

# Report of Public Comments

## 2013 RAA Whois Accuracy Program Specification Review

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### Comment Period:

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## Section I: General Overview and Next Steps

### Background

The [2013 Registrar Accreditation Agreement's Whois Accuracy Program Specification](#) ("Specification") created substantial new requirements for ICANN-accredited registrars for the validation and verification of Whois information and customer account holder information.

The Specification requires ICANN to review the terms and conditions, in consultation with the Registrar Stakeholder Group.

### Next Steps

ICANN and the Registrar Stakeholder Group are in the process of reviewing this Specification and intend to complete this review before the end of 2015. ICANN [solicited public input](#) on potential changes to the Specification proposed by ICANN and the Registrar Stakeholder Group to inform this review. ICANN is analyzing the public comments (set forth in detail below). ICANN will develop a final proposal, in consultation with the Registrar Stakeholder Group, for updates to this Specification and will seek public input on the final proposal before the Specification is updated.

## Section II: Contributors

*At the time this report was prepared, a total of 20 community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.*

### Organizations and Groups:

Name	Submitted by	Initials
ICANN Business Constituency	Steve DelBianco	BC
Endurance Group	Darcy Southwell	EG
Cyberinvasion Ltd.	James Gannon	CI
ICANN Intellectual Property Constituency	Steven Metalitz	IPC
Key-Systems	Volker Greimann	KS
IP Justice	Robin Gross	IJ

Individuals:

Name	Affiliation (if provided)	Initials
Will Metters	UK Public Safety Working Group	WM
Arawn**		
KG**		
John Smith**		
John Davidson**		
Jackson Tabbris**		
Lasertits**		
Evan Skallerud**		
Israel Baral**		
Matthew Bafford**		
Matt**		
Sam Carlile**		
Daniel Mrw**		
Adam Abel**		
<i>**Thirteen individual commenters submitted comments that targeted the Privacy/Proxy Accreditation PDP Working Group's initial report, published for public comment through 7 July 2015, <a href="https://www.icann.org/public-comments/ppsai-initial-2015-05-05-en">https://www.icann.org/public-comments/ppsai-initial-2015-05-05-en</a>.</i>		

**Section III: Summary of Comments**

*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).*

**Public Comments About ICANN Input**

1. Define "validation" and "verification."

EG, IPC, WM, and KS support proposal. No commenter opposed proposal. BC recommended ICANN use definitions of "Syntactic Validation," "operational validation," and "identity validation" set forth in the SSAC's report [SAC058](#) instead of ICANN's proposed definitions.

2. Clarify what "manual verification" means.

EG, IPC, BC, WM support proposal. No commenter opposed proposal. BC said ICANN should add, "in manually verifying (validating) data the registrar will do one or more of the following: (a) call the admin contact phone number; (b) send a letter to the admin and registrant address; (c) fax a letter to the admin fax number, or (d) contact via other methods identified by the registrant such as SMS..." (or remove the extra manual verification step). KS said

additional specificity may not be helpful because it could reduce registrar options to achieve this result.

3. *Make explicit that validation and verification are not required upon renewal and clarify that data can be validated/verified before registration to help prevent suspension of new registrations.*

EG, IPC, BC, WM, KS support proposal. No commenter opposed proposal. BC supported the proposal, but suggested that if there have been no changes to the data in a specified time period—such as 3 or 5 years—that data should be validated/verified again.

4. *Section 2 requires registrars to re-validate and re-verify changed fields. If the registrant does not respond to the verification attempt, the registrar must either manually verify the data or suspend the registration. The section should be more explicit that suspension would also be required if the validation failed.*

EG, IPC, BC, WM support proposal. No commenter opposed proposal. KS said the section should clearly state that it only applies to material changes (not for fixing of typos, etc.)

