

WHOIS Task Force Report

June 2002

ICANN Names Council WHOIS Task Force: *History and Mission*

Mission of Task Force: "Consult with community with regard to establishing whether a review of ICANN's WHOIS policy is due and, if so, how best to address "

Among our activities : Extensive TF discussions plus Survey. Purpose of Survey was to seek to understand how WHOIS is used; who uses, what perspectives are:

Survey –non statistical/create common understanding: 20 Questions-combination of Yes/No and Narrative responses

3035 Responses Received -- Initial Consultation : June – August – 9 weeks

Initial Report of Responses, Characteristics of Respondents: Santiago, Chile, Paul Kane, Chair

Task Force Expanded, new co-chairs – end of year, '01

Statistical assessment, Analysis of Statistically selected "300" for Interim Update in Ghana, March, '02

Undertook Further Narrative Analysis plus review of Question 20.

Schedules have been challenging due to addition of Evolution and Reform work impact on all TF members

Analysis of Narrative responses have been very challenging in terms of time and complexity.

Draft Report is being posted – with four week comment period

Present draft final report at Bucharest meeting; final report in July after further discussion regarding findings and recommendations.

Present to NC for forwarding to the ICANN Board – July, '02

Reports and Briefing Materials

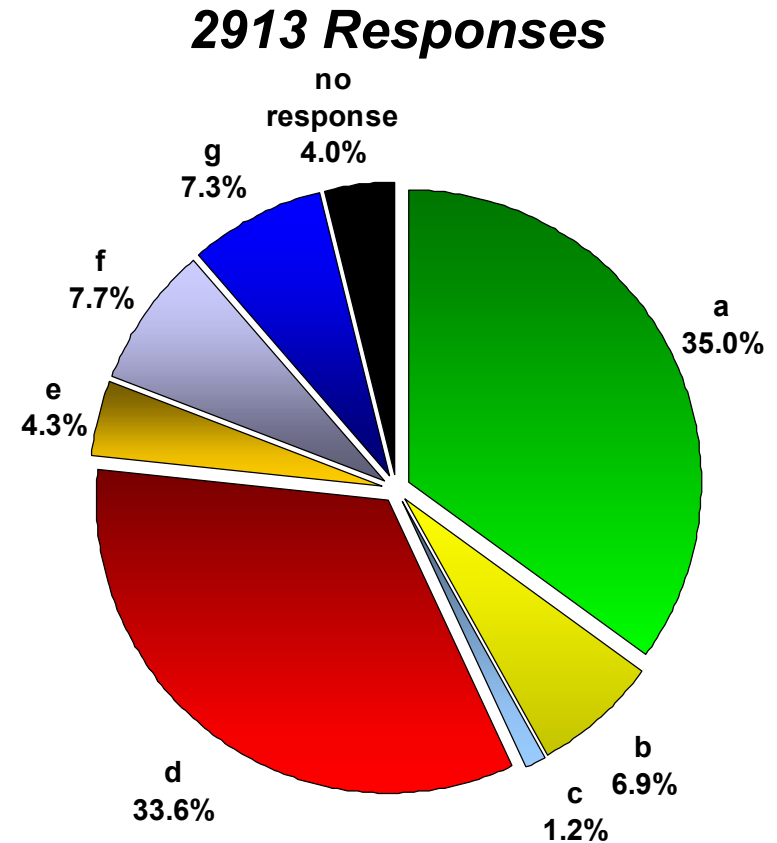
- Draft Report : DRAFT FINAL Report of the Names Council's WHOIS Task Force on Survey re WHOIS [for comment]
- Presentation at Bucharest Meeting
- Recommendations [for comment]
- Note: Survey data will be posted post Bucharest once details for hosting the questionnaires is worked out.

Participation in the Survey

A total of 3,035 questionnaires were received

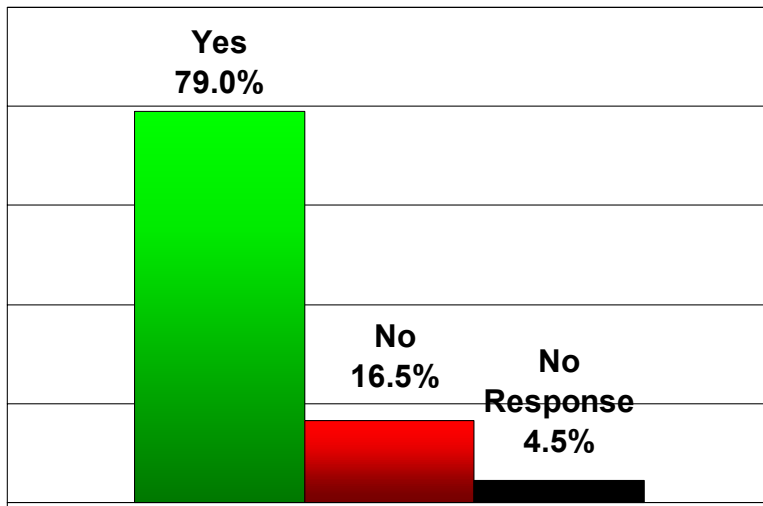
1. Which of the following terms best describes your status as a respondent to this survey?

- a. **Commercial business user**
- b. **Non-commercial organization user**
- c. **Governmental organization user**
- d. **Individual or household user**
- e. **Domain name registrar and/or registry**
- f. **Internet access provider or network operator**
- g. **Other**



