Thick Whois Implementation

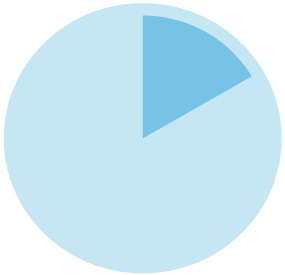
Meeting with the IRT | ICANN 53 | 24 June 2015

Agenda

1. Background and Status of Implementation

2. Transition from thin to thick for .COM, .NET and .JOBS Incl. Legal Review

3. Consistent Labeling and Display of Whois Output for all gTLDs



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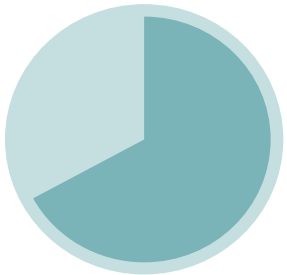

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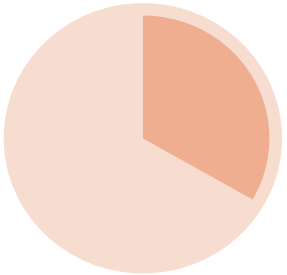

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Background and Status of Implementation

Background

- Thick Whois Policy Development Process (Mar. 2012 – Oct. 2013) http://gnso.icann.org/en/group-activities/active/thick-whois
- Policy Recommendations adopted by the ICANN Board in Feb. 2014 http://www.icann.org/en/groups/board/documents/resolutions-07feb14-en.htm#2.c
- Two expected outcomes (policy recommendation #1)
  - Transition from thin to thick WHOIS for .COM, .NET and .JOBS
  - Consistent labeling and display for all gTLDs per Spec 3 RAA 2013
- Decoupling of implementation of the two outcomes in line with Implementation Considerations (Final Report of Thick WHOIS PDP)

Policy Recommendations vs. Outcomes

1 **The provision of thick Whois services, with a consistent labeling and display** as per the model outlined in specification 3 of the 2013 RAA, should become a requirement **for all gTLD registries, both existing and future**

2 **Consideration of input provided in Public Comments before Board Resolution**

3 As part of the implementation process, a **legal review of law applicable to the transition of data from a thin to thick model** not already been considered in the EWG memo is undertaken

Consistent Labeling and Display of Whois Output for all gTLDs as per Spec 3 of 2013 RAA

Outcomes

Transition from thin to thick for .COM, .NET and .JOBS

Thick Whois, Consistent Labeling & Display

- Domain Name Registrations include two sets of data
  - Data associated with the domain name
  - Data associated with the registrant and its contacts

- Thin vs. Thick Registration Model
  - Thin model: the Registry manages the domain data only
  - Thick model: the Registry manages the domain data & stores the registrant data
  - The Consistent Labeling & Display part of the Thick Whois Policy adds the registrar-specifc data to the Thick Registration Model

.COM Registry Whois Output

Domain Name: ICANN.COM
Registrar: GODADDY.COM, LLC
Sponsoring Registrar IANA ID: 146
Whois Server: whois.godaddy.com
Referral URL: http://registrar.godaddy.com
Name Server: A.IANA-SERVERS.NET
Name Server: B.IANA-SERVERS.NET
Name Server: C.IANA-SERVERS.NET
Name Server: NS.ICANN.ORG
Status: clientDeleteProhibited
Status: clientRenewProhibited
Status: clientTransferProhibited
Status: clientUpdateProhibited
Updated Date: 19-oct-2014
Creation Date: 14-sep-1998
Expiration Date: 19-oct-2023

.COM Registar Whois Output

Domain Name: ICANN.COM
Registry Domain ID: 2346839_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.godaddy.com
Registrar URL: http://www.godaddy.com
Update Date: 2014-10-19T17:48:11Z
Creation Date: 1998-09-14T04:00:00Z
Registrar Registration Expiration Date: 2023-10-19T03:59:59Z
Registrar: GoDaddy.com, LLC
Registrar IANA ID: 146
Registrar Abuse Contact Email: email@godaddy.com
Registrar Abuse Contact Phone: +1.480-624-2505
Domain Status: clientTransferProhibited
Domain Status: clientUpdateProhibited
Domain Status: clientRenewProhibited
Domain Status: clientDeleteProhibited

Registry Registrant ID:
Registrant Contact Information (+)
Registry Admin ID:
Admin Contact Information (+)
Registry Tech ID:
Tech Contact Information (+)
Name Server: NS.ICANN.ORG
Name Server: A.IANA-SERVERS.NET
Name Server: B.IANA-SERVERS.NET
Name Server: C.IANA-SERVERS.NET
DNSSEC: unsigned

The Value of Thick Whois

On balance, the Thick Whois Final Report concluded that there are more benefits than disadvantages to requiring thick Whois for all gTLDs, such as:

- Improved response consistency
- Improved access to Whois data (registry vs. registrars accessibility)
- Improved stability (increased availability in case of failure)
- More copies of escrowed data in the event of a failure
- No overly burdensome cost impact on providers of Whois data
- More level playing field for competition between registry provider

(Selected from the PDP Working Group deliberations available in the final report http://gnso.icann.org/en/issues/whois/thick-final-21oct13-en.pdf)