5. *Verification should be required, in addition to validation, when a domain name is suspended due to inaccurate Whois data, since the inaccurate data presumably has already passed validation checks.*

EG, IPC, WM support proposal. KS opposed proposal. BC said that if ICANN uses the SSAC's definitions in SAC058 that the language in Section 2 would not require modification to clarify this point.

#### **Public Comments on Registrar Stakeholder Group Input**

1. *Eliminate any requirement for validation/verification when a domain is transferred.*

EG, WM, KS support proposal. IPC and BC oppose proposal.

2. *Delete the reference to “proper format” in Section 1(a) because it duplicates Section 1(d).*

EG, KS support proposal. BC and WM oppose proposal. WM suggested adding “as defined in section 1(d)” instead of deleting the “proper format” requirement.

3. *Amend Section 1(d) to state that registrars can use non-UPU formatting sources to validate the format of postal addresses.*

EG, BC, KS support proposal. No commenter opposed proposal. WM suggested that if the RrSG has other formats to suggest then these could also be listed as alternatives, but the current wording seems to already permit this because it states that registrars must validate that postal addresses are in a proper format for the applicable country or territory as defined in UPU

format templates, the S42 address templates, or other standard formats.

4. *Delete the cross-field validation requirement.*

EG, KS support proposal. IPC, WM oppose proposal. IPC said that it strongly opposed the proposal since registrants could provide data that is valid for individual fields but useless for contactability purposes (e.g., 10 Downing Street, Los Angeles, Kansas, 12345, France).

5. *Section 1(f)(i) requires registrars to verify the email address of the registered name holder (and, if different, the account holder) by sending an email requiring an affirmative response through a tool-based authentication method such as providing a unique code that must be returned in a manner designated by the registrar. This section should be amended to delete the required process, giving registrars leeway to choose the process they will use to verify the email address.*

EG, KS support proposal. WM opposed proposal, remarking that the section already allows this so long as the registrar requires an affirmative response from the Registered Name Holder. WM suggested that this could be made more clear by moving the “such as” language up higher in the Section.

The IPC opposed the proposal at this stage but would consider alternative methods if the registrars specify what the methods are. The BC would agree to a variety of effective verification methods but the selected methods must be definitive and agreed-upon in writing in the Specification.

6. *Section 1(f)(ii) requires registrars to verify the telephone number of the registered name holder (and, if different, the account holder) by either calling or sending an SMS to the registered name holder providing a unique code or calling the registered name holder's telephone number and requiring the registered name holder to provide a unique code that was sent to the registered name holder. This section should be updated to delete the required processes, giving registrars leeway to choose the process they will use to verify telephone numbers.*

KS supports proposal. The IPC opposed the proposal at this stage but would consider alternative methods if the registrars specify what the methods are. The BC would agree to a variety of effective verification methods but the selected methods must be definitive and agreed-upon in writing in the Specification.

WM suggested updated language to provide registrars with greater leeway, “...the telephone number of the Registered Name Holder (and, if different, the Account Holder) through the requirement to receive an affirmative response from the Registered Name Holder such as (A) calling or sending an SMS to the Registered Name Holder's telephone number providing a unique code that must be returned in a manner designated by the Registrar, or (B) calling the Registered Name Holder's telephone number and requiring the Registered Name Holder to provide a unique code that was sent to the Registered Name Holder.”

7. *Section 1(f) states that if a registrar does not receive an affirmative response from the registered name holder, the registrar shall either verify the applicable contact information*

*manually or suspend the registration. This should be updated to provide a 45-day window for the registered name holder's response.*

EG, KS support proposal. IPC, BC, WM oppose proposal. BC would potentially agree to extend to 30 days.

8. *It is unclear what Section 1(f) means by "verify the applicable contact information manually." This section should be amended to add an example "i.e. email or telephone number."*

EG, IPC, WM, KS support proposal. BC suggested that "in manually verifying (validating) data the registrar will do one or more of the following: (a) call the admin contact phone number; (b) send a letter to the admin and registrant address; (c) fax a letter to the admin fax number; or (d) contact via other methods identified by the registrant such as SMS. The other option, the BC said, is to remove the extra manual verification step altogether since it repeats the core verification process using other contact info in the Whois record.