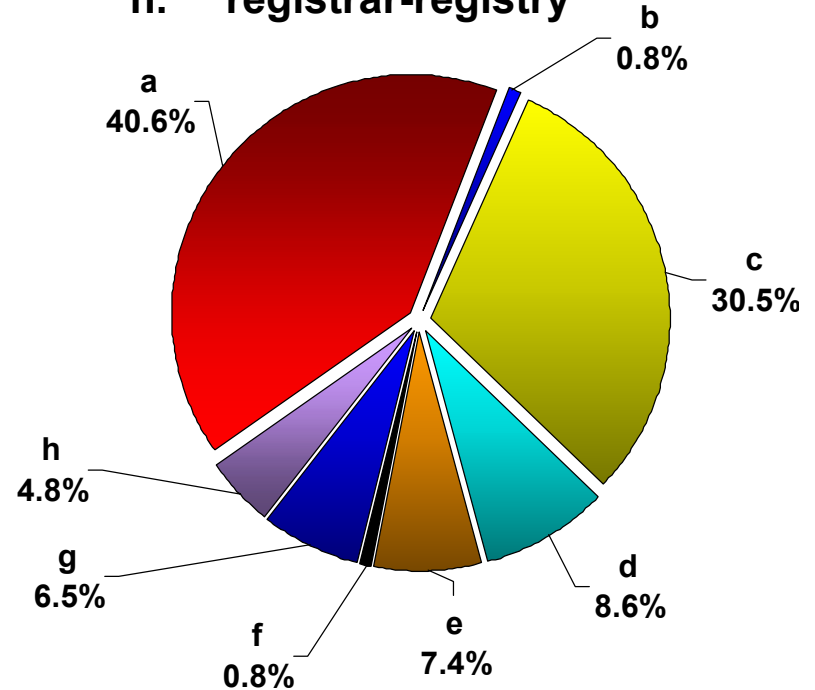
2. Have you ever registered any domain names?

2899 Responses



2397 "Yes" Responses

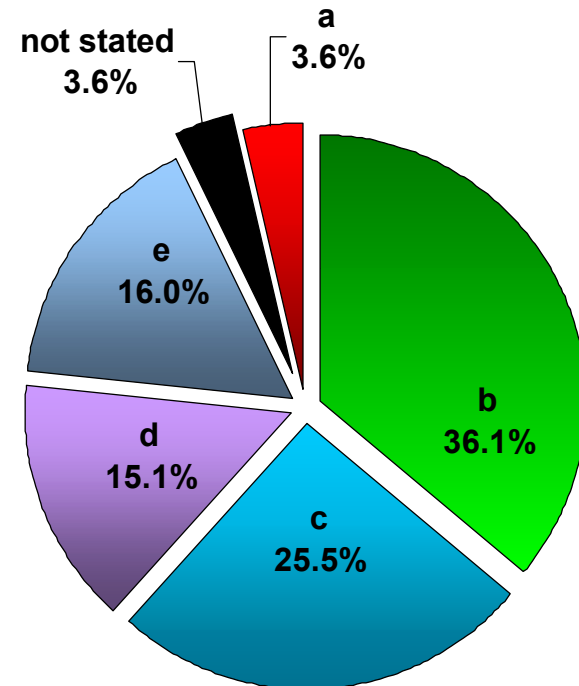
- a. commercial
- b. governmental
- c. individual
- d. isp
- e. noncommercial
- f. not stated
- g. other
- h. registrar-registry



3. How often do you use the WHOIS service on average?

- a. never
- b. occasionally
- c. weekly
- d. daily
- e. hourly

2925 Responses



Statistical Considerations

How to Read Statistical Evaluation of Yes/No Responses

"Disraeli was pretty close: actually, there are Lies, Damn lies, Statistics, Benchmarks, and Delivery Dates." (Unix fortune cookie.)

- Wide variety in numbers of responses received by category
- Smaller numbers of responses mean larger uncertainty
- Some very small categories of respondents (for instance, governmental)
- Identified a very few submissions which were duplicates/not on a significant scale
- Bottom line: NOT STATISTICALLY VALID SURVEY, SO Take statistics with a grain of salt. Mostly look for strong trends. Some clear messages comes through

Statistical Considerations

Evaluation of Free-Form Responses

- High number of Free-form Answers were provided in Questionnaire.
- We wonder now WHY we did that? Lots of questions about how to best analyze these ("How to best do that?", "Why?")
- Suggestion: **DON'T TRY THIS AT HOME**
The Task Force did try. :-)
- What we finally did: Tried to find a finite number of categories, assign free form to categories, then created statistics. Assessed whether it told us anything more than Yes/No answers?
- Tedious. Error-prone. Time-intensive.
- Subject to TF members' understanding and misunderstanding of responses and categories.
- Very few "new" learning's in free form answers in 1-19. Q20: "gems"

Statistical Considerations

What People Told Us

- Besides trying to find some ability to group free forms in to categories, we also looked for particularly interesting contributions in free-form questions
- "Other comments" (Q 20) question was only addressed in this way.
- We'll show you some of the comments we considered "gems" later.

AN OVERVIEW OF KEY SURVEY FINDINGS

WHOIS is a critical resource for ---

- **Effective identification**
- **Resolving technical problems**

High level of satisfaction with WHOIS data elements

Few concerns about query-based access and non-marketing uses

Grouping our Findings into a Set of Categories

A KEY THEME: WHOIS IS IMPORTANT TO ALL RESPONDENTS

Overall, the TF found a set of high level categories useful to develop our conclusions:

- Accuracy
- Uniformity and Consistency
- Search ability
- Resale, Marketing and Bulk Access

Presentation and Recommendations focus on the questions/responses relevant to these high level categories.

FINDINGS: WHOIS DATA ACCURACY

Widespread concern across categories of users

- Examples of harms:
 - ○ Identification of spam source, infringer, other negative uses
 - ○ Difficulty resolving technical problems

Suggested cures (examples):

Facilitate registrant updates

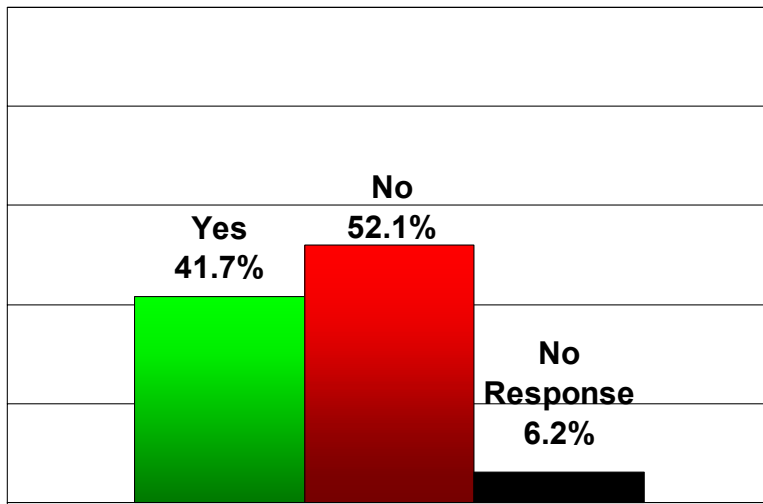
- Require validation/re-validation
- Cancellation/suspension remedies

Accuracy: Q.7

7. (Part one) Have you ever been harmed or inconvenienced because the WHOIS data you received was inaccurate, incomplete, or out of date?

