In developing the process by which potentially inaccurate records are forwarded to registrars for follow-up, the IPC recommends that ICANN place dialogue with users on par with dialogue with contracted parties.

The IPC also notes that the Plan reads more like a research project than a compliance tool – the Implementation Plan must be both of these.

The ALAC notes that it is important that ICANN not only monitor WHOIS accuracy and address the problems resolved, but that the community is kept informed of the results in sufficient detail.

Treatment of Privacy/Proxy Services

The RySG is concerned that the study results may not adequately address records covered by privacy/proxy services.

Sample Sizes and Confidence in the Findings

The RySG is concerned that the results may not be truly representative of the accuracy of WHOIS records, as the sample sizes selected may not be reflective of the full set of data. The RySG believes that the statistical data presents the potential for results that do not lead to valid conclusions.

ICANN Response and Next Steps

In response to the comments received, ICANN plans to develop the WHOIS Online Accuracy Reporting System in phases, focusing first on the syntactic and operational validation, and later on identity validation. In addition, prior to the Los Angeles ICANN Meeting, ICANN plans to publish a pilot to demonstrate how the proposed NORC methodology could be deployed. An additional public comment forum will be open on the Pilot Report to solicit feedback on the methodology and proposed reports as described in the Pilot Report, to inform the final design of the System.

In addition, ICANN will commence a process to work with registrars and users to define the best process for forwarding potentially inaccurate records for follow-up by registrars, and to publish reports on the results of such follow-up activities.