Recent Activity

Transition from thin to thick WHOIS for .COM, .NET, .JOBS

- Release of Legal Review Memo on June 8 (Review of Law Applicable to the Transition of Data from a Thin to Thick Whois Model as per Policy Recommentation #3)

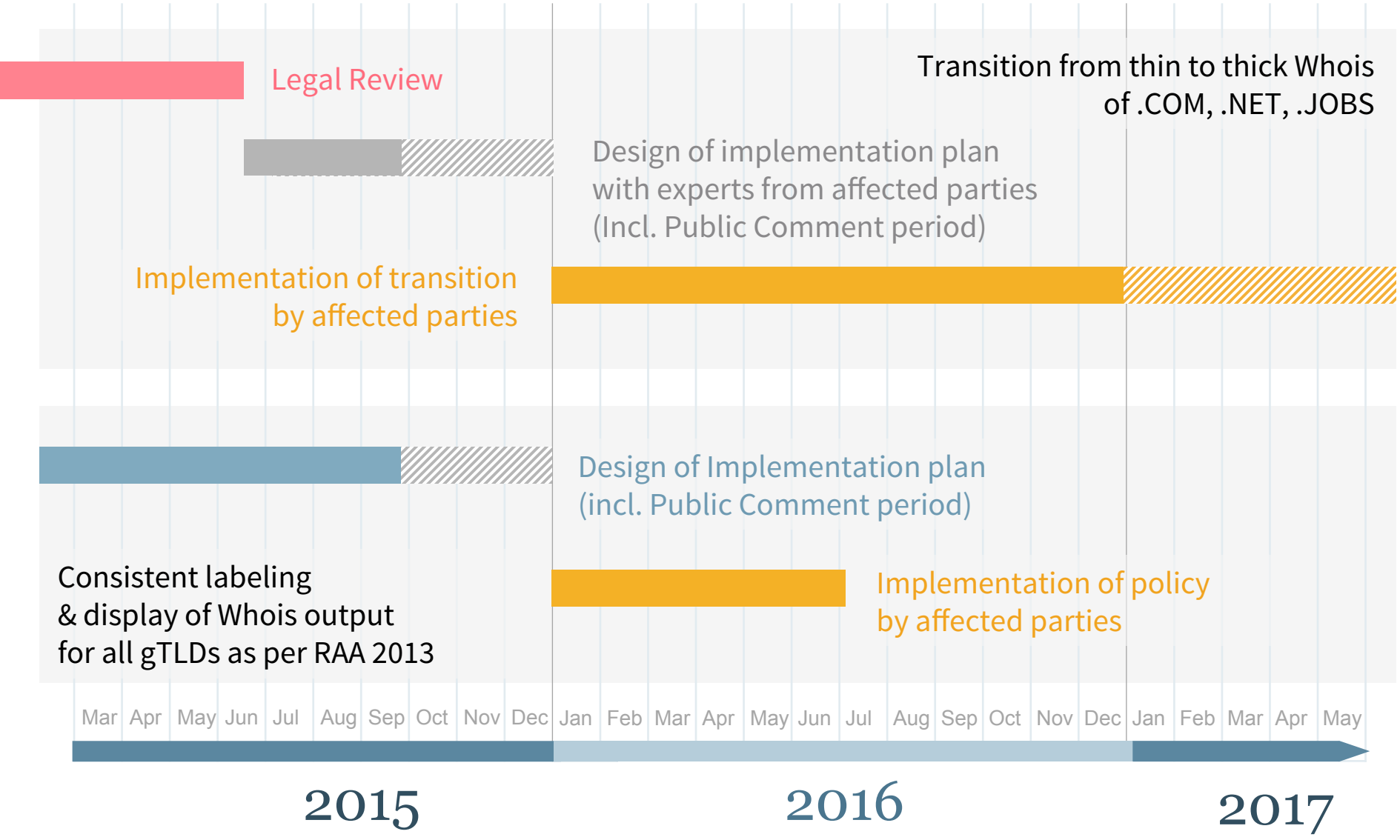
Consistent Labeling and Display of WHOIS Ouput for all gTLDs

- Revised Impact Impact Assessment released and discussed with IRT at ICANN 52. No subsequent feedback received from IRT.

- IPT development of implementation plan (synchronized with other relevant initiatives) delayed due to impact of RDAP on RDDS landscape

Current documentation available at: https://community.icann.org/display/TWCPI/Documentation

Current Timeline Assumptions



Transition from thin to thick for .COM, .NET and .JOBS

Legal Review: Policy Recommendation #3

- **Recommendation #3** of the GNSO Council Consensus Policy Recommendations on Thick Whois adopted by the Board on 7 February 2014 (the "Thick Whois Policy") required:

  "As part of the implementation process, a legal review of law applicable to the transition of data from a thin to thick model ***not already been considered in the EWG memo*** *is undertaken, and due consideration is given to potential privacy issues that may arise from the discussions on the transition from thin to thick Whois, including, for example, guidance on how the long-standing contractual requirement that registrars give notice to, and obtain consent from, each registrant for uses of any personally identifiable data submitted by the registrant should apply to registrations involved in the transition.* ***Should any privacy issues emerge from these transition discussions that were not anticipated by the WG and which would require additional policy consideration, the Implementation Review Team is expected to notify the GNSO Council*** *of these so that appropriate action can be taken"*