- Yes, I have experienced inaccurate data.
- No, the data has been accurate.

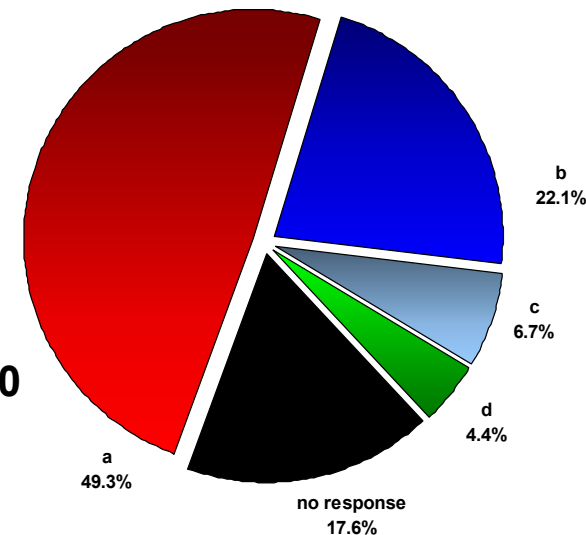
2848 Responses



7. (Part two) What percentage of the WHOIS records you relied on proved to be inaccurate, incomplete, or out of date on average?

- a. Less than 5 percent
- b. 5 – 25 percent
- c. 25 – 50 percent
- d. More than 50 percent

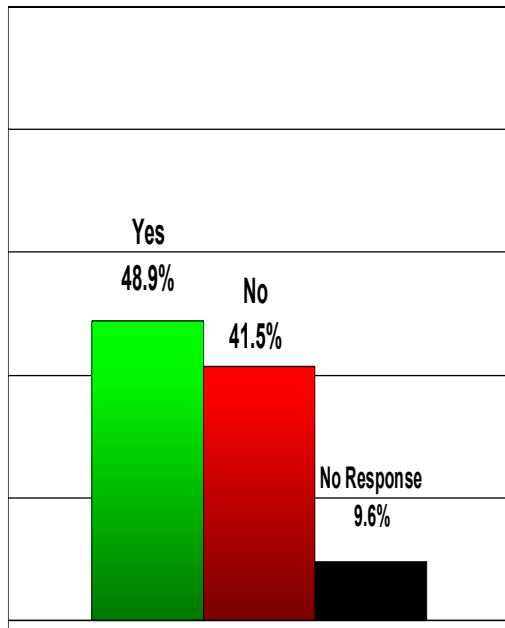
2500 Responses



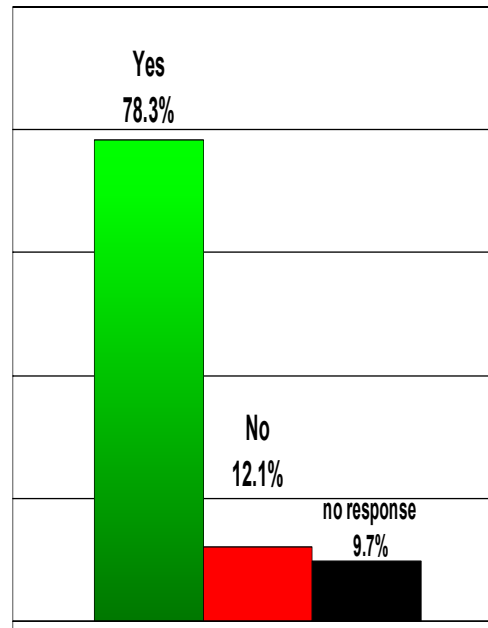
Narrative Responses 28.7% and 30.9%

Uniformity and Consistency: Q11-15

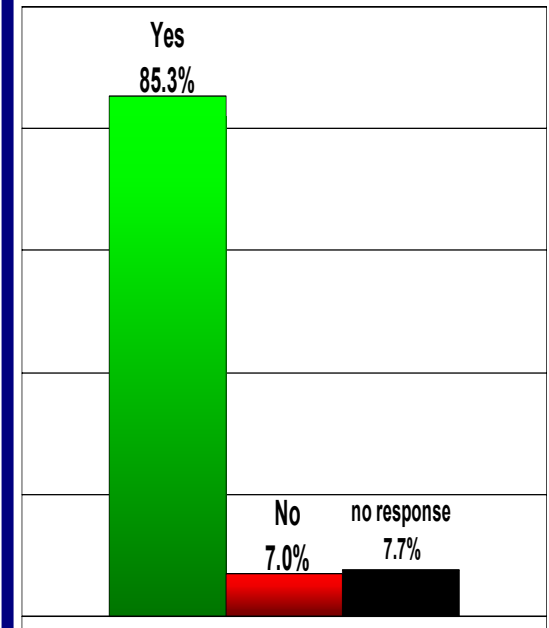
11. Do you use WHOIS in ccTLDs?



