Report of Public Comments

Title:	Status Update from the Expert Working Group on gTLD Directory Services
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Prepared By:	ICANN Staff

Comment Period:			Important Information Links
Comment Open Date:	11 November 2013		Announcement
Comment Close Date:	28 February 2014		Public Comment Box
Reply Close Date:	n/a		View Comments Submitted
Time (UTC):	23:59 UTC		Report of Public Comments

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Section I: General Overview and Next Steps

The Expert Working Group on gTLD Directory Services (EWG) has been working to envision a clean-slate approach to better meet global Internet community needs for domain name registration data with greater privacy, accuracy, and accountability. In its Initial Report [PDF, 1.70 MB] published in June, the EWG recommended a series of principles and proposed a model for the next-generation Registration Directory Service (RDS) to replace today's WHOIS system.

In advance of the ICANN-48 Meeting in Buenos Aires, the EWG published a Status Update Report [PDF, 2.26 MB] to provide further insight into the EWG's analysis and highlight its current thoughts on key issues, after more extensive exploration of open areas and careful consideration of all Community comments received on its Initial Report. As the EWG's deliberations are on-going, this report provided an update on the EWG's progress, answered questions posed by the community, and served as a foundation for Community dialogue in Buenos Aires and subsequent public comment.

The body of public comment received has been analyzed by ICANN staff as described below. All comments received on both the EWG's Initial Report and Status Update Report are being carefully considered by the Expert Working Group on gTLD Directory Services to inform their recommendations to the ICANN Board.

Section II: Contributors

At the time this report was prepared, a total of seven (7) 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
Estonian Internet Foundation	Timo Võhmar	EIF
Comcast/NBC Universal	Meridith Baker	NBC
BC	Steve DelBianco	BC
NCSG	Rafik Dammak	NCSG
Microsoft	David Jaquette	MS

Individuals:

Name	Affiliation (if provided)	Initials
Chuck Gomes	Verisign	CG
Michael HerrModica	none	MH

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).

Overall Progress

Several commentators (CG;NBC;BC;NCSG;MS) complimented the EWG on its efforts to drill into key issues and respond to public comment. For example:

- NBC noted both impressive progress made and important questions remaining on recommendations to set the stage for meaningful and lasting improvements.
- BC commended the EWG for presenting a robust response to many issues raised on its Initial Report, and the EWG's commitment to using fact-based feedback to inform its next phase.
- NCSG applauded positive directions in the report, while drawing attention to issues that cause concern and urging outreach to additional communities.
- Similarly, MS noted commendable progress on validation and availability but expressed several continuing concerns.

Data Collection and Disclosure

Several commentators (CG;EIF;BC;NCSG;MS) expressed concerns about proposed data collection and disclosure principles or sought further insight into rationale. For example:

- CG asked for more specificity on data elements to be verified/validated and the conditions under which optional elements would be absent.
- NCSG asked for clarification about Registrant vs. Registry/Registrar-supplied data elements and application of Collection/Disclosure principles.
- EIF and NCSG questioned whether postal address should be mandatory, given cost of verification and availability of digital alternatives.

- BC urged the EWG to identify data elements freely available – including for consumer protection.
- NCSG questioned the need for and definition of Registrant Type and expressed a preference for fewer data elements that focus on timely resolution of security and stability issues.

Purpose-Driven Access and RDS User Accreditation
Some commentators (CG;NCSG;MS) offered feedback on the EWG's proposal for purpose-driven access by accredited RDS users to gated data elements. For example:
- CG expressed concern about self-accreditation and potential for abuse.
- NCSG viewed gated access as a positive step forward, but warned against unlimited access by credentialed RDS users, overly-broad purposes, or ignoring jurisdiction when processing requests.
- MS sought more explicit principles around RDS support for machine-automated authorized queries, as well as more detailed definitions for each permissible purpose.

Data Accuracy and Validation
Several commentators (NCB;BC;NCSG;MS) offered feedback on proposals to improve data accuracy, and the extent to which these are balanced with privacy and cost. For example,
- NBC saw significant promise in contact management and standardized validation – but warned that restricting access without near-term accuracy improvement would be unacceptable to many.
- BC sought clarification on validation of existing registrations and timeline.
- NCSG objected to standardized validation, finding 2013 RAA accuracy requirements too broad already, and awaits further detail on proposed contact management improvements.
- MS questioned whether Contact IDs might be abused by cybersquatters and infringers.

