



ICANN Registry Request Service

Ticket ID: K7Z9W-3M3C5

Registry Name: Telnic Ltd.

gTLD: .tel

Status: ICANN Review

Status Date: 2007-04-27 12:14:49

Print Date: 2007-04-27 12:19:51

Proposed Service

Name of Proposed Service:

UK/EU Data Protection legislation impact on ICANN contract

Technical description of Proposed Service:

Consultation

Please describe with specificity your consultations with the community, experts and or others. What were the quantity, nature and content of the consultations?:

Telnic consulted with its UK and US legal advisers about the impact of UK and EU Data Protection legislation on its ICANN contract, notably the provision of whois service. Further guidance was sought from the Information Commissioner's Office, who oversee and enforce the Data Protection legislative framework in the UK. This had a significant impact on the formulation of Telnic's draft whois policy by its interim Policy Advisory Board.

a. If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?:

As above. Informal soundings were also taken from registrars and communications service providers. They were broadly supportive of the proposed whois policy. In any case, the over-riding factor here is the view of the ICO and this had to take precedence over any other opinions. In simple terms, the ICO indicated what was likely to be acceptable or unacceptable from a legal perspective and therefore which path Telnic was obliged to follow.

b. Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?:

c. Were consultations with other constituency groups appropriate? Which groups were consulted? What were the nature and content of these consultations?:



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No.

d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?:

No.

e. Who would endorse the introduction of this service? What were the nature and content of these consultations?:

Law enforcement representatives in the UK.

f. Who would object the introduction of this service? What were(or would be) the nature and content of these consultations?:

Hopefully nobody since this is a matter of compliance with prevailing national law.

Timeline

Please describe the timeline for implementation of the proposed new registry service:

Immediate. Once this contractual change has been accepted, Telnic will be able to complete ratification of its whois policy and proceed towards implementation ahead of the launch of .tel.

Business Description

Describe how the Proposed Service will be offered:

The changes entail minor alterations to the database schema used for EPP transactions and on the data returned by the whois server in some cases.

Describe quality assurance plan or testing of Proposed Service:

The updated template will be tested and validated as part of the standard registry-registrar toolkits that will be provided prior to the launch of .tel. Telnic may independently test this as part of its contract provisions with its registry operator.



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Please list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.:

None. The changes are fully compliant with all relevant RFCs concerning whois and EPP.

Contractual Provisions

List the relevant contractual provisions impacted by the Proposed Service:

Minor, almost cosmetic, changes need to be made to the whois specifications and EPP template used by .tel. These are described in detail in the attached letter.

What effect, if any, will the Proposed Service have on the reporting of data to ICANN:

None.

What effect, if any, will the Proposed Service have on the Whois?:

The data disclosed by whois may be a less than complete disclosure if the individual registrant has chosen not to allow their contact details to be published in whois, as they are entitled to do under UK and EU Data Protection law.

The proposed change has no impact whatsoever on the performance characteristics of the whois service.

Contract Amendments

Please describe or provide the necessary contractual amendments for the proposed service:

Telnic needs to amend its contract with ICANN in order to comply with the provisions of UK and EU Data Protection legislation. Details are given in the attached documents.



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Benefits of Service

Describe the benefits of the Proposed Service:

Telnic can comply with national law. Enough said!

Competition

Do you believe your proposed new Registry Service would have any positive or negative effects on competition? If so, please explain.:

The proposed change has no impact on competition.

How would you define the markets in which your proposed Registry Service would compete?:

Not appropriate.

What companies/entities provide services or products that are similar in substance or effect to your proposed Registry Service?:

Not appropriate.

In view of your status as a registry operator, would the introduction of your proposed Registry Service potentially impair the ability of other companies/entities that provide similar products or services to compete?:

Not appropriate.

Do you propose to work with a vendor or contractor to provide the proposed Registry Service? If so, what is the name of the vendor/contractor, and describe the nature of the services the vendor/contractor would provide.:

The updated contract provision will be incorporated into the contract with Telnic's registry operator, Neustar, and Telnic's registry-registrar agreement. Since .tel has not launched yet, there are no other parties involved at this time.



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Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed Registry Service? If so, please describe the communications.:

Not appropriate.

Do you have any documents that address the possible effects on competition of your proposed Registry Service? If so, please submit them with your application. (ICANN will keep the documents confidential).:

Not appropriate.

Security and Stability

Does the proposed service alter the storage and input of Registry Data?:

Yes. The EPP schema has to incorporate an extra flag to indicate whether the contact data for a domain object can be disclosed or not via whois.

Please explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems:

It has no impact. In some cases, whois lookups may not return registrant contact data because the registrant has chosen not to permit this to be disclosed. In these circumstances, the lookups will return a response indicating that fact.

Have technical concerns been raised about the proposed service, and if so, how do you intend to address those concerns?:

No.

Other Issues

Are there any Intellectual Property considerations raised by the Proposed Service:

No. The IPR constituency may be concerned that the changes to the whois provisions in Telnic contract will prevent them



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from obtaining legitimate access to registrant contact data in .tel. This is unfounded. Complete registrant contact data will be available through another mechanism. This is outlined in Telnic's draft whois policy attached below. The mechanism proposed by Telnic is essentially identical to the one currently used by GNR, the .name registry, which is also UK based. That mechanism was approved by ICANN in 2002.

Does the proposed service contain intellectual property exclusive to your gTLD registry?:

No.

List Disclaimers provided to potential customers regarding the Proposed Service:

None

Any other relevant information to include with this request:

Telnic's draft whois policy is attached below.