12. Should data elements used in .com, .net, and .org be available uniformly in country code top-level domains?



13. Do you support the concept of uniformity of WHOIS data format and services?



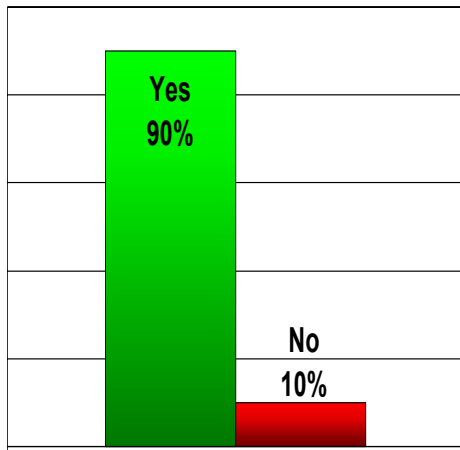
2743 Responses

2742 Responses

2801 Responses

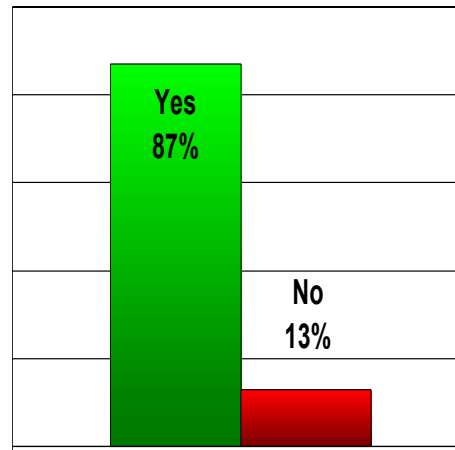
Uniformity and Consistency: Q11-15

14. (a) Do you support the concept of centralized public access to WHOIS across .com/.net/.org/ ?



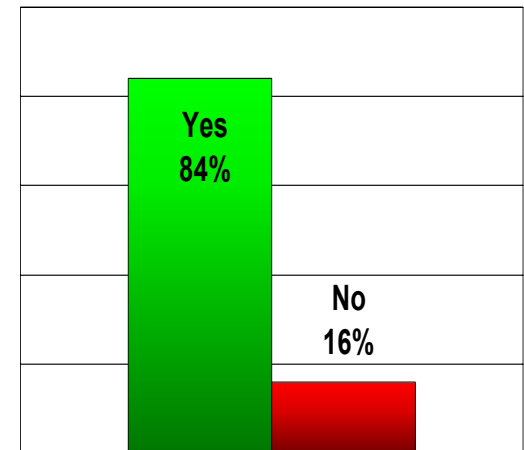
2725 Responses

14. (b) Do you support the concept of centralized public access to WHOIS across all gTLDs (i.e. including the new TLDs)?



2686 Responses

14. (c) Do you support the concept of centralized public access to WHOIS across all TLDs (i.e. including country code TLDs)?

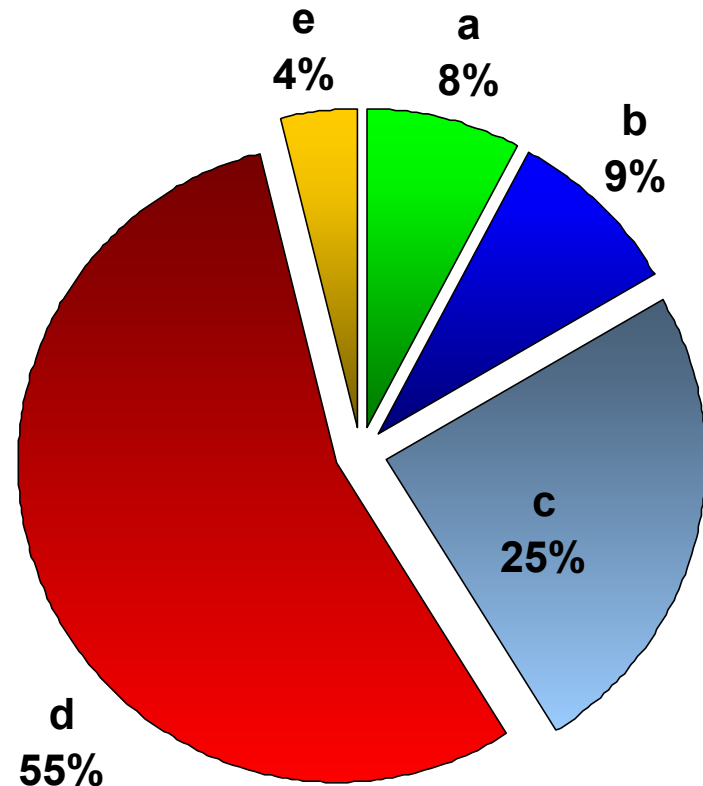


2696 Responses

Uniformity and Consistency: Q11-15

15. Who should bear the cost burden of implementing centralized public access?

- a. Those who use the service should pay for it
- b. It should be paid for by ICANN
- c. Registrars should support it as a public service
- d. Should be part of the domain registration fee as it is today
- e. Other



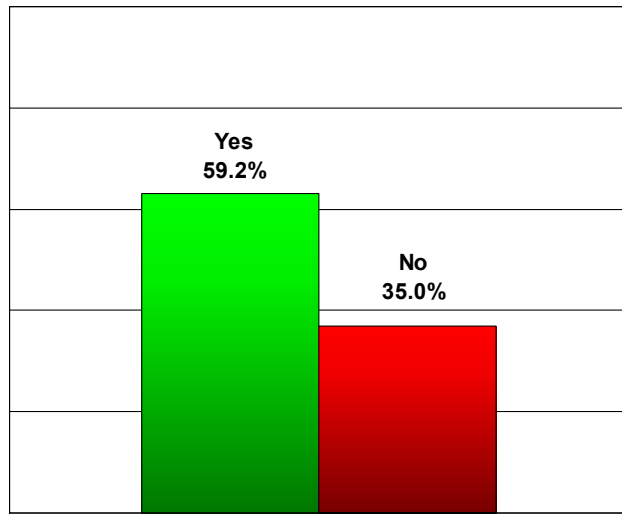
KEY FINDINGS: WHOIS SEARCHABILITY

- Strong support in all categories to search on elements other than domain name (WHOIS search restoration)
- Mixed support for enhanced searchability
- Defraying cost of enhancement:
 - Through registration fee
 - Absorbed by registrar/registry
 - WHOIS searchers