Privacy/Proxy and Secure Protected Credentials
Some commentators (BC;NCSG;MS) offered additional feedback on proposed processes and principles to meet needs for Enhanced and Maximum protected registration services. For example:
- BC supported Enhanced Protection principles for general personal data protection and Binding Corporate Rules, but awaits a proposal for a cost-effective reveal escalation process, as well draft procedures for a third-party that might carry out this proposal without government influence.
- NCSG also voiced support for Enhanced (Privacy/Proxy) and Maximum (Secure Protected Credentials) services, but suggested the EWG defer Privacy/Proxy work to the GNSO PPSAI WG.
- MS questioned Proxy Reveal criteria.

Model
Two commentators (BC;NCSG) reiterated their desire for two different models analyzed by the EWG. BC generally supported the Aggregated RDS model, offering rationale and a desire for cost analysis to further inform this decision. Conversely, NCSG supported exploration of other models involving regional or thick registry repositories, urging expansion on jurisdictional issues and applicable law.

Costs
Some commentators (CG;NBC; BC) expressed concerns about costs associated with implementing and operating the RDS and ways in which those expenses might be funded. For example, CG noted the importance of considering both implementation and operating costs, while NBC recommended staged

adoption of RDS programmatic elements, coupled with benchmarks, to ensure the RDS achieves both accuracy and privacy goals in parallel.

Risks

Several commentators (CG;BC;NCSG) supported the EWG's recommendation for ICANN to perform a risk assessment before pursuing implementation of any next-generation system. For example:

- BC remains recommended that SSAC be involved in analyzing RDS security and integrity risks and urged the EWG to details the benefits afforded by the RDS vs. Whois under the 2013 RAA.
- BC also requested that further input be sought from the users of today's Whois, both with regard to timeline/roll-out and general awareness/education.
- NCSG reiterated its recommendation that individuals affected by Whois abuse, free speech advocates, and Data Protection Commissioners provide input on the proposed RDS, urging the EWG to conduct more outreach and raise awareness within these communities.

Support for Additional Services

Some commentators (NBC;BC;MS) reiterated industry need for services not provided by Whois today, such as WhoWas and Reverse WhoIs. For example, NBC and BC asked for greater clarity about proposed RDS support for WhoWas and whether third parties that fill this need today could continue to do so while obtaining data through the RDS. MS offered a similar comment regarding Reverse Whois. One commentator (HM) expressed concern about new gTLDs and scalability.

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.*

Largely positive feedback regarding overall progress suggests that the additional detail offered by the EWG's Status Update Report was welcomed, but that more work is needed to fill remaining gaps and clearly articulate recommendations that are not yet well-understood. In particular:

- Feedback indicates (a) need for greater clarity about the data actually available and returned, and (b) on-going disagreement between stakeholders about data to be collected/disclosed and the users and purposes to be served. The EWG should strive for clarity in its Final Report to address (a) while stating rationale and risk/benefit tradeoffs to address (b).

- Comments on purpose-driven access by accredited RDS users seek details not provided or not clearly articulated in the Status Update Report. As the EWG completes its work, it will be important to help readers understand workflows and how they address common needs such as programmatic access, WhoWas, Reverse Whois, and filtering to comply with data protection laws.

- Feedback also reflects on-going disagreement between stakeholders about accuracy vs. privacy vs. cost. While the EWG's recommendations may not satisfy every stakeholder, these comments underscore the importance of striking a balance and seeking out ways to sustain balance during roll-out.

- Given that EWG's initial proposals on Privacy/Proxy are now under discussion within the PPSAI WG, the EWG may wish abbreviate its recommendations in this area, focusing more narrowly on how the RDS would build upon an Accredited Privacy/Proxy paradigm.

- Feedback on models and costs demonstrate the importance of the detailed analysis of model implications – including cost to implement, deploy, and operate. Similarly, feedback on risks and benefits underscore community interest in a rigorous impact analysis. These initiatives are already underway and those initial results should be reflected in the EWG's Final Report.

The EWG expects to carefully consider all of the public comments received, including comments received on its Initial Report ([summarized and responded to previously](#)), the above comments received on its Status Update Report, inputs received through the RDS Risk Survey ([online survey](#), closes 15 May 2014) and on-going community dialog. All of these inputs will be used to inform the EWG's recommendations to the ICANN Board, scheduled for delivery in June 2014.