



WEBINAR: WHOIS Policy Review Team Recommendations - Implementation Update

24 April 2013

Agenda

- Welcome - *Margie Milam (15:00-15:05)*
- Presentations (*15:05-16:00*)
 - ❖ Overview & Strategic Priority- *Denise Michel- (15:05-15:15)*
 - ❖ New gTLD Registry Agreement - *Samantha Eisner- (15:15-15:20)*
 - ❖ Single Policy Page, EWG, RAA, Data - *Margie Milam- (15:20-15:35)*
 - ❖ Compliance- *Maguy Serad- (15:35-15:45)*
 - ❖ Internationalized Registration Data- *Steve Sheng (15:45-15:50)*
 - ❖ Information portal & Automated Tools- *Chris Gift (15:50-15:55)*
 - ❖ Outreach & Communication- *Lynn Lipinski (15:55-16:00)*
- Q&A (*16:00-16:30*)



Overview & Strategic Priority

Denise Michel

Comprehensive Effort in Response to WHOIS Review Team Report



Nov. 2012 Board Resolution

- ❑ **Focus:** *Enforce current contractual obligations & increase communication/outreach*
- ❑ Detailed Plan for each recommendation
- ❑ Activities span contract negotiations, compliance, online tools

gTLD WHOIS—Strategic Priority

*Implementation
underway on
WHOIS Review
Team Recs*

- ❑ Highlighted in operating plans & budgets; Key focus of CEO
- ❑ Expanded Compliance Team under CEO; Strategic Initiatives Team addressing WHOIS
- ❑ CEO overseeing improvements to enforcement of contracts
- ❑ Commitment to Transparency-ICANN blog & Community updates

See: <http://blog.icann.org>

WHOIS- Strategic Priority



- **CEO Roundtables**
 - Need to improve industry's reputation
 - Vision of enhanced contractual framework, to include WHOIS
- **New gTLD Registry Agreement posted**
 - Includes obligation to use 2013 RAA
- **Proposed Final 2013 RAA posted**
 - Numerous WHOIS improvements address law enforcement and community requests



New gTLD Registry Agreement

Samantha Eisner

New gTLD Registry Agreement - Expected WHOIS Obligations

- ❑ “Thick” WHOIS
- ❑ Port 43 and web-based directory WHOIS required
- ❑ Standardized output format
- ❑ Offering WHOIS searchability is optional

New gTLD Registry Agreement - Expected WHOIS Obligations

- ❑ SLA to cover availability, response time and update time
- ❑ ICANN may specify alternative formats and protocols
- ❑ Placeholder for new IETF standards
- ❑ Requires use of registrars under 2013 RAA



Single Webpage, EWG, RAA Improvements, Data Accuracy/Access

Margie Milam

Single Webpage for ICANN WHOIS Policies and Provisions



- ❑ Board directed the CEO to create a single webpage that compiles current gTLD WHOIS policies and contract provisions
- ❑ As announced on 15 April 2013 <http://blog.icann.org/2013/04/single-source-of-whois-related-agreement-provisions-and-policies/> the webpage is now posted at
- ❑ <http://www.icann.org/en/resources/registrars/whois-policies-provisions>

Update 2013 RAA Negotiations

**PROPOSED
FINAL 2013 RAA
POSTED FOR
PUBLIC
COMMENT**

- ❑ Negotiations drawn to a close
 - ❑ Community input considered
 - <http://blog.icann.org/2013/04/one-last-look-at-the-raa/>
- ❑ Comment period- 13 May/4 June reply
 - www.icann.org/en/news/public-comment/proposed-raa-22apr13-en.htm
- ❑ Vast improvement over 2009 RAA, Significantly raises bar for registrars
 - ❑ ***Important milestone for DNS ecosystem***
- ❑ 2013 RAA to be required in new gTLDs

Update 2013 RAA Negotiations

SIGNIFICANT IMPROVEMENTS ON ACCESS AND ACCURACY

- WHOIS Accuracy Program Specification
 - Validation & verification of email or phone
- Interim Spec on Privacy/Proxy Services
 - ICANN to commence community work on accreditation program
- WHOIS Specification
 - SLA on Port 43 Access
 - Transition to new IETF Protocol with IDN Capabilities
- Registrant Rights & Responsibilities
 - Education - WHOIS Accuracy Requirements

Expert Working Group

Next Generation Data Directory Services

- ❑ *CEO tasked to go beyond the existing WHOIS protocol and start a new initiative*
 - ❑ Re-examine purpose
 - ❑ provide a proposed model to address data accuracy, access issues, safeguards for protecting data
- ❑ Expert working group to lay foundation for new policy development work
- ❑ Public comment on Board requested issue report for a GNSO PDP on EWG model