Searchability, Q.10

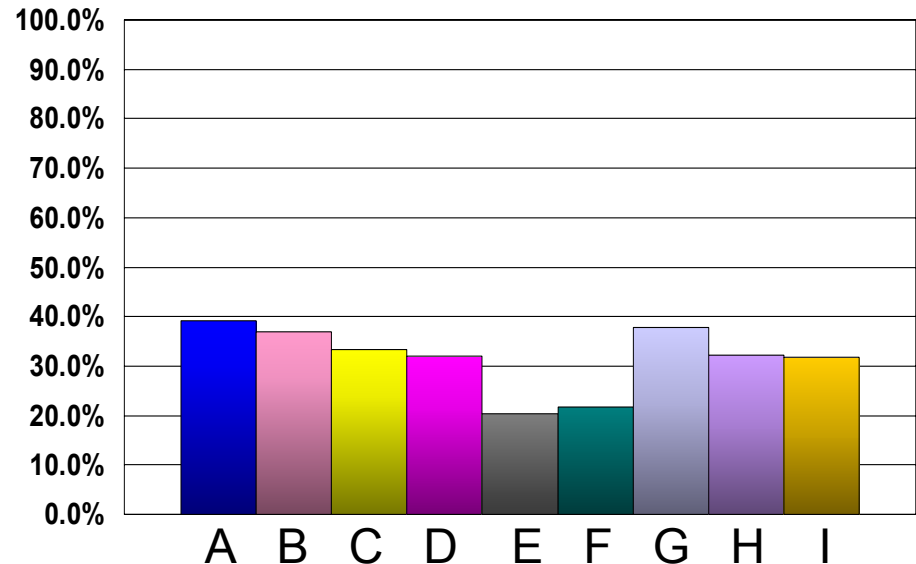
10. (Part one) Should the publicly accessible WHOIS database allow for searches on data elements other than domain name?

2861 Responses



10. (Part two) If “Yes”, please specify from fields A-I above what you think should be usable as search keys.

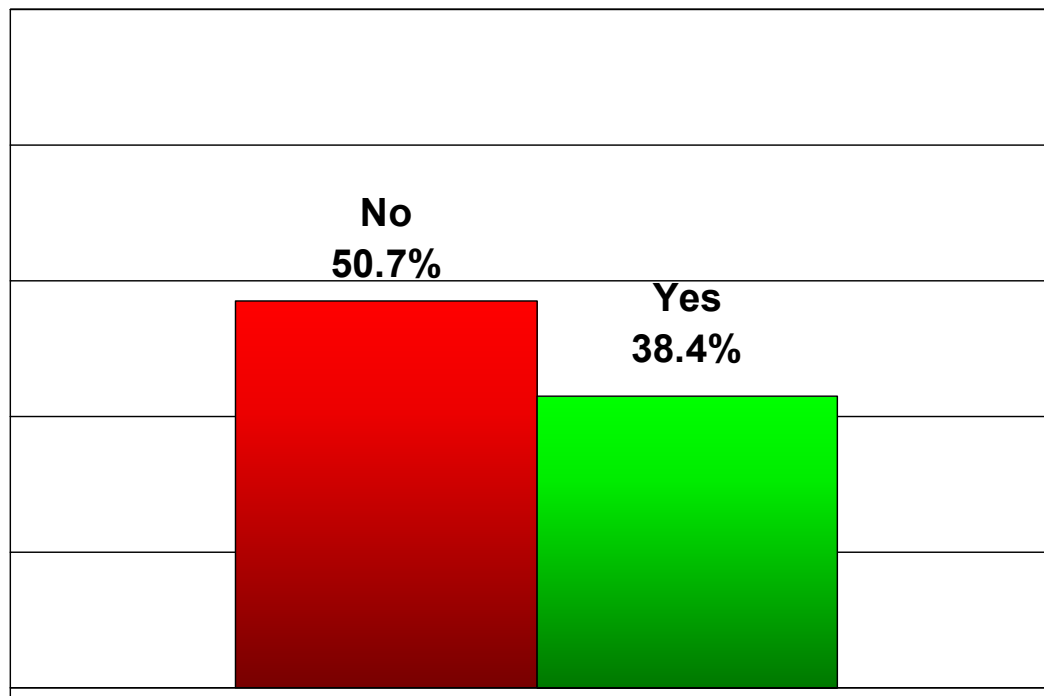
% Checked



Searchability, Q 10

10. (Part three) Should other enhancements to searchability (e.g., Boolean searching on character strings) be provided?

2704 Responses



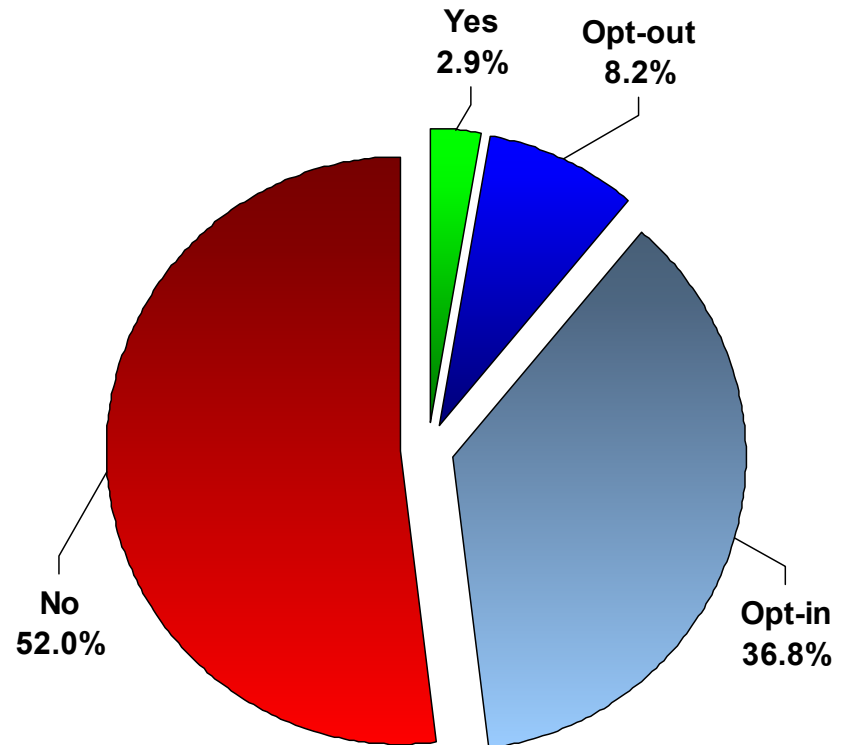
Narrative Responses 31.2%

Marketing/Resale/Bulk Data, Q16

16. Should registrars be allowed to engage in resale or marketing uses of the registration contact information?

- **Yes**
- Yes, but only with the express permission of the registrant
(opt-in)
- Yes, but only after the registrant has had the opportunity to
opt-out
- **No**