9. *In Section 1(f), are there any other options short of suspension of a registration if a registrar does not receive an affirmative response from the registered name holder?*

EG and KS support this inquiry. IPC stated that it is unaware of any appropriate consequence for unverifiable contact data other than suspension but that it would consider comparably effective alternatives if proposed.

BC provided the following alternative, "Registrars can change the nameservers to point to a default page that lists a path to resolution, likely the email or phone number of the registrar in question. Some registrars are using this solution today rather than a full takedown/suspension."

WM said that if the RrSG can develop alternatives to suspension, perhaps a menu of those options could be built to provide alternatives to suspension in lower-risk cases.

10. *Section 2 requires registrars to validate and verify changed fields in Whois or the corresponding account information within fifteen calendar days after receiving any changes to the contact information. This should be updated to only require validation and verification when a change is "substantial."*

EG, KS support proposal. IPC opposes proposal absent a clear and comprehensive definition of the term "substantial" that does not frustrate the purposes of the Whois Accuracy Program. BC would agree to this so long as "substantial" can be clearly defined. WM has no problem with proposal provided an acceptable definition of "substantial" can be provided.

11. *Section 2 states that if a registrar does not receive an affirmative response from the registered name holder, the registrar shall either verify the applicable contact information manually or suspend the registration. This should be updated to clarify that the registrar's duty to verify the contact information or suspend the registration arises if the registrar has not received an affirmative response within forty-five days. This should also be updated to provide examples of "applicable contact information," "(i.e., email or telephone number)."*

EG, KS support proposal. IPC, BC, WM oppose proposal. IPC stated that 45 days is too long. BC reiterated its possible support for an extension to 30 days. WM said increasing to 45 days is "very concerning." Before any extension, WM said that he would like to understand why registrars are suggesting 45 days and why registrars believe that 15 days is not adequate.

12. *Section 4 states that if a registrar has any information suggesting that Whois or account holder information is incorrect, the registrar must verify or re-verify the email address(es). This should be updated to add the word "substantiated" before "information," which would force complainants to provide evidence of their claims and could reduce the number of inaccuracy complaints that would trigger re-verification.*

EG, BC, KS support proposal. IPC opposes proposal absent a clear and comprehensive definition of the term that does not frustrate the purposes of the Whois accuracy program. BC agrees so long as a strong definition of "substantiated" can be written.

WM said that if the word "substantiated" is added, additional information is required: (a) what would constitute substantiated information? (b) who would decide if information has been substantiated? (c) what would the minimum standards be for substantiating the information? (d) what time window would be allowed for substantiation? (e) what recourse would there be for the complainant to escalate the matter if the registrar decides the information is not substantiated?

13. *Section 4 states that "...Registrar must verify or re-verify, as applicable, the email address(es) as described in Section 1.f (for example by requiring an affirmative response to a Whois Data Reminder Policy notice)." This should be amended to state that "...Registrar must verify or re-verify, as applicable, the incorrect information."*

EG, IPC, BC, WM support proposal. KS said this proposal does not go far enough in light of the "heartache and confusion" this section has caused.

14. *Section 4 should be amended to provide registered name holders a forty-five day window to respond to a registrar communication regarding potentially incorrect Whois or account information before the registrar must either manually verify the applicable information or suspend the registration.*

EG, KS support proposal. BC repeated its comment that it would be open to an extension to 30 days, at the most. WM opposed proposal.