[Appendix A \(telnic-draft-whois.pdf\)](#)



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Appendix {A(telnic-draft-whois.pdf)}
(Seen on Next Page)

WHOIS Policies

The .tel Registry will operate a WHOIS service in accordance with RFC 3912.

It will be possible to query the system through the use of the domain name, the unique identification number of the Registered Domain Owner assigned by the .tel Registry (the "Unique ID"), the identity of the Sponsoring Registrar, or the machine name of the DNS servers that are authoritative for the domain (see Appendix S Part VI to the Registry Agreement).

Data Collection Requirements of Sponsoring Registrars

Each Sponsoring Registrar will be required to collect and transmit to the Registry all of the information required by ICANN and any applicable RFCs.

Publication of WHOIS Data

The Unique ID within the Shared Registry System ("SRS") assigned to the Registered Domain Owner will always be disclosed in the WHOIS system.

If the Registered Domain Owner for a domain is an individual (including individuals who use the domain for their own commercial purposes), all contact information captured by the Sponsoring Registrar during or after the registration process will, by default, not be displayed in the public WHOIS system and will be replaced by the Unique ID. Should an individual Registered Domain Owner wish to have his or her contact information displayed in the public WHOIS system, he or she must affirmatively indicate this wish to the Sponsoring Registrar.

If the Registered Domain Owner is a corporate entity, all contact information captured by the Sponsoring Registrar during or after the registration process will, by default, be displayed in the public WHOIS system.

Thus, the Sponsoring Registrar must provide a mechanism to allow the party registering a domain to select whether the domain is registered for an individual or for a corporate entity. This mechanism must be available as part of the registration process for each domain name. The Sponsoring Registrar will be required to capture this information as part of the registration process and to pass this information through to the Registry. The Sponsoring Registrar will also be required to provide a mechanism to allow the Registered Domain Owner to change his or her contact information, his or her designation as an individual or a corporate entity, and his or her preferences for disclosure of contact information in the public WHOIS system after the registration process has been completed.

Regardless of whether the Registered Domain Owner is an individual or a corporate entity, the Sponsoring Registrar will be required to pass all of the captured contact information to the Registry as part of the registration process. The Sponsoring Registrar will be required to indicate the disclosure preference of each Registered Domain Owner when creating and modifying the owner contact object within the SRS. For the .tel top level domain, disclosure preference is a mandatory element of

the owner contact object. The Sponsoring Registrar will also be required to inform each individual Registered Domain Owner as part of the applicable registration agreement that his or her personal contact information may be shared with third parties, even if such individual Registered Domain Owner does not choose to have such contact information displayed in the public WHOIS system (See *Requests for Detailed Registrant Information*, below).

The information disclosed by the public WHOIS system will reflect the preferences indicated by each individual Registered Domain Owner for disclosure of his or her contact information. If this preference changes and such change is submitted to the Registry by the Sponsoring Registrar, such change will be reflected in the WHOIS system as soon as reasonably possible.

Public WHOIS data will always include, for each domain, the ROID (ID “tag”) of the Sponsoring Registrar and the machine names of the authoritative DNS servers for the domain (if it has been delegated and is currently active), along with the status for each registration.

Requests for Detailed Registrant Information

For people who claim a legitimate need for disclosure of personal contact information that is not made available in the public WHOIS system (i.e., contact information of individual Registered Domain Owners who have not chosen to make their contact information public), the process to obtain such contact information is as follows:

1. The Registry will maintain a web page through which requests for disclosure of personal contact information can be made.
2. The party requesting such personal contact information must identify who is making the request and must indicate what contact information is requested for disclosure and why such contact information is needed. The applicant will be charged a fee to process the request.
3. The requesting party must:
 - fully describe the justification for the request;
 - specify the domain in question, and the Unique ID for the individual Registered Domain Owner whose personal data is requested to be disclosed;
 - identify himself or herself, with the full name of person to whom data is to be disclosed, the organisation for which he or she acts as an agent (if any), the postal address by which that person (and organisation, if any) can be contacted, and the email address for online correspondence with the person making the request;
 - designate whether he or she wishes to receive the requested via postal mail or, for an additional charge, email; and
 - provide a credit card account to be charged.

4. The Registry will collect this information and process a charge for the cost of processing the request to the credit card specified in the request.
5. If the requesting party indicates that he or she wishes to receive the requested information via postal mail, then the following process will apply:
 - a) The Registry will send an email to the email address supplied by the requesting party seeking confirmation of the request.
 - o The requesting party must send a confirmation of the request to the Registry from the email account to which the confirmation request was sent by the Registry.
 - o Once the Registry receives the confirmation email, the Registry will send the requesting party a letter via postal mail giving a case number and a web URL to retrieve the requested information.
6. The requesting party may, for an additional fee, receive the requested information via email, in which even the following process will apply:
 - a) The Registry will send an email to the email address supplied by the requesting party seeking confirmation of the request.
 - o The requesting party must send a confirmation of the request to the Registry from the email account to which the confirmation request was sent by the Registry.
 - o Once the Registry receives the confirmation email, the Registry will send the requesting an email giving a case number and a web URL to retrieve the requested information.

The Registry may (but will have no obligation to) inform the individual Registered Domain Owner that a party has requested his or her personal contact information and may (but will have no obligation to) provide the individual Registered Domain Owner with the information provided by the applicant in connection with such request (with the exception of the credit card information).

Law enforcement representatives will be permitted to use the process described above to retrieve non-public WHOIS information, but the Registry expects to work with law enforcement to develop a non-WHOIS-based procedure to provide access to non-public information