2861 Responses

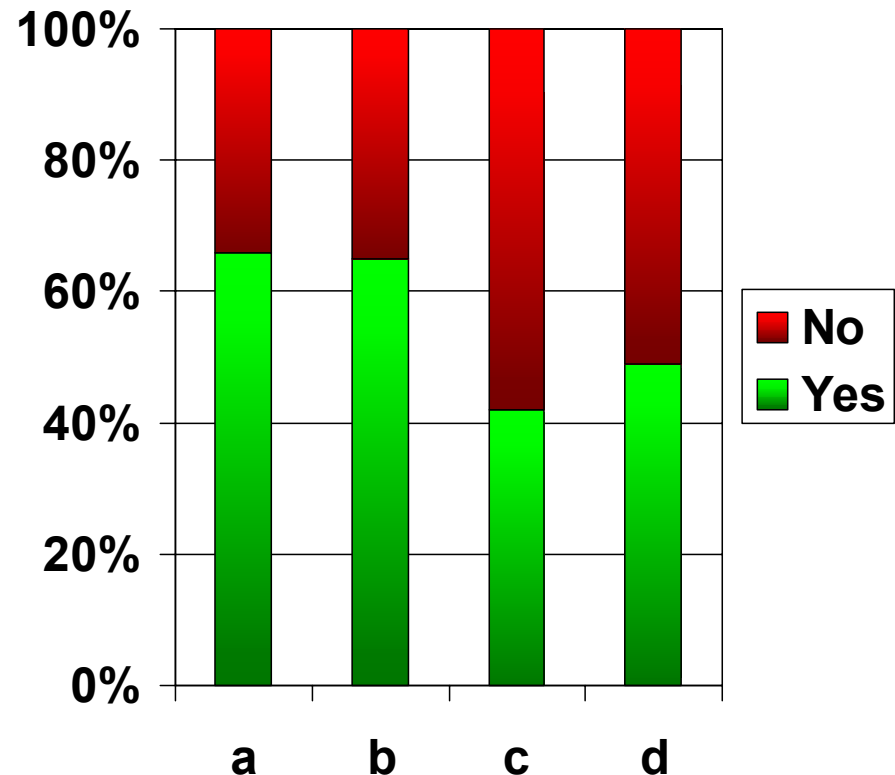


Marketing/Resale/Bulk Data, Q17

17. Do you think that:

- a. These provisions should be maintained in the gTLD environment?
- b. These provisions should be extended to apply to other TLDs (subject to any comments in 12)?
- c. As a user would you welcome information from your chosen service provider introducing you to the additional services they may be able to provide?
- d. These provisions should be changed?

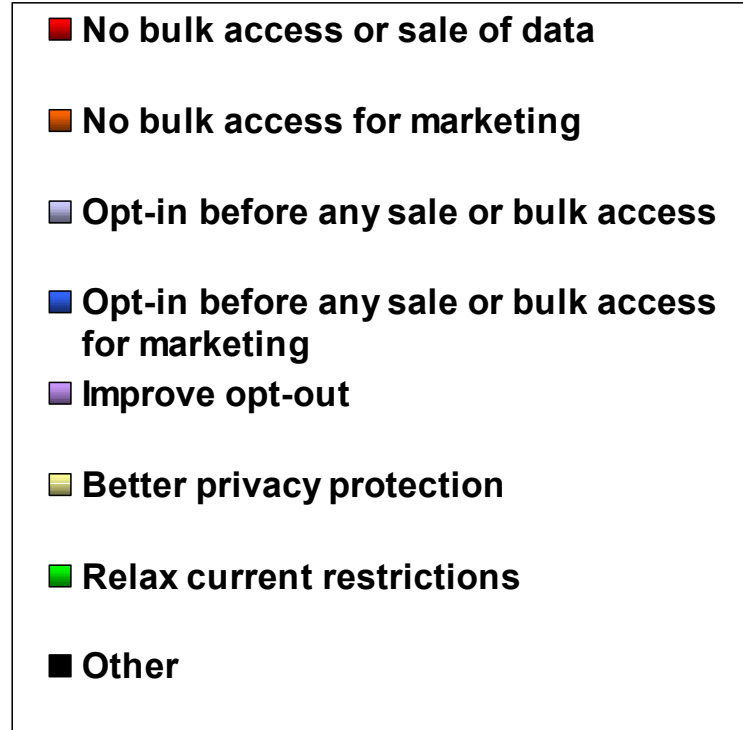
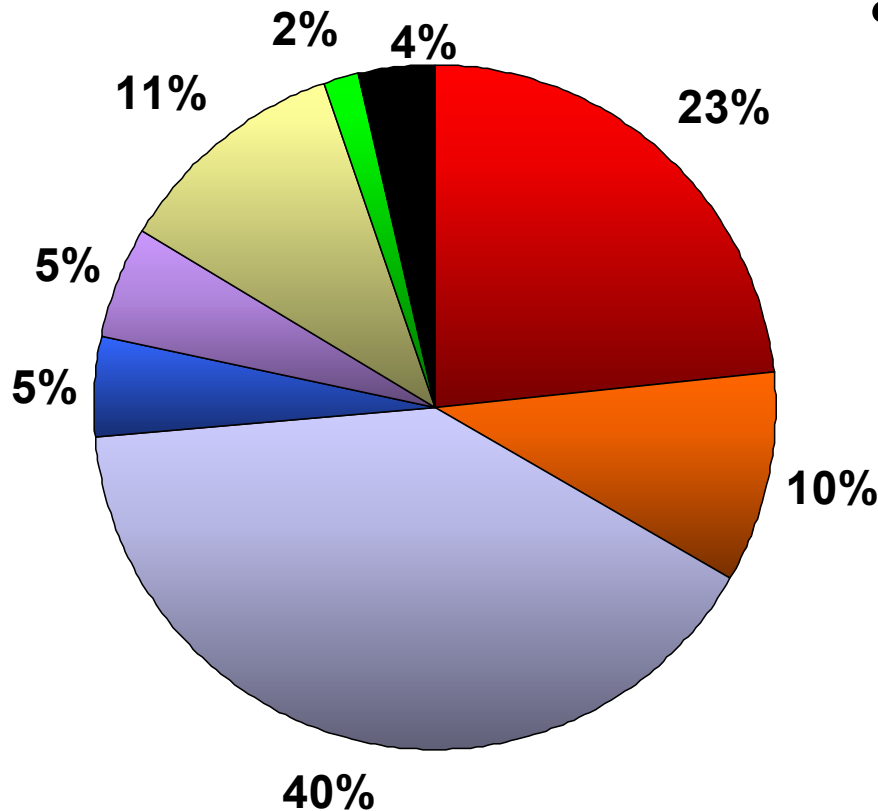
2396-2568 Responses