Legal Review: Scope

- **General survey of EU data protection laws** which serve as a basis for many data protection laws around the world
- Survey to examine whether there are any **significant concerns not already identified or addressed** in the EWG Memo or the Thick Whois Final Report
- **Implementation considerations** about the transition to thick Whois for discussion by the IRT

Legal Review: Legal Considerations(1)

- **In some countries, Registrars may need to establish a 'lawful basis'** for:
  - Disclosure of Registrants' personal data to the Registry
  - Transfer of such data to another country

- **Registrant Consent** may constitute a lawful basis, and **may be the most suitable approach**, despite some possible implementation challenges**:**
  - In certain jurisdiction there exist the right to revoke consent
  - The validity of consent as "freely given" may be challenged

- **Legitimate Interests** can be an alternative basis, if with greater challenges **:**
  - Security, stability and resiliency of the Internet would be legitimate
  - However, additional steps would need to be taken to address data transfer requirements. These may require DPA approval and have other constraints

- **Additional options to address transfer of data** could be**:**
  - Privacy/proxy services
  - Thick Whois with data localized in region subject to restrictions

(1) To assist with the legal analysis, ICANN engaged Bird & Bird, a Leading international law firm with a highly regarded International Privacy & Data Protection Group

Legal Review: Implementation Considerations

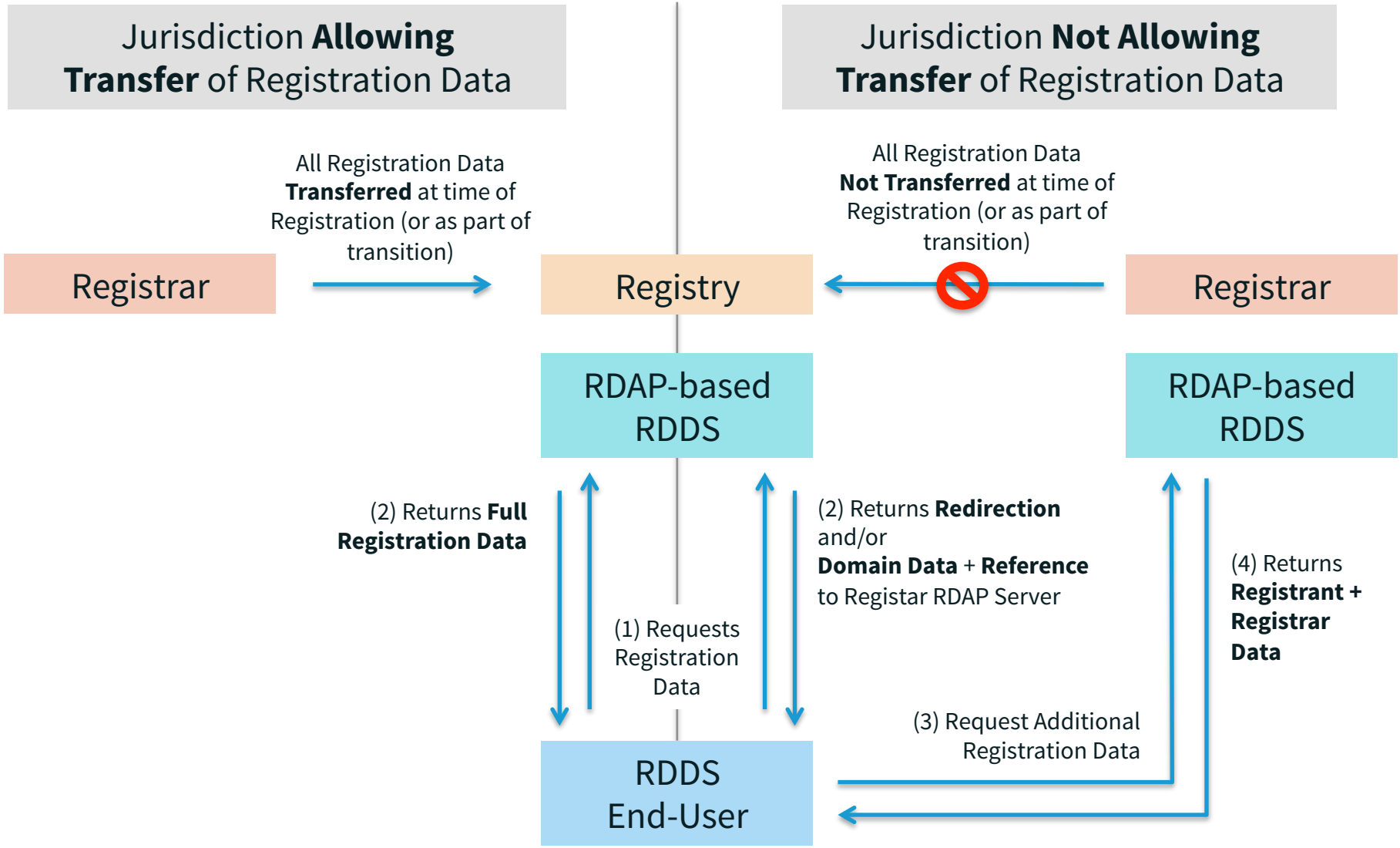
- **Registrant Consent is likely to be the most expedient way of addressing the transition to thick Whois**

