



## Comments of Intellectual Property Constituency

January 31, 2016

The Intellectual Property Constituency (IPC) of the GNSO appreciates this opportunity to comment on the draft Thick RDDS (Whois) Consensus Policy and Implementation Notes. See <https://www.icann.org/public-comments/rdds-output-2015-12-03-en>. IPC has long advocated for a thick Whois architecture across all gTLD registries, has submitted numerous public comments on this topic, and has participated actively in both the policy development process working group that led to adoption of this policy, and in the implementation group that has followed it. While we appreciate the opportunity to comment yet again on this topic, our appreciation is accompanied by frustration, because this repeated exercise underscores the glacial pace at which ICANN has dealt with this important issue.

The GNSO first requested an issue report on the question of thick Whois for all gTLD registries 52 months ago, on September 22, 2011. The Policy Development Process on this issue commenced almost 47 months ago, on March 14, 2012. The PDP led to a final report published 27 months ago, on October 21, 2013, and the policy itself was unanimously adopted by the ICANN Board almost 24 months ago, on February 7, 2014.

The document now under consideration, see <https://whois.icann.org/sites/default/files/files/thick-rdds-consensus-policy-draft-25nov15-en.pdf>, breaks down implementation of this policy into three phases. It states an implementation date of August 1, 2016; but in fact that is the implementation date only for Phase 1, which does NOT include bringing thick Whois into reality across all new gTLD registries. That will not occur until Phase 3 is reached; and the document provides no hint of when that might occur, listing the effective date as “to be determined.”

Clearly, under the current proposal, thick Whois for all registries will not become a reality until well after August 1, 2016. In other words, it will not occur until:

---5 years or more after the GNSO formally took up the issue;

---at least 3 years after the final report of the PDP working group was issued; and

--- more than two and one-half years after the policy development process was completed with the unanimous adoption by the board of a universal thick Whois requirement as a consensus policy.

The document quotes the working group final report to the effect that “implementation of one part of the recommendation (for example, transition of existing thin gTLD registries to thick model) should not unnecessarily delay the implementation of another part of the recommendation (for example, the consistent labeling and display of such data).” In fact, it

seems obvious that exactly the opposite of the “example” envisioned by the PDP working group has occurred: the priority accorded to the consistent labeling and display issues has substantially and unnecessarily delayed the simple goal of requiring the one remaining operator of thin Whois gTLD registries to bring its practices into line with those of every other gTLD registry. This outcome is particularly disturbing because the labeling/display recommendation was not even part of the initial report of the working group; it was added to the recommendation in the final report at the eleventh hour.

IPC urges ICANN to set a firm date now for achieving the transition to thick Whois. It reflects very poorly on ICANN’s goal of “operational excellence” that at this late stage in the process, almost half a decade after it was formally initiated, the organization is still unable to define an end date for this process.

Accurate data, consistent labeling, and centralized access are three keys to the continued usefulness of gTLD registration data systems. ICANN is making progress on the first. It has devoted considerable time and effort to the second. The third has been allowed to languish. This should end now. IPC urges ICANN to set a firm date by which the remaining thin Whois registries must complete the transition to thick in order to remain in compliance with ICANN consensus policies, and to complete this transition as expeditiously as possible.

Thank you for considering these comments.