Marketing/Resale/Bulk Data, Q 17.d

*“Do you think that these provisions should be changed?
If so, how?”*

896 non blank, narrative responses



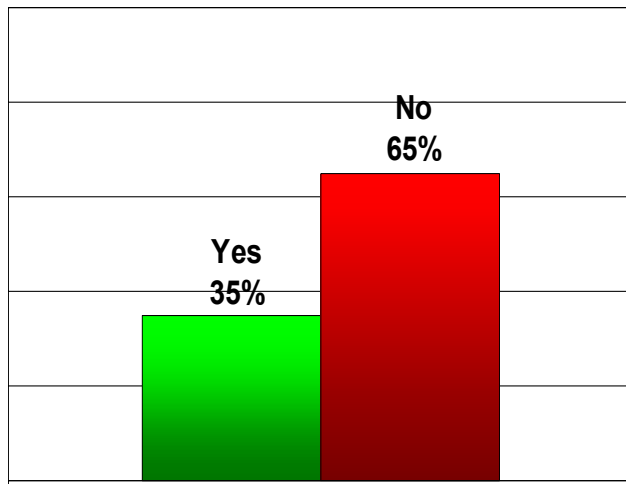
Marketing/Resale/Bulk Data,

Q 18, 19

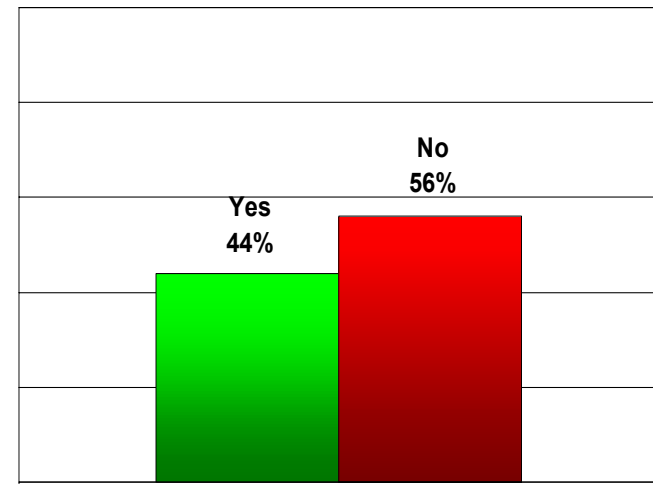
18. Where non-disclosure of the name and address is requested by the Domain Registrant, the ICANN Accreditation Agreement allows for a name and address of a third party to be used where the third party has an agreement with the Registrant, does your company offer this service to its customers?

19. To protect your privacy if you were offered the opportunity to use the name and address of a third party to act as your agent, would you register domains in the name of the third party rather than your own name.

1039 Responses



2607 Responses



REVIEW OF KEY FINDINGS

- • WHOIS a critical resource for all users
- • Current consensus supports data elements, query access, non-marketing uses
- • Strong support for uniformity, consistency, accuracy, restoring searchability
- • Concerns re marketing uses/bulk access
- • Mixed review for third-party services

Question 20: Other Comments

960 responses were received to Question 20.

Not all respondents answered all the sub-questions.

Question 20 offered a unique opportunity to the respondents to share “other thoughts”. The Task Force read over one-half of all responses and identified “gems”. Gems are incorporated section by section to illustrate unique concerns or views. They are not, NOT, **NOT** in any way statistically valid, but they are interesting, often informative, and sometimes even amusing.

They deserve your reading.



Selected Gems

Submission #: 2552

(non-commercial)

I would like to see more of these surveys from the ICANN. I believe they give the public a voice.

Submission #: 1023

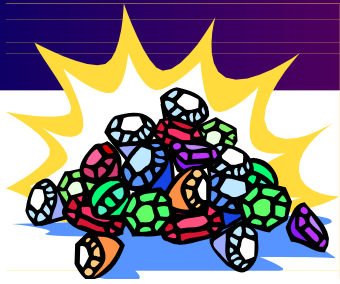
(non-commercial)

No web site owner should be able to hide from public scrutiny - EVER.

Submission #: 1209

(commercial)

I would like a clear "what happens when a domain expires" set of rules that are clear and enforced. - I lost out last year when a domain expired and the previous owner said we could pick it up when it came free - the previous owner could not be bothered to transfer it. I was checking every few hours (for several months) waiting for it to come free, to find someone else got it.



Selected Gems

Submission #: 1043

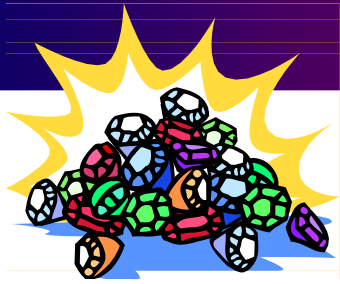
(commercial)

For an "open" system like this erring on the side of privacy seems reasonable - up to a point. Processes and procedures should be put in place to allow escalation in the event of illegal criminal or civil use, or technical issues relating to a domain which would allow privacy protections to be progressively voided in a minimal yet reasonable way.

