

Report of Public Comments

Title		WHOIS Registrant Identification Study Report																						
Publication Date:		13 June 2013																						
Prepared By:		Barbara Roseman																						
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Staff Contact:	Barbara Roseman	Email:	mailto:Policy-staff@icann.org																					
Section I: General Overview and Next Steps																								
<p>This study, conducted by NORC at the University of Chicago, uses Whois to classify entities that register gTLD domain names, including natural persons, legal persons, and Privacy/Proxy service providers. Using associated Internet content, the study classified entities using those domains, and observed potentially commercial activities. Findings were intended to help the community understand how Registrants identify themselves in Whois.</p> <p>This Public Comment solicitation represented an opportunity for the community to consider study results detailed in the draft report, ask questions, and request clarifications. In parallel, NORC conducted Webinars to facilitate feedback by summarizing this study's purpose, methodology, key findings, and conclusions, archived here: http://gnso.icann.org/en/node/36867</p>																								
Section II: Contributors																								
<p>At the time this report was prepared, a total of six (6) community submissions had been posted to the Forum or mailed directly to staff. Contributors are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the following narrative (Section III), such citations reference the contributor's initials.</p>																								
Organizations and Groups:																								
<table border="1"> <thead> <tr> <th>Name</th> <th>Submitted by</th> <th>Initials</th> </tr> </thead> <tbody> <tr> <td>Intellectual Property Constituency</td> <td>Metalitz, Steven</td> <td>IPC</td> </tr> <tr> <td>At-Large Advisory Committee</td> <td>ICANN At-Large Staff</td> <td>ALAC</td> </tr> <tr> <td>Registries Stakeholder Group</td> <td>Drazek, Keith</td> <td>RySG</td> </tr> <tr> <td>Individual Comments</td> <td>Salanieta Tamanikawaimaro</td> <td>ST</td> </tr> <tr> <td>Coalition Against Domain Name Abuse</td> <td>Zane Bundy</td> <td>CADNA</td> </tr> <tr> <td>Individual Comments</td> <td>Virginia Benedict</td> <td>VB</td> </tr> </tbody> </table>				Name	Submitted by	Initials	Intellectual Property Constituency	Metalitz, Steven	IPC	At-Large Advisory Committee	ICANN At-Large Staff	ALAC	Registries Stakeholder Group	Drazek, Keith	RySG	Individual Comments	Salanieta Tamanikawaimaro	ST	Coalition Against Domain Name Abuse	Zane Bundy	CADNA	Individual Comments	Virginia Benedict	VB
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<p><i>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).</i></p>																								
General Comments																								
<p>All comments cited the utility of this study's findings in helping to inform WHOIS policy development. IPC, ALAC and RySG comments characterized the study as "successful in producing data that can be used to facilitate future WHOIS (registrant identification) policy development efforts."</p> <p>ALAC comments found study results useful in "adding context to issues raised within previous WHOIS reports...to help inform discussions of WHOIS misuse, abuse and privacy related issues." RySG comments cautioned "As with any study, the results must be used with certain qualifications... However, it is our belief that the [report] provides</p>																								

sufficient information to support careful analysis of its stated results” that provide objective data to facilitate policy development work.

Key Findings

Accordingly, most comments highlighted key findings, recommending that they be considered by the GNSO to inform WHOIS policy development. Key findings cited by commenters included:

- The extent and nature of privacy/proxy service use (IPC, RySG)
- The types of entities making use of privacy/proxy services (IPC, RySG)
- Overall WHOIS accuracy (IPC, ALAC)
- The many users that could not be identified due to no usable online content (ALAC, CADNA)
- Answers to the four fundamental questions posed by the GAC (RySG)

Concern #1

ALAC and IPC comments asked about sampled domain names that could not be country-coded using WHOIS data and implications of this finding on WHOIS accuracy.

Concern #2

ALAC, IPC and ST comments asked about differences between the Privacy/Proxy estimates included in the Draft Study Report versus those published in NORC’s 2010 “*Study of Privacy/Proxy Prevalence.*”

Concern #3

ALAC requested a geographic breakdown of sampled domains with no usable online content.

Concern #4

ALAC asked whether NORC had considered sending e-mail to Registrants.

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 GNSO Council will consider this study report and comments received. For further information, see the GNSO Council’s website at <http://gns0.icann.org>. As input to that discussion, ICANN staff offers the following analysis:

- 1) Questions regarding the survey’s approach, findings and report clarity were reviewed by NORC and have been addressed in the final version of this report, posted here:
 - WHOIS Registrant Identification Study | Final Project Summary Report [PDF, **TBD** MB]
- 2) Comments addressed by updates to the final report are summarized in a new Appendix C. Most notably:
 - In its final report, NORC clarified that, of the 81 WHOIS records for which no registrant country could be determined, 71 WHOIS records could not be retrieved at all; the remainder (10) did not provide sufficient information to accurately code the registrant’s country. These results thus quantify not just accuracy but also availability of WHOIS data for sampled domain names.
 - In its final report, NORC estimates that the percentage of Top Five gTLDs registered using privacy or proxy services is 20 percent. This is not a statistically significant difference versus the 18 percent

reported by the September 14, 2010 *Privacy/Proxy Prevalence Study*. Furthermore, NORC's final report estimates privacy service use at 6 percent, which is not a statistically significant difference versus the 9 percent reported in 2010. Associated analysis is more fully described in the final report, Appendix C.

- To facilitate on-going measurement of Privacy/Proxy rates using clear, consistent coding methods, NORC is also sharing refinements made during the *WHOIS Registrant Identification Study* with NPL's *WHOIS Privacy/Proxy Abuse Study* team.

3) Regarding the other specific concerns summarized above:

- Geographic breakdown of domains with no usable online content can be found in the Table F.3.
- NORC's *WHOIS Registrant Identification Study* focused on deep offline analysis of snapshot of web content that could be obtained without Registrant involvement. However, an e-mail survey of Registrants and their experience with WHOIS is also being conducted as part of the *WHOIS Misuse Study*.

4) There appears to be significant, broad interest in using study results to inform future WHOIS policy development. Staff recommends that this study's findings – especially key findings highlighted by public comments above and NORC's Webinars (<http://gns0.icann.org/en/node/36867>) – be considered by the GNSO and other efforts now underway to study requirements for and accuracy of gTLD registration data.