



WHOIS Policy Review Team

Consultation with the Community

in San Francisco ■ 13-18 March 2011



**SILICON
VALLEY
Meeting**

16 March 2011

Background

- ❖ Affirmation of Commitments
- ❖ 13 member, multi stakeholder team
- ❖ Deadline: November 2011



For full reference, please refer to our WIKI:
<https://community.icann.org/display/whoisreview>

Our members

SO/AC Candidates	Independent Experts
Emily Taylor (UK) James Bladel (US) Kathy Kleiman (US) Kim von Arx (CA) Lutz Donnerhacke (DE) Olivier Iteanu (FR) Omar Kaminski (BR) Sarmad Hussain (PK) Susan Kawaguchi (US) Wilfried Woeber (AT)	Bill Smith (US) Lynn Goodendorf (US)
	Law Enforcement Representatives
	Sharon Lemon (UK)
	Selectors or their Designated Nominees
	Michael Yakushev (RU) Peter Nettlefold (AU)



Mandate and Scope

Whois began as a look-up service to enable Internet operators to find one another and communicate directly if abnormalities in traffic occur between servers. (ICANN Annual Report '09)

ICANN commits to enforcing its existing policy relating to WHOIS, subject to applicable laws. Such existing policy requires that ICANN implement measures to maintain **timely, unrestricted and public access to accurate and complete WHOIS information**, including registrant, technical, billing, and administrative contact information.

One year from the effective date of this document and then no less frequently than every three years thereafter, ICANN will organize a review of WHOIS policy and its implementation to assess the extent to which WHOIS *policy is effective* and its implementation meets **the legitimate needs of law enforcement and promotes consumer trust.** (AoC 9.3.1)



Whois Data - Domain Meta Data

ID: D2347548-LROR

Name: ICANN.ORG

Created On: 14-Sep-1998 04: 00: 00 UTC

Last Updated On: 20-Jan-2011 21: 16: 41 UTC

Expiration Date: 07-Dec-2012 17: 04: 26 UTC

Sponsoring Registrar: GoDaddy.com, Inc. (R91-LROR)

Status: CLIENT DELETE PROHIBITED, ..., UPDATE PROHIBITED

Name Server: NS.ICANN.ORG, ..., D.IANA-SERVERS.NET

DNSSEC: Signed

DS: 41643 7 1 93358db22e956a451eb5ae8d2ec39526ca6a87b9

DS: 41643 7 2 b8ab67d895e62087f0c...c622aefae30dd7b1ea199



Whois Data - Registrant

ID: CR12376439

Name: Domain Administrator

Organization: ICANN

Street1: 4676 Admiralty Way #330

City: Marina del Rey

State/Province: California

Postal Code: 90292

Country: US

Phone: +1.4242171313

FAX: +1.4242171313

Email: domain-admin@icann.org



Whois Data - Admin

ID: CR12376441

Name: Domain Administrator

Organization: ICANN

Street1: 4676 Admiralty Way #330

City: Marina del Rey

State/Province: California

Postal Code: 90292

Country: US

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Email: domain-admin@icann.org

That's not a natural person!
It's also used for Tech, ...



Whois Data Flow

- ❖ Resource owners register with their data
- ❖ Registrars collect data and maintain accuracy
 - ❖ How about resellers (chains), (Sub-)LIRs?
- ❖ Registries collect and publish to Whois services
 - ❖ Thick Whois approach
 - ❖ required by registry agreement and by RAA 1.13
- ❖ Everybody can access Whois services
 - ❖ Bulk and wildcard access is limited



Local Law vs. Inter Net

- ❖ Data privacy laws and law enforcement work geographically
- ❖ Internet is defined and operated logically
- ❖ Easy and wrong: *Define Internet as a state*
- ❖ Correct: Find policies *based* on the needs of the Internet community with *respect* national and international law



Current review work

- ❖ Defining basic phrases (first review)
 - ❖ law enforcement, applicable law, producers and maintainers, consumer
- ❖ Describing use cases
 - ❖ *Requirement analysis* for Whois services
- ❖ Detecting alternatives
 - ❖ LE *can follow* the delegation chain
- ❖ Understanding usability
 - ❖ Communication in native languages



Law Enforcement

- ❖ *Law Enforcement* shall be considered to be an entity authorized by a government and whose responsibilities include the maintenance, co-ordination, or enforcement of laws, multi-national treaty or government-imposed legal obligations.