- Where conflict exists between local privacy laws and thick Whois requirements, ICANN's **Procedure for Handling WHOIS Conflicts with Privacy Laws** is available to contracted parties

- Contracted parties may wish also to consider requesting **amendments to or waivers from specific contractual requirements**

- **Registration Data Access Protocol (RDAP)** could be a means of mitigating conflicts, in particular thanks to its redirection feature:
  - Whois look up would appear thick even if all data is not stored with the Registry
  - Consistency with Policy Recommendation #1 may be questioned

Legal Review: RDAP redirection



Next Steps

- **Discuss Implementation considerations and open questions**
  - Registrant Consent requirements applicable to transfer of data
  - Handling of conflicts with Privacy laws
  - Consistency with Policy recommendation of RDAP to mitigate conflicts
  - Channel for transfer of data for existing registrations
  - Timeline for transfer of data
  - Supporting measure to assist stakeholders with the transition

- **Work out implementation details** with Group of experts from affected Partes
  - 12 volunteers representing 10 registrars joined the IRT in dec. 2014
  - Potential bi-weekly meetings if appropriate

- Aim to deliver :
  - **Initial Draft Implementation Plan** by September 2015
  - **Final implementation Plan by end of 2015** including public comments

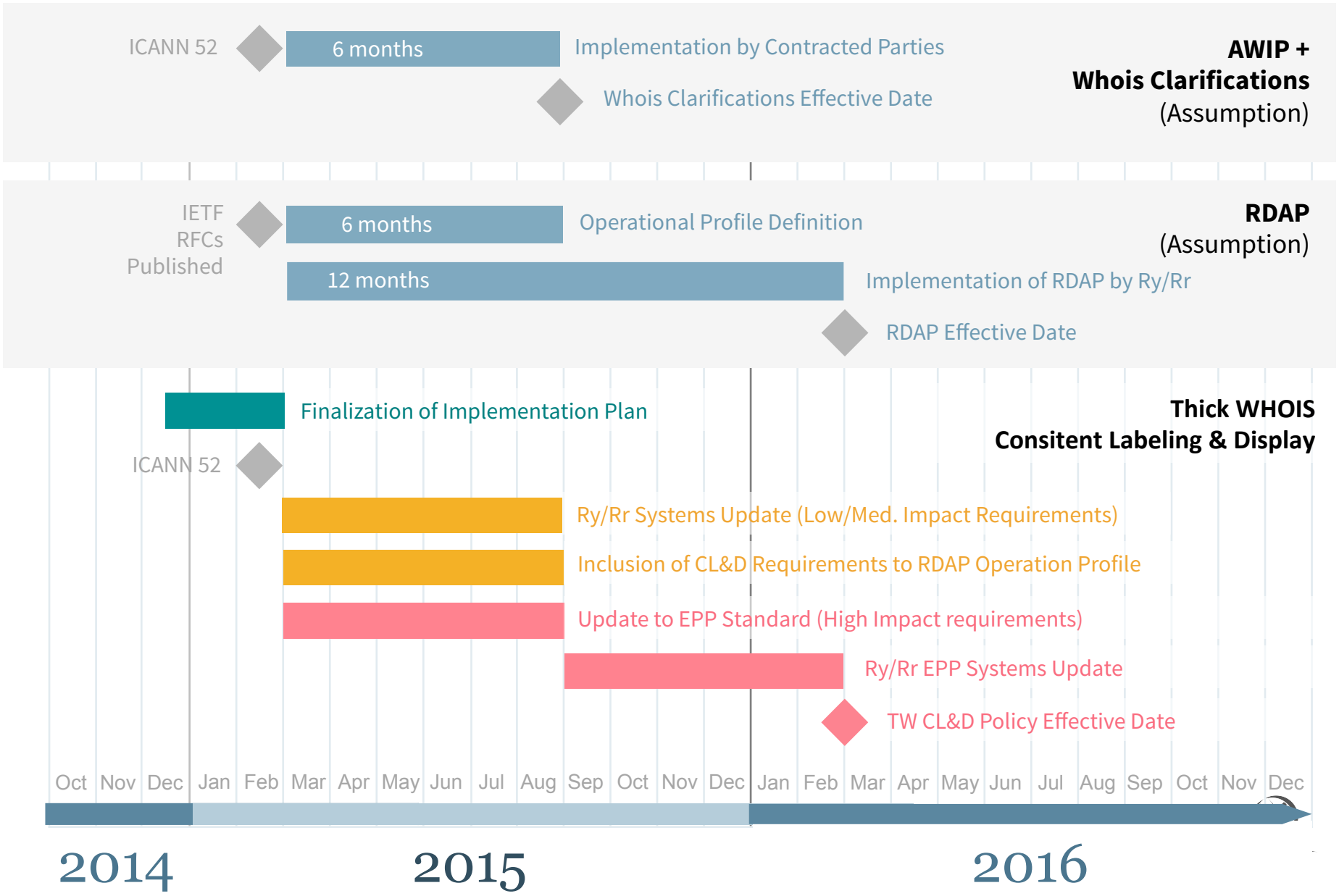
Consistent Labeling and Display of Whois Output for all gTLDs