<http://www.icann.org/en/news/public-comment/gtld-registration-data-15mar13-en.htm>

Expert Working Group

- Work currently underway
 - Conference calls & 2 FTF meetings, travel costs provided
 - Periodic updates to the ICANN Community and in Beijing
 - Initial Model expected by Durban
- Expert Working Group Facilitator-
Jean-Francois Baril
- Board Liaisons to Expert Group-
Steve Crocker and Chris Disspain



Compliance

Maguy Serad

Contractual Compliance Update

Improvements to the Enforcement of the current obligations on gTLD WHOIS

- ✓ **Improved Process** mid Sept 2012
 1. Rolled out a consistent process
 2. Shortened time to resolution
 3. Improved processing quality and effort by requiring proof of investigative efforts
- ✓ **Launched Audit Program** in Nov 2012 which includes review of responses, data population, public access and data escrow accuracy match against bulk zone file

Contractual Compliance Update

Improvements to the Enforcement of the current obligations on gTLD WHOIS and Increased Communications

- ✓ WHOIS Inaccuracy on a new and improved customer interface
(System) as of end of March 2013
 - User Friendly & Easier Navigation
 - Frequently Asked Questions and Guidance in 6 UN languages
 - Filing a complaint in English
- ✓ **(People)** Staff trained on WHOIS Inaccuracy complaints processing

Contractual Compliance Update

*Increased
Transparency,
Communication
&
Outreach*

- ✓ Implemented Compliance **metrics** for **reporting** & proactive Compliance improvements
- ✓ Published **Annual Report** in 6 UN languages
- ✓ Publish on-going monthly updates in 6 UN languages
- ✓ Compliance metrics available on MyICANN
- ✓ Deliver **Outreach** sessions by contracted party, region or at ICANN meetings



Internationalized Registration Data

Steve Sheng

Internationalized Registration Data

1. Task a working group to determine the appropriate IDN registration data requirements Produce a data model
2. Incorporate the data model in the relevant Registry and Registrar agreements
3. Valuate available solutions
4. Provide regular updates on development of the IRD



Information Portal & Automated Tools

Chris Gift

Information Portal

Create an information portal with explanation of how to access the existing WHOIS info

- Work is to begin early June
- Launch scheduled for 30 August 2013
- No foreseeable issues

Data Accuracy Reporting

Provide automation to sample and report on the accuracy of WHOIS records

- Requirements to be completed by 25 July 2013
- Assessment of development effort to follow
- Generate dynamic reports on the completeness and accuracy of WHOIS (not individual records)
- Reports will be generated by statistical sampling WHOIS records across all TLDs
- Definition of 'accuracy' is critical

Global WHOIS Search

Offer a place where people could initiate a search of global WHOIS records

- Requirements to be completed by 25 July 2013
- Assessment of development effort to follow
- No foreseeable issues, it's simply a question of resources and schedule

IDN WHOIS Records

Provide automation to sample and report on the accuracy of IDN WHOIS records

- IDN Registration requirements are due by end of July 2013
- Implementation recommendations to follow by 30 August 2013
- Definition of ‘accuracy’ is critical



Outreach & Communication

Lynn Lipinski

WHOIS Review - Outreach & Communication Plan Objectives

- ❑ Raise awareness of policy development efforts to answer questions such as why WHOIS data is collected and what purpose it serves
- ❑ Promote information portal (being developed by ICANN Online Services staff) as an easy way to access the existing WHOIS information and notify relevant parties of data accuracy issues

WHOIS Review - Outreach & Communication Target Audiences

- ICANN Community (ASO, ccNSO, GNSO, ALAC, GAC, RSSAC and SSAC)
- Internet Community (IETF, ISOC, etc.)
- Governments/law enforcement
- Consumer Rights/Privacy Organizations
- Business Community
- Domain registrants

WHOIS Review - Outreach & Communication Tactics

- Kick-off announcement, news release, supplemented with social media outreach.
- Create fact sheet or brochure in Arabic, Chinese, English, French, Russian and Spanish.
- With global engagement team, develop a list of organizations that might be interested in the issue and reach out to them directly that the issue is coming to forefront.
- Promote program milestones through announcements and social media.
- Keep up-to-date slide deck on WHOIS issues for speaker's bureau opportunities.
- Create video of how to use portal in Arabic, Chinese, English, French, Russian and Spanish.

