

POLICY ISSUE BRIEF

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WHOIS

If you would like more information on this issue or about how to get involved in ICANN policy development activities, please e-mail the ICANN Policy Development Department at policy-staff@icann.org.



ICANN

This is a basic introduction to WHOIS, an important area of Internet policy development that is being addressed currently by the ICANN community's bottom-up, consensus based, policymaking structure. It is designed to accommodate newcomers to ICANN, as well as ICANN issue veterans, who may be unfamiliar with WHOIS issues. Whether a newcomer or veteran, we encourage you to go beyond this introduction and learn more about the work of the ICANN community. We have included URLs to additional information on WHOIS, as well as other topics that we reference as we discuss the issue.

We also invite you to receive regular updates on ICANN policy development activities via e-mail by subscribing to the monthly ICANN *Policy Update*. To subscribe, simply visit the ICANN subscriptions page at <http://www.icann.org/newsletter/>, enter your e-mail address, and click on the ICANN *Policy Update*.

International participation and collaboration are essential to the success and effectiveness of ICANN's policy development activities today, but success in the future will not be possible without the commitment of volunteers like you from around the world. Whether you represent the Internet interests of a nation, a group of individual Internet users, a company, or an organization that would like to become more involved in the issues, there is a place for you at ICANN where you can help shape the future of the Internet.

Thank you for your interest and participation.

WHOIS

What is WHOIS?

Every year, millions of registrants, including individuals, large and small businesses, media organizations, non-profit groups, public interest organizations, political and religious organizations, and other entities register domain names to share information by way of web sites, e-mail, newsgroups, and various Internet media. Registrants are required to provide information during the registration process. WHOIS services provide public online access to this information that is often referred to as “WHOIS” data.

The extent of registration data collected at the time of registration, and the ways such data can be accessed, are specified in agreements established by ICANN for domain names registered in generic top-level domains (gTLDs). ICANN requires public disclosure of domain name registrant contact information (e.g., mailing address, phone number and e-mail address), administrative and technical contacts, and other information. Today this information is used for the following purposes:

- To allow network administrators to find and fix system problems and to generally maintain the stability of the Internet
- To search the availability of domain names
- To help combat inappropriate uses of the Internet such as spam or fraud
- To facilitate the identification of trademark infringement
- To enhance accountability of domain name Registrants

What are the WHOIS policy concerns?

WHOIS has been the subject of intense policy development interest for many years. While the original purpose of WHOIS data was largely technical, over time WHOIS data has

been increasingly used for other constructive and beneficial purposes; for example, sometimes WHOIS data is used to track down and identify registrants who may be posting illegal content or engaging in phishing scams. Some uses of WHOIS data are viewed as potentially negative; for example, WHOIS contact information has been harvested to send unwanted spam or fraudulent email solicitations.

Unrestricted online access to WHOIS contact information has also caused concern among privacy advocates and some individual registrants. Related to privacy issues, concerns have been raised that WHOIS requirements in the Registrar Accreditation Agreement (RAA) and in registry agreements may conflict with privacy laws in various countries that protect personal information from being revealed publicly.

What has ICANN done?

ICANN stakeholders have worked on WHOIS policy issues for many years. In 2002, an early WHOIS task force of ICANN’s Generic Names Supporting Organization (GNSO) evaluated and documented the importance of WHOIS for many stakeholders.

In March 2003 the ICANN Board approved a new “data reminder policy” to improve WHOIS accuracy. The policy requires registrars to present to each Registrant at least annually their current WHOIS information, and remind registrants that provision of false WHOIS information can be grounds for cancellation of their registration. Registrants must review their WHOIS data, and make any corrections. In addition, those registrants whose names are deleted because they have submitted false contact data or failed to respond to registrar inquiries are allowed a grace period, where the domain name is

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temporarily held by the registrar until the registrant has provided updated WHOIS information.

At the same time, the ICANN Board also changed the Registrar Accreditation Agreement (the agreement ICANN has with its accredited registrars) to restrict bulk access to WHOIS for any marketing purposes.

In 2006, a GNSO task force examined closely the purpose of WHOIS, including the purpose and uses of contact information. Based on this work, ICANN's Board approved a set of recommendations to improve notification and consent for the use of WHOIS data.

What has ICANN done recently?

To address concerns about the potential for WHOIS requirements to conflict with national privacy law, in May 2006 the ICANN Board approved a policy to resolve conflicts between privacy laws or regulations and the applicable provisions of ICANN contracts relating to the collection, display and distribution of personal data via the gTLD WHOIS service. This procedure, finalized in January 2008, details how ICANN will respond to a situation where a registrar/registry can demonstrate that it is legally prevented by local or national privacy laws or regulations from complying with its ICANN contract with regard to the collection, display and distribution of WHOIS data.

In October 2007, after extensive deliberation, the GNSO Council rejected a 2006 proposal to create a new "Operational Point of Contact" (OPOC). Under OPOC, every registrant would identify a new operational contact, whose contact information would be published in WHOIS in lieu of registrant contact information. In case of an issue with the domain name, the OPOC would contact the registrant to resolve, or to reliably pass on data

to resolve, operational issues relating to the domain name. Although OPOC seemed to hold promise as an effective way of shielding the personal information of individuals while providing a mechanism for access to contact information when needed for legitimate purposes, ultimately concerns about costs, potential delays in access to information and other implementation concerns resulted in rejection of the proposal by a majority of GNSO Council members.

Subsequently, when the GNSO Council rejected the OPOC proposal, it also decided that a comprehensive, objective and quantifiable understanding of key factual issues regarding WHOIS would benefit future GNSO policy development efforts. The GNSO is considering specific topics of study on WHOIS, and has received suggestions from the community, as well as specific suggestions from the Government Advisory Committee (GAC).

WHOIS Compliance

In addition to policy development efforts, ICANN is considering several contractual compliance and other efforts that are intended to improve WHOIS data accuracy and WHOIS service accessibility. These efforts include a WHOIS data accuracy study, an audit of compliance with the Registrar WHOIS Data Reminder Policy, an audit to ensure adequate registrar investigation of WHOIS inaccuracy claims, and a WHOIS accessibility study.

Want to learn more?

For a complete list of WHOIS policy activities and related documents, please visit <http://gnso.icann.org/issues/WHOIS/>. More information regarding WHOIS efforts outside of policy development can be found at <http://www.icann.org/announcements/announcement-2-21dec07.htm>.