15. *Section 5 requires registrars to either terminate or suspend a registered name holder's registered name or place such registration on clientHold and clientTransferProhibited status upon a registered name holder's failure to respond for over fifteen calendar days to inquiries by the registrar concerning the accuracy of contact details. This requirement should be limited to instances when registrar inquiries concerning the accuracy of contact details are substantiated.*

EG, KS support proposal. IPC opposes proposal, calling it unacceptable absent a clear and comprehensive definition of the term that does not frustrate the purposes of the Whois

Accuracy program. BC supports proposal so long as a strong definition of “substantiated” can be written.

WM wrote that “Surely if the registrant has already failed to respond to email and/or telephone verification attempts after 15 days then the concerns about the accuracy of the information are substantiated?”

*16. Amend Section 6 to require an annual review of the Whois Accuracy Specification.*

EG, BC, KS support proposal. IPC supports the proposal so long as the review includes other stakeholders, including the IPC.

*17. Add a new section stating that, "Registrars are permitted to engage third parties (e.g. Resellers) to deliver these services, but recognize that they, as the signatory to the RAA, are ultimately responsible for ensuring compliance with these requirements."*

EG, KS support proposal.

**Additional Public Comments**

1. The IPC recommended that “the final word of 1(f)(i) should be changed from "or" to "and." The probability of identifying a bad actor increases significantly if both the e-mail address and phone number are checked. In practice, IPC believes registrars employ method (i) the vast majority of the time, meaning that a dummy email account is all that is needed for a bad actor to surmount the verification hurdle.”
2. IJ submitted a comment noting the organization’s strong opposition of ICANN’s recommendation that registrars must delete and suspend domain name registrations without due process of law and ICANN’s recommendation that registrars must verify the identity of customers. The comment states, in part, that *“This proposal does not respect the privacy rights of Internet users, who have a fundamental right to privacy under numerous international treaties, national constitutions, and other legal instruments throughout the world. Article 29 Working Party has repeatedly informed ICANN of its policy’s divergence from international law, citing chapter and verse of the many violations, to no effect on ICANN.”*

CI submitted a comment supporting the IJ comment.

**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.*

A majority of commenters supported the ICANN recommendations for updates to the Specification. ICANN acknowledges the BC recommendation that the Specification incorporate definitions that are

included in the SSAC report [SAC058](#). ICANN is analyzing this recommendation and will discuss with the Registrar Stakeholder Group whether these definitions meet the goals of incorporating definitions into the Specification.

The BC, IPC, and EM said that registrar proposals requesting the addition of specific descriptive words into the Specification need additional development. Registrars requested that the word “substantiated” be added to describe information suggesting Whois information is inaccurate that would trigger a duty to re-verify, and that the word “substantial” be added to describe changes to Whois information that would require re-verification. These terms must be clearly and strongly defined in a manner that does not frustrate the purposes of the Whois accuracy program if such terms are added to the Specification, BC/IPC/EM said. ICANN is considering how these terms might be defined if they are incorporated into the Specification and will also discuss this issue with the Registrar Stakeholder Group.

IPC and EM did not support the Registrar Stakeholder Group proposal to eliminate the Specification’s “cross-field validation” requirement. The IPC, BC, and EM also either questioned or opposed the Registrar Stakeholder Group’s recommendation to extend from 15 to 45 days the time for a Registered Name Holder to respond to registrar attempts to verify contact information. The BC and IPC opposed the Registrar Stakeholder Group’s proposal to eliminate validation/verification obligations when a registered name is transferred.

Registrars recommended in several areas that the Specification be amended to provide them greater flexibility (i.e. in the method of telephone number and email address verification, allowing options other than suspension of a domain if a request for verification does not receive an affirmative response, etc). Commenters (IPC/BC/EM) generally opposed these as written, but expressed openness to the possibility of these amendments if the alternative processes are more clearly defined in a manner that does not frustrate the purposes of the Whois Accuracy program.

As previously noted, ICANN will develop a final proposal for the Specification, in consultation with the Registrar Stakeholder Group, and taking into account the public comments received. ICANN will seek public input on the final proposal before the Specification is updated.