One World

One Internet

Questions



Thank You



Appendices

WHOIS Policy Review Team Final Recommendations

Recommendation 1: Strategic Priority

It is recommended that WHOIS, in all its aspects, should be a strategic priority for ICANN the organization. It should form the basis of staff incentivization and published organizational objectives.

To support WHOIS as a strategic priority, the ICANN board should create a committee that includes the CEO. The committee should be responsible for advancing the strategic priorities required to ensure the following:

- Implementation of this report's recommendations;
- Fulfillment of data accuracy objectives over time;
- Follow up on relevant reports (e.g. NORC data accuracy study);
- Reporting on progress on all aspects of WHOIS (policy development, compliance, and advances in the protocol / liaison with SSAC and IETF);
- Monitoring effectiveness of senior staff performance and the extent to which ICANN Compliance function is effective in delivering WHOIS outcomes, and taking appropriate action to remedy any gaps (see Recommendation 4 for more discussion of compliance).

Advancement of the WHOIS strategic priority objectives should be a major factor in staff incentivization programs for ICANN staff participating in the committee, including the CEO. Regular (at least annual) updates on progress against targets should be given to the Community within ICANN's regular reporting channels, and should cover all aspects of WHOIS including protocol, policy development, studies and their follow up.

Recommendation 2: Single WHOIS Policy

ICANN's WHOIS policy is poorly defined and decentralized. The ICANN Board should oversee the creation of a single WHOIS policy document, and reference it in subsequent versions of agreements with Contracted Parties. In doing so, ICANN should clearly document the current gTLD WHOIS policy as set out in the gTLD Registry and Registrar contracts and GNSO Consensus Policies and Procedure.

Recommendation 3: Outreach

ICANN should ensure that WHOIS policy issues are accompanied by cross-community outreach, including outreach to the communities outside of ICANN with a specific interest in the issues, and an ongoing program for consumer awareness.

Recommendation 4: Compliance

ICANN should act to ensure that its compliance function is managed in accordance with best practice principles, including that:

- a. There should be full transparency regarding the resourcing and structure of its compliance function. To help achieve this ICANN should, at a minimum, publish annual reports that detail the following relevant to ICANN's compliance activities: staffing levels; budgeted funds; actual expenditure; performance against published targets; and organizational structure (including the full lines of reporting and accountability).
- b. There should be clear and appropriate lines of reporting and accountability, to allow compliance activities to be pursued pro-actively and independently of other interests. To help achieve this, ICANN should appoint a senior executive whose sole responsibility would be to oversee and manage ICANN's compliance function. This senior executive should report directly and solely to a sub-committee of the ICANN Board. This sub-committee should include Board members with a range of relevant skills, and should include the CEO. The sub-committee should not include any representatives from the regulated industry, or any other Board members who could have conflicts of interest in this area.
- c. ICANN should provide all necessary resources to ensure that the compliance team has the processes and technological tools it needs to efficiently and pro-actively manage and scale its compliance activities. The Review Team notes that this will be particularly important in light of the new gTLD program, and all relevant compliance processes and tools should be reviewed and improved, and new tools developed where necessary, in advance of any new gTLDs becoming operational.

Recommendation 5-9: Data Accuracy

5. ICANN should ensure that the requirements for accurate WHOIS data are widely and pro-actively communicated, including to current and prospective Registrants, and should use all means available to progress WHOIS accuracy, including any internationalized WHOIS data, as an organizational objective. As part of this effort, ICANN should ensure that its Registrant Rights and Responsibilities document is pro-actively and prominently circulated to all new and renewing registrants.

6. ICANN should take appropriate measures to reduce the number of WHOIS registrations that fall into the accuracy groups Substantial Failure and Full Failure (as defined by the NORC Data Accuracy Study, 2009/10) by 50% within 12 months and by 50% again over the following 12 months.

Recommendation 5-9: Data Accuracy

7. ICANN shall produce and publish an accuracy report focused on measured reduction in WHOIS registrations that fall into the accuracy groups Substantial Failure and Full Failure, on an annual basis.

8. ICANN should ensure that there is a clear, unambiguous and enforceable chain of contractual agreements with registries, registrars, and registrants to require the provision and maintenance of accurate WHOIS data. As part of these agreements, ICANN should ensure that clear, enforceable and graduated sanctions apply to registries, registrars and registrants that do not comply with its WHOIS policies. These sanctions should include de-registration and/or de-accreditation as appropriate in cases of serious or serial non-compliance.