Applicable Law

- ❖ Includes any and all local and national laws that regulate and/or control the collection, use, access, and disclosure of personally identifiable information. It may also include other relevant legal obligations, including U.N. Universal Declaration of Human Rights and the U.N. Guidelines for the Regulation of Computerized Personal Data Files.



Producers and Maintainers

- ❖ *Producers* are individuals or organizations supplying contact data for inclusion into WHOIS data.
- ❖ *Data Controllers* are Individuals or organizations that define the data to be collected, require its release, and govern its use.
- ❖ *Data Processors* are Individuals or organizations engaged in the collection, storage, and release of data, according to the terms defined by the Data Controller.



Consumer

- ❖ All Internet users including natural persons, commercial and non-commercial entities, government and academic entities.
- ❖ Any consumer that acts as a Producer of WHOIS data, Maintainer of WHOIS data and provider of WHOIS Service, or User of WHOIS data.



Other ICANN Work

- ❖ Study on Misuse of public Whois (GNSO)
- ❖ Whois service requirements project (Staff)
- ❖ Whois accuracy, proxy services, escrow progress reports (GNSO)
- ❖ Proxy-privacy study (NOR)
- ❖ Whois misuse for harmful purposes (Staff)
- ❖ Registrant representation in Whois (Staff)



Other ICANN Work

- ❖ RAA Amendments Work Team report (GNSO)
 - ❖ significant changes to WHOIS requirement
 - ❖ Contribution from Intellectual Property Constituency and Law Enforcement
- ❖ Whois records in more languages and scripts
 - ❖ SSAC/GNSO on IDN TLDs implications to Whois
- ❖ Whois Data Problem Reporting Service
 - ❖ Relicensing InterNic™ from DoC
 - ❖ WDPRS improvement iterations



Real world reality

- ❖ “Fake” data in Whois
 - ❖ Privacy and proxy services to restrict access
 - ❖ Rough ISPs register to themselves
 - ❖ Compliance with dispute resolutions?
- ❖ Registry points to registrar points to ...
 - ❖ Thin Whois: Multiple queries, but no copied data
 - ❖ Local law of the registrar defines data handled
 - ❖ Required by RAA 3.3.1 for accredited registrars
- ❖ No access to Whois data
 - ❖ Web access with captchas, offline communication



ICANN power on Whois

- ❖ AoC ... policy requires that ICANN implement measures to maintain ... access to WHOIS ...
- ❖ ICANN policy (influenced by the review)
 - ❖ *Could* propose a new approach to Whois
 - ❖ *Could* promote technical changes to Whois
 - ❖ *Will* influence other policy making groups
 - ❖ RIRs, ccTLDs



Outreach activities

- ❖ Fulfill transparency requirements
 - ❖ <http://community.icann.org/dispay/whoisreview>
 - ❖ Archived mailing list: whois-rt4@icann.org
 - ❖ Meetings/confcalls with remote participation
 - ❖ Deliverables & calendar
- ❖ Call for comments till April, 17th2011
- ❖ Direct consultation at ICANN Meetings
 - ❖ Sessions with each AC, SO, UC (at ICANN40)
- ❖ Web based questionnaire (work in progress)
 - ❖ <http://whois-rt4-survey.iks-jena.de/>



Community input

- ❖ Tell us *your* needs and problems
- ❖ Highlight issues which are important
- ❖ Identify any key documents to consider
- ❖ Tell us best practices in your community



Request for Input

Direct

Public forum, Wednesday 11 am-12 noon
ELIZABETHAN A-C

Tell us *your* needs and concerns
We are *listening* right now

Formal

[http://www.icann.org/en/announcements/
announcement-04mar11-en.htm](http://www.icann.org/en/announcements/announcement-04mar11-en.htm)

March, 4th - April, 17th 2011