Conclusions of last IRT Meeting (ICANN 52)

- **Revised Impact Assesment**
  - Interpretation of "consistent labeling and display" as requiring the consistent **display of all the required Output fields**, including:
    - Registrar Abuse Contact
    - Reseller Information
  - Distinction of **High and Low Impacts** (distributed vs. local developments)
  - **Development of an EPP Extension** required for implementation of high impacts (est. 6 additional months)

- **Synchronization of implementation** with other relevant initiative (as per earlier IRT Feedback) :
  - Low Impact with **Whois Clarifications**
  - High Impact with **RDAP**

Conclusions of last IRT Meeting (ICANN 52)



New developments since ICANN 52

- **Whois Clarifications Advisory**
  https://www.icann.org/resources/pages/registry-agreement-raa-rdds-2015-04-27-en
  - Published 27 April 2015
  - Effective 31 January 2016
  - Only applies to New gTLDs and 2013 RAA signatories
  - CL&D Implementation unable to catch up with timeline of the advisory contrary to what was initially anticipated

- **The Registration Data Access Protocol (RDAP) is entering the landscape**
  http://datatracker.ietf.org/wg/weirds/documents/
  - RFCs 7480-7484 published on 25 March
  - ICANN GDD initiated development of implementation plan and is currently engaging the community
  - Implementation by contracted parties could start in 2016

The impact of RDAP: Definitions

- **Registration Data Access Protocol (RDAP)**
  - Refers to the new protocol defined in RFCs 7480 to 7485
  - It is meant to replace the WHOIS protocol as the reference access protocol to domain name registration data (in addition to IP address registration data)

- **The term Whois is overloaded (see SAC051)**, it can mean
  - The WHOIS protocol defined in RFC 3912 (Port-43) used to access domain name registration data (and IP address registration data)
  - The actual domain name registration data
  - The overall Registration Data Directory Service

- **Registration Data Directory Service (RDDS)**
  - Refers to the overall domain name registration data directory service as defined in RA Specification 4 and 2013 RAA Specification 3
  - Specification mandate distribution of Data over WHOIS Port 43 and a Web interface (HTML rendering of WHOIS Port 43 output in practice)
  - "*Until ICANN requires a different protocol*"

The impact of RDAP: End-user view

Whois

rdg.afilias.info/whois/domain/icann.info

```
Domain Name:ICANN.INFO
Domain ID: D1050750-LRMS
Creation Date: 2001-10-08T16:33:16Z
Updated Date: 2014-10-08T22:21:20Z
Registry Expiry Date: 2015-10-08T16:33:16Z
Trademark Name:ICANNReserved
Sponsoring Registrar:Afilias Ltd. (R145-LRMS)
Sponsoring Registrar IANA ID: 700023
WHOIS Server:
Referral URL:
Domain Status: inactive -- http://www.icann.org/epp#inactive
Registrant ID:C2283145-LRMS
Registrant Name:Internet Corporation for Assigned Names and Numbers
Registrant Organization:ICANN
Registrant Street: 4676 Admiralty Way
Registrant Street: Suite 330
Registrant City:Marina Del Rey
Registrant State/Province:CA
Registrant Postal Code:90292-6601
Registrant Country:US
Registrant Phone:+1.2157065700
Registrant Phone Ext:
Registrant Fax: +1.2157065701
Registrant Fax Ext:
Registrant Email:support@afilias.info
Name Server:
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Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
DNSSEC:Unsigned
```

