



## New gTLD Program Explanatory Memorandum

### Thick vs. Thin Whois for New gTLDs

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#### **Background - New gTLD Program**

Since ICANN was founded ten years ago as a not-for-profit, multi-stakeholder organization dedicated to coordinating the Internet's addressing system, one of its foundational principles, recognized by the United States and other governments, has been to promote competition in the domain-name marketplace while ensuring Internet security and stability. The expansion will allow for more innovation, choice and change to the Internet's addressing system, now constrained by only 21 generic top-level domain names. In a world with 1.5 billion Internet users—and growing—diversity, choice and competition are key to the continued success and reach of the global network.

The decision to launch these coming new gTLD application rounds followed a detailed and lengthy consultation process with all constituencies of the global Internet community. Representatives from a wide variety of stakeholders—governments, individuals, civil society, business and intellectual property constituencies, and the technology community—were engaged in discussions for more than 18 months. In October 2007, the Generic Names Supporting Organization (GNSO)—one of the groups that coordinate global Internet policy at ICANN—completed its policy development work on new gTLDs and approved a set of recommendations. The culmination of this policy development process was a decision by the ICANN Board of Directors to adopt the community-developed policy in June 2008 at the ICANN meeting in Paris. A thorough brief to the policy process and outcomes can be found at <http://gnso.icann.org/issues/new-gtlds/>.

This paper is part of a series of papers that will serve as explanatory memoranda published by ICANN to assist the Internet community to better understand the Request for Proposal (RFP), also known as *Applicant Guidebook*. A public comment period for the Applicant Guidebook will allow for detailed review and input to be made by the Internet community. Those comments will then be used to revise the documents in preparation of a final Applicant Guidebook. ICANN will release the final Applicant Guidebook and open the application process in the first half of 2010. For current information, timelines and activities related to the New gTLD Program, please go to <http://www.icann.org/en/topics/new-gtld-program.htm>.

Please note that this is a discussion draft only. Potential applicants should not rely on any of the proposed details of the new gTLD program as the program remains subject to further consultation and revision.

## Summary of Key Points in this Paper

- ICANN seeks comment on a proposal to modify the Whois specification in the new gTLD registry agreement to require all registries to offer "thick" Whois.
- A large number of commenters and the IRT recommended the change, and there would be stability benefits that could accrue to registrants.
- ICANN's community-developed "Procedure For Handling Whois Conflicts with Privacy Law" could resolve any potential inconsistencies with local legal requirements concerning data privacy.

The following is a summary of the factors that have led staff to recommend that the proposed registry agreement for new gTLDs should be modified to reflect a requirement that all registries offer "Thick" Whois service.

Providing Whois service is a central obligation of gTLD registries and registrars under contract with ICANN. Whois is a decades-old Internet protocol used to retrieve contact information associated with domain registrations (and other information services). The current specification for the protocol is documented in RFC 3912 <http://tools.ietf.org/html/rfc3912>.

Whois is the subject of continuing work within ICANN's policy development process. In launching new gTLDs, ICANN's goal has been to maintain the status quo so as not to preempt or side-step the bottom-up policy development work. In all of ICANN's registry agreements entered since 2004, ICANN's approach has been to allow registries to define their own Whois output specifications.

Current gTLD registry agreements vary between thin and thick Whois outputs: com, net and jobs are thin; all other gTLD agreements – aero, asia, biz, cat, coop, info, mobi, museum, name, org, pro, tel, travel – are thick.

Defined simply, a thin Whois output includes only a minimum set of data elements sufficient to identify the sponsoring registrar, the status of the registration, and the creation and expiration dates of each registration. For example, here is a copy of the current "thin" Whois output for the registration icann.com:

```
Domain Name: ICANN.COM
Registrar: REGISTER.COM, INC.
Whois Server: whois.register.com
Referral URL: http://www.register.com
Name Server: A.IANA-SERVERS.NET
Name Server: B.IANA-SERVERS.ORG
Name Server: C.IANA-SERVERS.NET
Name Server: D.IANA-SERVERS.NET
Name Server: NS.ICANN.ORG
Status: clientDeleteProhibited
Status: clientRenewProhibited
Status: clientTransferProhibited
Status: clientUpdateProhibited
```

Updated Date: 27-jun-2008  
Creation Date: 14-sep-1998  
Expiration Date: 07-dec-2013

Thick Whois output by contrast includes a broader set of data elements including contact information for the registrant and designated administrative and technical contacts. Here is an example of "thick" Whois output:

Domain ID:D2347548-LROR  
Domain Name:ICANN.ORG  
Created On:14-Sep-1998 04:00:00 UTC  
Last Updated On:06-Jun-2008 19:58:29 UTC  
Expiration Date:07-Dec-2011 17:04:26 UTC  
Sponsoring Registrar:Register.com Inc. (R71-LROR)  
Status:DELETE PROHIBITED  
Status:RENEW PROHIBITED  
Status:TRANSFER PROHIBITED  
Status:UPDATE PROHIBITED  
Registrant ID:C20080529a-RCOM  
Registrant Name:Roman Pelikh  
Registrant Organization:ICANN  
Registrant Street1:4676 Admiralty Way  
Registrant Street2:Suite 330  
Registrant Street3:  
Registrant City:Marina del Rey  
Registrant State/Province:CA  
Registrant Postal Code:92092  
Registrant Country:US  
Registrant Phone:+1.3103015821  
Registrant Phone Ext.:  
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Tech Street2:Suite 330  
Tech Street3:  
Tech City:Marina del Rey  
Tech State/Province:CA  
Tech Postal Code:90292  
Tech Country:US  
Tech Phone:+1.3103015810  
Tech Phone Ext.:  
Tech FAX:  
Tech FAX Ext.:  
Tech Email:mehmet@icann.org  
Name Server:NS.ICANN.ORG  
Name Server:A.IANA-SERVERS.NET  
Name Server:C.IANA-SERVERS.NET  
Name Server:B.IANA-SERVERS.ORG  
Name Server:D.IANA-SERVERS.NET

It is important to note that, regardless of the thin or thick nature of registry Whois output for any registration, the sponsoring registrar is always required to display a "thick" set of contact data for all registrations it sponsors.

While current registry agreements have differing provisions with regards to the Whois output specification, ICANN's intent with the next round of new gTLDs has been to have the agreements as standard as possible, with minimal or no individual negotiation and variation of provisions such as a registry's Whois output specification. In an attempt to standardize on a one-size fits-all approach for new gTLDs, the first draft of the proposed new registry agreement suggested a least-common denominator approach under which all registries would have been required to be at least thin, but registries could opt on their own to collect and display more information at their discretion. This was consistent with the approach used by ICANN for at least the past five years in which registry operators have been free to suggest their own preferred Whois data output and whatever specification each registry proposed was incorporated into the that registry operator's agreement.

Registrars would continue to display detailed contact information associated with registrations, so there is no question about the total set of data elements that will be published concerning each registration, the only question is whether all of the data will be maintained/published by both the registry and the registrar, or whether the full data will be displayed by the registrar only and the registry could, if it so elected, maintain just a subset of data as in the example above.

Many commenters on the proposed registry agreement have requested a change to the agreement to mandate thick Whois for all new registries. The commenters have suggested that such a requirement would be in line with the status quo since most gTLD agreements require thick Whois output (all except com, net and jobs, as noted above). Comments have suggested substantial benefits from mandating thick instead of thin Whois, including enhanced accessibility and enhanced stability.

Critics of the proposed thick Whois mandate have raised potential privacy concerns as a

reason to require thin Whois only, but proponents of thick Whois point to ICANN's community-developed "*Procedure For Handling Whois Conflicts with Privacy Law*" <http://www.icann.org/en/processes/icann-procedure-17jan08.htm> as a means for resolving any potential situations where a registry operator's Whois obligations are alleged to be inconsistent with local legal requirements concerning data privacy. Also it could be argued that, as indicated above, all of the data that might be published by a thick registry is already public data since it would already be published by the registrar. ICANN's Registrar Accreditation Agreement obligates registrars to ensure that each registrant is notified and consents to the purposes and recipients of any personal data collected from the registrant in association with every domain registration <http://www.icann.org/en/registrars/ra-agreement-17may01.htm#3.7.7.4>.

Proponents of requiring thick Whois argue that being able to access the thick data at both the registry and the registrar level will ensure greater accessibility of the data. The draft report of the Implementation Recommendations Team put together by ICANN's Intellectual Property Constituency stated "the IRT believes that the provision of WHOIS information at the registry level under the Thick WHOIS model is essential to the cost-effective protection of consumers and intellectual property owners." <http://icann.org/en/topics/new-gtlds/irt-draft-report-trademark-protection-24apr09-en.pdf>. There are at least two scenarios in which the additional option of retrieving the data at the registry would be valuable:

1. Where the registrar Whois service might be experiencing a short- or long-term outage (in violation of the registrar's accreditation agreement), and
2. Where the registrar has implemented strong (or sometimes overly-defensive) measures to prevent large-scale automated harvesting of registrar data.

Also, in the event of a registrar business or technical failure, it could be beneficial to ICANN and registrants to have the full set of domain registration contact data stored by four organizations (the registry, the registry's escrow agent, the registrar, and the registrar's escrow agent) instead of just two organizations (the registrar and the registrar's escrow agent).

Based on the convincing arguments put forth by a large number of commenters, including the recommendations of the IRT, and based on the perceived stability benefits that could accrue to registrants, ICANN now proposes to modify the Whois specification in the proposed new registry agreement to require all registries to offer thick Whois output. As with all other aspects of the implementation of the new gTLD program, community feedback on this issue is invited and welcomed.