9. The ICANN Board should ensure that the Compliance Team develop, in consultation with relevant contracted parties, metrics to track the impact of the annual WHOIS Data Reminder Policy (WDRP) notices to registrants. Such metrics should be used to develop and publish performance targets, to improve data accuracy over time. If this is unfeasible with the current system, the Board should ensure that an alternative, effective policy is developed (in accordance with ICANN's existing processes) and implemented in consultation with registrars that achieves the objective of improving data quality, in a measurable way.

Recommendation 10: Data Access - - Privacy and Proxy Services

The Review Team recommends that ICANN should initiate processes to regulate and oversee privacy and proxy service providers.

ICANN should develop these processes in consultation with all interested stakeholders.

This work should take note of the studies of existing practices used by proxy/privacy service providers now taking place within the GNSO.

The Review Team considers that one possible approach to achieving this would be to establish, through the appropriate means, an accreditation system for all proxy/privacy service providers. As part of this process, ICANN should consider the merits (if any) of establishing or maintaining a distinction between privacy and proxy services.

The goal of this process should be to provide clear, consistent and enforceable requirements for the operation of these services consistent with national laws, and to strike an appropriate balance between stakeholders with competing but legitimate interests. At a minimum, this would include privacy, data protection, law enforcement, the industry around law enforcement and the human rights community.

ICANN could, for example, use a mix of incentives and graduated sanctions to encourage proxy/privacy service providers to become accredited, and to ensure that registrars do not knowingly accept registrations from unaccredited providers.

Recommendation 10: Data Access -- Privacy and Proxy Services

ICANN could develop a graduated and enforceable series of penalties for proxy/privacy service providers who violate the requirements, with a clear path to de-accreditation for repeat, serial or otherwise serious breaches.

In considering the process to regulate and oversee privacy/proxy service providers, consideration should be given to the following objectives:

- Clearly labeling WHOIS entries to indicate that registrations have been made by a privacy or proxy service;
- Providing full WHOIS contact details for the privacy/proxy service provider, which are contactable and responsive;
- Adopting agreed standardized relay and reveal processes and timeframes; (these should be clearly published, and pro-actively advised to potential users of these services so they can make informed choices based on their individual circumstances);
- Registrars should disclose their relationship with any proxy/privacy service provider;
- Maintaining dedicated abuse points of contact for each provider;
- Conducting periodic due diligence checks on customer contact information;
- Maintaining the privacy and integrity of registrations in the event that major problems arise with a privacy/proxy provider.
- Providing clear and unambiguous guidance on the rights and responsibilities of registered name holders, and how those should be managed in the privacy/proxy environment.

Recommendation 11: Data Access - Common Interface

It is recommended that the Internic Service is overhauled to provide enhanced usability for consumers, including the display of full registrant data for all gTLD domain names (whether those gTLDs operate thin or thick WHOIS services) in order to create a one stop shop, from a trusted provider, for consumers and other users of WHOIS services.

In making this finding and recommendation, we are not proposing a change in the location where data is held, ownership of the data, nor do we see a policy development process as necessary or desirable. We are proposing an operational improvement to an existing service, the Internic. This should include enhanced promotion of the service, to increase user awareness.

Recommendation 12-14:

Internationalized Domain Names

12. ICANN should task a working group within six months of publication of this report, to determine appropriate internationalized domain name registration data requirements and evaluate available solutions (including solutions being implemented by ccTLDs). At a minimum, the data requirements should apply to all new gTLDs, and the working group should consider ways to encourage consistency of approach across the gTLD and (on a voluntary basis) ccTLD space. The working group should report within a year of being tasked.

13. The final data model, including (any) requirements for the translation or transliteration of the registration data, should be incorporated in the relevant Registrar and Registry agreements within 6 months of adoption of the working group's recommendations by the ICANN Board. If these recommendations are not finalized in time for the next revision of such agreements, explicit placeholders for this purpose should be put in place in the agreements for the new gTLD program at this time, and in the existing agreements when they come up for renewal.

Recommendation 12-14: Internationalized Domain Names

14. In addition, metrics should be developed to maintain and measure the accuracy of the internationalized registration data and corresponding data in ASCII, with clearly defined compliance methods and targets, as per the details in Recommendations 5-9 in this document.

Recommendation 15: Detailed and Comprehensive Plan

ICANN should provide a detailed and comprehensive plan within 3 months after the submission of the Final WHOIS Review Team report that outlines how ICANN will move forward in implementing these recommendations.

Recommendation 16: Annual Status Reports

ICANN should provide at least annual written status reports on its progress towards implementing the recommendations of this WHOIS Review Team. The first of these reports should be published one year, at the latest, after ICANN publishes the implementation plan mentioned in recommendation 15, above. Each of these reports should contain all relevant information, including all underlying facts, figures and analyses.