RDAP

rdg.afilias.info/rdap/domain/icann.info


```
{
   "entities": [
      {
         "links": [
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               "href": "http://rdg.afilias.info/rdap/entity/C2283145-LRMS",
               "rel": "self",
               "type": "application/rdap+json",
               "value": "http://rdg.afilias.info/rdap/entity/C2283145-LRMS"
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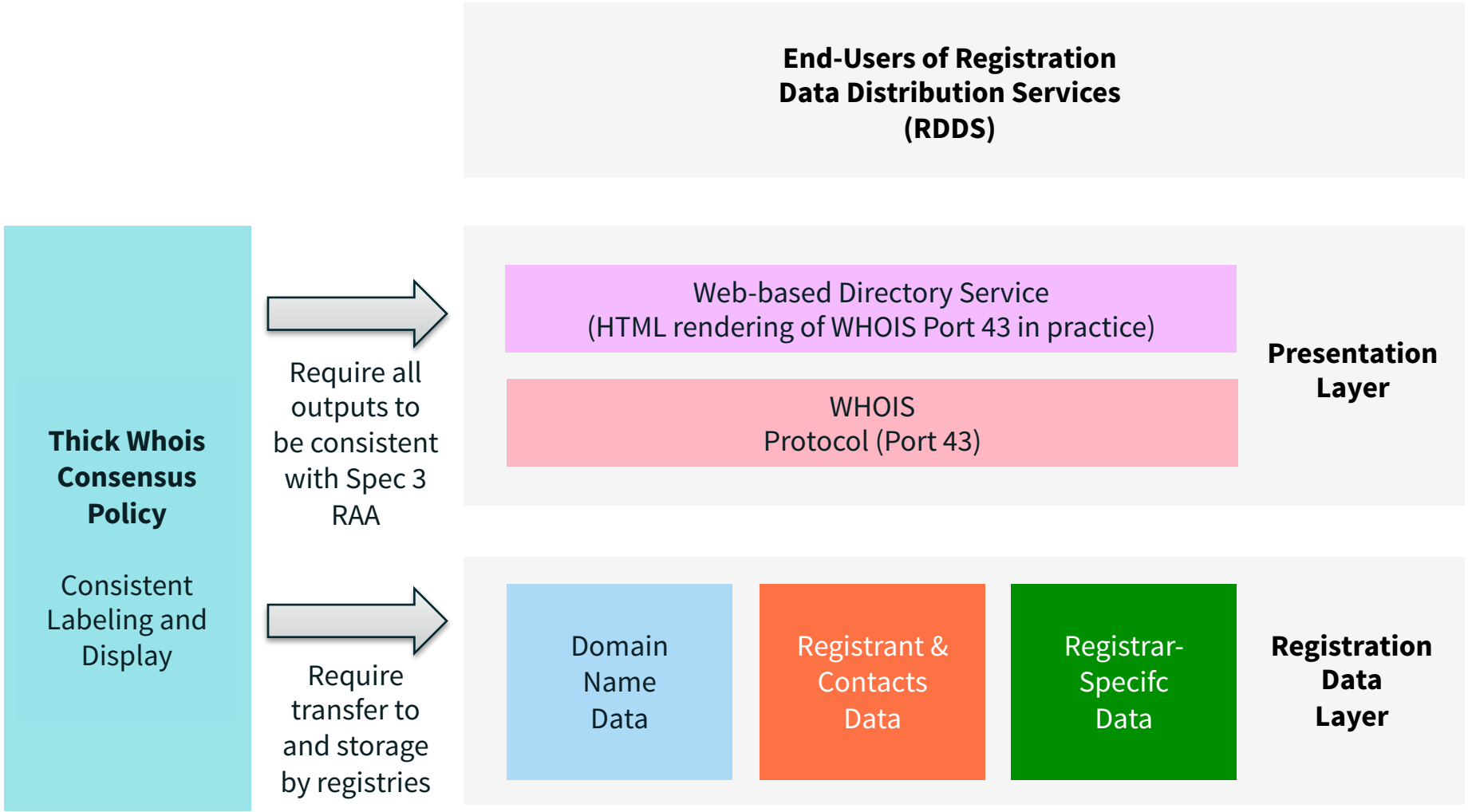
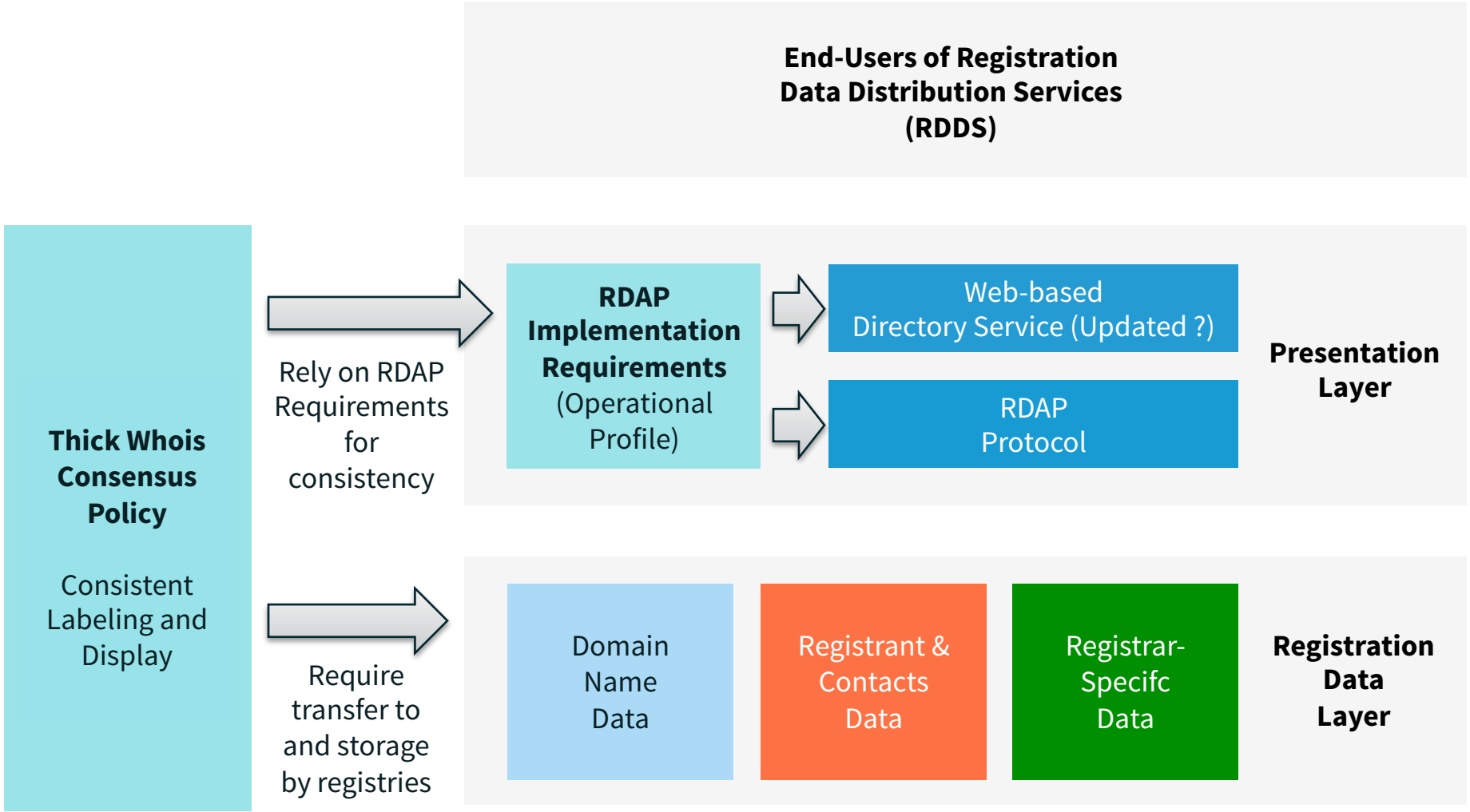
Consistent Labeling & Display - without RDAP



