

IPC Constituency Statement

Whois Task Force 3

March 24, 2004

This statement responds to the issue identified in the purpose statement of the terms of reference for Task Force 3: see <http://gnso.icann.org/issues/whois-privacy/tor3.shtml>

The purpose of this task force is to develop mechanisms to improve the quality of contact data that must be collected at the time of registration, in accordance with the registrar accreditation agreement (in particular [clauses 3.3.1 and 3.7.7.1](#)), and the relevant registry agreement (e.g. [Unsponsored TLD Agreement: Appendix O \(.biz\)](#)).

IPC's recommendations for improvement of data quality include the following.

- ICANN should work with all relevant parties to create a uniform, predictable, and verifiable mechanism for ensuring compliance with the WHOIS-related provisions of the present agreements, and should devote adequate resources to such a compliance program. The Registrar Accreditation Agreement makes the requirements clear. See <http://gnso.icann.org/issues/whois-privacy/raa-whois-16dec03.shtml>. However, this agreement is only as good as the level of compliance with it, and recent decisions by US courts indicate that only ICANN can enforce these agreements. See *Register.com v. Verio, Inc.*, 356 F.3d 393 (2d Cir. 2004).
- ICANN should ask each registrar to present a plan, by a date certain, for substantially improving the accuracy of Whois data that it collects. The plans will be made publicly available except to the extent that they include proprietary data. The plans should include at least the following features:
 - identification and public disclosure of a contact point for receiving and acting upon reports of false Whois data;
 - how the registrar will train employees and agents regarding the Whois data accuracy requirements;
 - how the registrar will take reasonable steps to screen submitted contact data for falsity, which steps may include use of automated screening mechanisms, manual checking, including spot-checking, and verification of submitted data;
 - when false data comes to the registrar's attention, whether through a third-party complaint or otherwise, how the registrar will treat other registrations in which the contact data submitted is substantially identical to that in the registration that has come to the registrar's attention;

- how the registrar monitors the extent to which contact data submitted to it through re-sellers or other agents is false or significantly incomplete, and what the consequences are for re-sellers or agents whose performance is unacceptable;
 - how the registrar evaluates compliance by its current registrants with the obligation to provide accurate and current contact data;
 - how the registrar measures performance in improving the quality of the Whois data it manages
- The RAA and gTLD registry agreements should be modified to provide for a regime of graduated or intermediate sanctions for patterns of violations by a registrar of the Whois data accuracy obligations of those agreements. (This recommendation is without prejudice to the possibility that such a regime would also be appropriate for encouraging compliance with other provisions of these agreements.)
- The PDP with regard to the issues addressed by TF3 should mutate into an ongoing effort with the following goals:
 - Research and dissemination of information on practicable and cost-effective methods used to improve the quality of identifying and contact data submitted by customers in online transactions outside the realm of gTLD domain name registration
 - Development of best practices within the realm of gTLD domain name registration for improving the accuracy, currentness, and reliability of contact data in the Whois database