April 25, 2007

Mr. Kurt Pritz
Senior Vice President ICANN
4676 Admiralty Way
Marina Del Rey
CA 90292-6601
USA

Dear Mr. Pritz,

Re: Request to Alter Telnic's Contract

Telnic requests an alteration to its contract with ICANN in order to comply with the provisions of UK and EU law, in particular the UK Data Protection Act 1998 and EU Directive 95/46/EC of the European Parliament: The Legislation. The current contract provides flexibility to accommodate these needs. Appendix S, Part VII states "Registry Operator may, at its discretion, submit to ICANN for its consideration and approval (such approval not to be unreasonably withheld) a proposal for additional measures to be implemented by Registry Operator that are designed to further safeguard data provided by registrants.". Appendix S Part VI states "Subject to any future policy regarding WHOIS data adopted by ICANN, domain name registrants will be required to provide correct and accurate contact information and, as permitted by applicable law, consent to selected information being made public for legitimate purposes.".

After a lengthy process of consultation which included informal guidance from the UK Information Commissioner's Office which oversees Data Protection in the UK, it is clear that Telnic's current contractual obligations on WHOIS are incompatible with The Legislation. In simple terms, The Legislation requires that individuals have the ability to choose how their Personal Data -- postal and email addresses, phone and fax numbers, etc -- are used.

This means that a WHOIS policy requiring automatic disclosure of all registrant data is in breach of The Legislation since individuals would not have those rights. Further support for this view comes from GNR, another UK based registry, who reached the same conclusion in 2002.

At the Lisbon meeting, the GAC communique on WHOIS noted in 2.2.2 that there are legitimate concerns that whois conflicts with national laws and regulations. Section 3.2 of the communique states that "gTLD WHOIS services must comply with applicable national laws and regulations".

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With these contractual waivers and legal requirements in mind, Telnic requests that their contract be amended to accommodate its obligations under The Legislation.

In technical terms, this entails the following alterations to the WHOIS specifications:

[1] After Appendix 1 B Section 3, Part r. append:

"s. disclosure-confirmed: disclosure of full information on this domain has been confirmed by the owner" and change the example domain container in Appendix 1 B Section 3 to:

```
<domain fqdn="example.tel">
<disclosure-confirmed="true"></disclosure-confirmed>
<id>AAA-0001</id>
<status>ACTIVE</status>
<owned-by>REG-042</owned-by>
<ens-authid>TEL-1221</ens-authid>
<authinfo>mySecret</authinfo>
<maintainer-url>http://example.tel</maintainer-url>
<created-code>12345678</created-code>
<created-on>1-Jul-2001 12:34:56AM</created-on> <created-by>REG-042</created-by>
<renewed-on></renewed-on> <expires-on>1-Jul-2003</expires-on>
<updated-by>42</updated-by>
<updated-on>1-Jul-2001 12:34:56AM</updated-on> <transferred-by></transferred-by>
<transferred-on></transferred-on> <transferred-code></transferred-code>
<host>dns1.example.tel</host>
<host>dns2.example.tel</host>
<contact-id type="Registrant">PER-0001</contact-id>
<contact-id type="Administrative">PER-0002</contact-id>
<contact-id type="Technical">PER-0003</contact-id>
<contact-id type="Billing">PER-0004</contact-id>
</domain>
```

[2] In Appendix 5 B in the Domain details, add 'the disclosure confirmation flag' after 'the status values'

[3] In Appendix 5 C change the XML schema for the domain object to:

```
<!ELEMENT domain (domainname)>
<!ATTLIST domain
dom-id NMTOKEN #REQUIRED
registrar-id NMTOKEN #REQUIRED
registrant-id NMTOKEN #REQUIRED
admin-id NMTOKEN #REQUIRED
tech-id NMTOKEN #REQUIRED
billing-id NMTOKEN #REQUIRED
```

```
nameserver-ids NMTOKENS #IMPLIED
status NMTOKENS #REQUIRED
disclosure-confirmed NMTOKEN #REQUIRED
ens-auth-id NMTOKEN #IMPLIED
authinfo CDATA #IMPLIED
maintainer-url CDATA #IMPLIED
period CDATA #IMPLIED
cre-date CDATA #REQUIRED
exp-date CDATA #REQUIRED
upd-date CDATA #REQUIRED
xfer-date CDATA #IMPLIED
action (create | update) #IMPLIED
actor NMTOKEN #IMPLIED
timestamp CDATA #IMPLIED
txn CDATA #IMPLIED
>
```
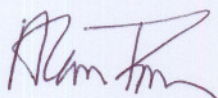
[4] In Appendix S Part VI, insert "Disclosure Confirmed: true" after the "Status: ok" line in the Full Format domain listing.

The enclosed draft WHOIS policy shows how Telnic proposes to discharge its responsibilities under The Legislation and still provide access to full registrant data for legitimate users. The mechanism is very similar to that which is used by GNR. The provisions for .name were approved by the ICANN Board on 2/12/02.

Please contact myself or any of the technical team at Telnic if you would like to discuss these proposed changes in more detail.

Thank you.

Yours sincerely,

Alan Price
Director