Consistent Labeling & Display - with RDAP



CL&D Implementation – Proposals & Open Issues

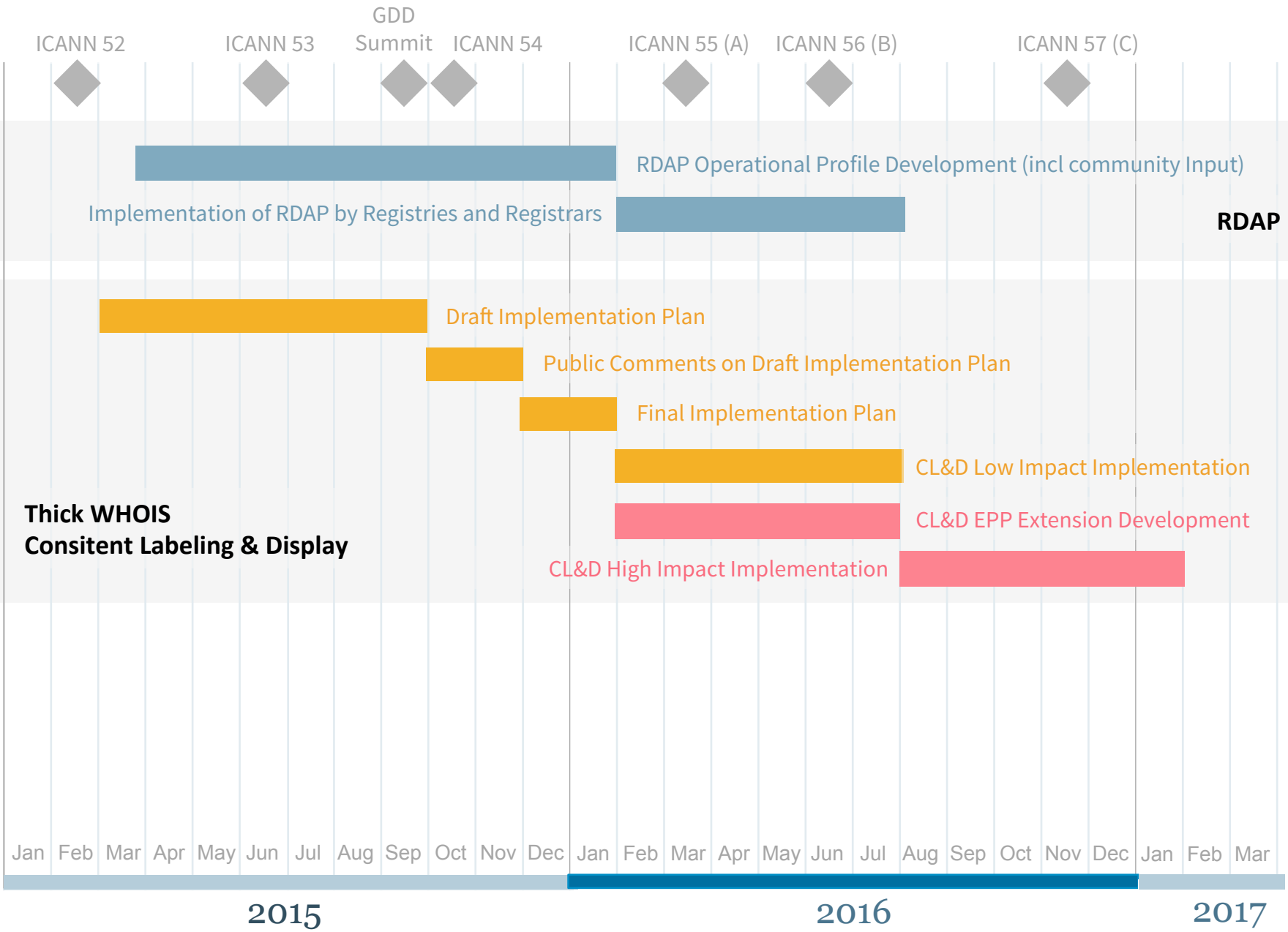
- **CL&D Implementation to only affect RDAP Output, no changes to WHOIS Port 43**

- **CL&D Implementation Plan dependent on RDAP**
  - RDAP consistency with Policy Recommendation #1 ?
  - Future of Web-based Directory service Requirements ?
  - RDAP Deployement Timeline

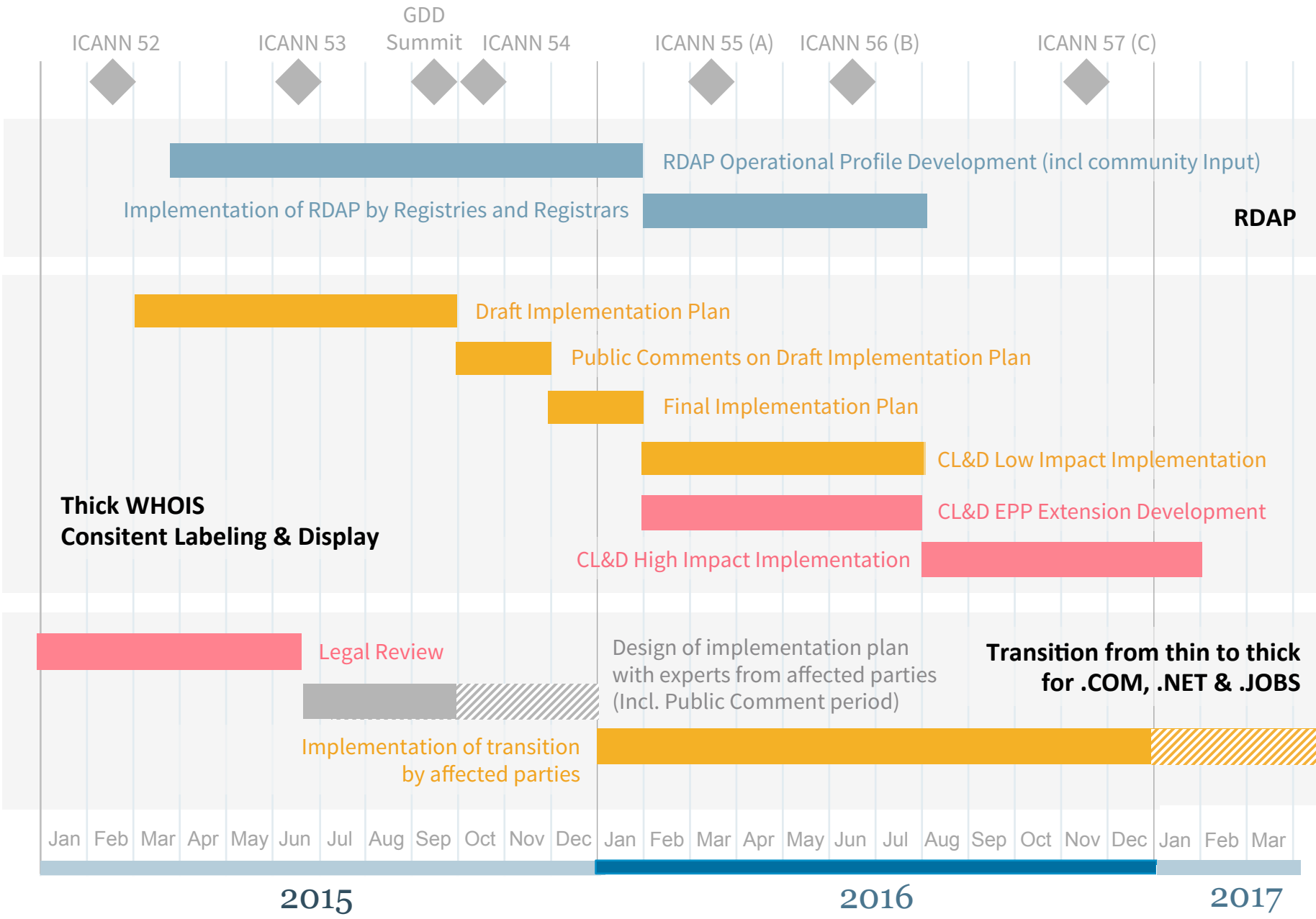
- **EPP Extension development** for Registrar Registration Expiration Date and Reseller Information
  - Current effort ongoing at IETF: https://datatracker.ietf.org/doc/draft-zhou-eppext-reseller-mapping/
  - Missing the Registrar Registration Expiration Date
  - Involvement of ICANN Staff upon release of CL&D Final implementation plan

- **Collaboration of Registrars (indirectly affected)** in transferring relevant data to registries for existing registrations and non-EPP data
  - Channels and efficiency measures
  - Any Forseeable issues not already identified

CL&D Implementation – Timeline (Est.)



Overall Timeline – Current Estimate



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