Submission #: 1265

(individual)

I would like to start a website for political commentary, but can't because I fear restricted employment opportunities and threats because of WHOIS.



Selected Gems

Submission #: 855

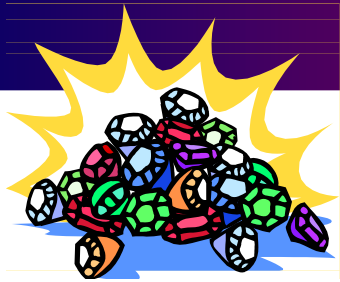
(individual)

Privacy is often used as an excuse to develop procedures that allow misrepresentation to consumers. Protection of consumers is more important than protection of registrants in the database.

Submission #: 778

(other Law firm)

It should be and is a public database - there is therefore no privacy issue. IP issues are also issues concerning public/consumer interests. Contracts with minors in my jurisdiction are voidable - as global registries, each should take steps not to contract with minors in the first place.



Selected Gems

Submission #: 461

(individual)

Lets face it, the WHOIS database is ripped off by spammers and scammers on a regular basis. As more non-technical people apply for personal domains, especially with a personal gTLD arrive, the potential for abuse is greatly increased. ICANN has fallen prey to the usual American corporate disease of not giving a damn about customer privacy and uses the WHOIS information to make a quick buck.

Addresses and telephone numbers should have the ability to be flagged as individual / personal and removed from the domain database. They should only be available to a) Law enforcement b) Registrars c) The ISP hosting the DNS.

ICANN also has no right to enforce standards on ccTLDs. Certainly within Europe we have a greater right to privacy than the US. Attempting to push EU WHOIS information to display addresses would be a massive backwards step, and hopefully would end up in ICANN being severely slapped by the ccTLDs (face it, you're not popular over here), the users, and most importantly the EU Data Protection registrar.



Selected Gems

Submission #: 1519

(other Attorney)

My primary interest in the WHOIS database is in finding and putting a stop to cybersquatters. It would be nice to have Boolean search capabilities across all tlds so that I could find infringing domains. It is imperative that I be able to find contact information on infringing websites.

Submission #: 542

(commercial)

More privacy. More local choices.
Keep ICANN out of it.
Stop all selling of the database.
This should be strictly a technical service to allow the internet to run smoothly. All other users should be prohibited where possible and/or made as awkward as possible.

Submission #: 967

(other web support)

too many questions - got bored

Recommendations

Key theme to all responses: WHOIS is important.

The Task Force's report identifies four areas where we are developing recommendations:

1. Accuracy of the data contained in the WHOIS database
2. Uniformity and consistency
3. Searchability
4. Marketing, Resale and Bulk Access

Recommendations: Accuracy

Accuracy is an overriding concern to the majority of respondents, and is independent of concerns about “ACCESS” OR PRIVACY CONCERNS.

RECOMMENDATIONS:

- Determine how to improve Registrant update and correction of data which is “aged” and changes over time*
- ICANN should increase efforts to educate Registrars/Intermediaries about obligations (e.g. Registrar Advisory).*
- Enforce the existing contractual provisions at the Registrar level:
 *Graduated sanctions or enforcements, potentially as a combination of policy and financial penalties should be examined.**
- If awareness/enforcement does not lead to improvement, then more options should be considered, including changes to the RAA itself or the establishment of new consensus policies*

Recommendations: Uniformity and Consistency

- *Uniform data format and uniformity of data elements need to be discussed and handled separately.*
- *The TF recommends uniform WHOIS data elements across all gTLDs.*
- *Uniform data format across gTLD and ccTLD environments should be evaluated further. Not clear respondents fully understand ccTLD environments or characteristics.*
- *Separate deliberations of the TF with the objective of identifying the best way to make progress toward the goal of uniformity, taking into account:*
 - specific aspects of the TLD environments [differences?]*
 - value of accountability and transparency across the domain name system*
 - Public interest concerns*
- *Important to recognize that ACCESS [who, what terms, limitations, etc.] to data elements is an aspect of consistency.*

Recommendations: Searchability

- *Enforce the mandate to gTLD registrars and registries to provide (or to cooperate in the provision of) complete WHOIS search services (RAA/TLD Registry Agreements).*
- *Swiftly develop and implement a practical plan to support development of competitive cross-registry WHOIS services, including through third party services, based on bulk access to WHOIS data.*

Recommendations: Marketing use of WHOIS data; Bulk Access Provisions

- Better protection of data subjects from marketing use of the data contained in the WHOIS database will require review of marketing uses/resale by registrars and registries and
- A review of the current bulk access provisions of the Registrar Accreditation Agreement
- Policy changes could ensure prevention of resale of indirect access though limiting what resold data can be used for
- Provisions could be simplified, unified and extended to contact data for organizational entities. Marketing outside of existing relationships could depend on opt in
- Maintain access and facilitate bulk access for non marketing purposes. (e.g. cost barriers could be examined).

Issues that need to be explored further

- Privacy implications generally
- Differentiated access to WHOIS database for different elements?
- What are additional considerations related to ccTLD WHOIS access and availability?
- Costs to make any changes
 - Improved notice efforts by Registrars/Intermediaries
 - Updates by registrants themselves for “aged” data
 - Validation/revalidation
 - “centralized portal access”
- Which changes require consensus policy?

**ICANN Names Council
WHOIS Task Force**

Members Who Worked on the Analysis and Report

- Sarah Andrews***
- Marilyn Cade
- Tim Denton
- Laurence Djolakian
- Troy Dow
- Karen Elizaga
- Bret Fausett
- Philipp Grabensee
- Tony Harris
- Kristy McKee
- Steve Metalitz
- Ram Mohan
- YJ Park*
- Hakikur Rahman
- Oscar Robles Garay
- Thomas Roessler
- Miriam Sapiro**
- Ken Stubbs
- Abel Wisman

*replaced due to new election

**Left constituency

***Replaced YJ Park

One member has not participated and has been removed from the TF

Next Steps

Timeline:

- Publish draft final report June '02
- Open for comments for 4 weeks
- TF will be consulting during that time with others
- Will publish final report on survey and related recommendations in July '02
- Expect to recommend to NC what additional or next steps are indicated at that time