The ICANN GNSO "Business Constituency"

Comments on Status Update Report from the Expert Working Group (EWG) on gTLD Directory Services

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Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC). The BC's comments arise from the perspective of Business users and registrants, as defined in our Charter[1]:

> The mission of the Business Constituency is to ensure that ICANN policy positions are consistent with the development of an Internet that:
> 1. promotes end-user confidence because it is a safe place to conduct business
> 2. is competitive in the supply of registry and registrar and related services
> 3. is technically stable, secure and reliable.

The Expert Working Group (EWG) on gTLD Directory Services posted a Status Update Report on 11-Nov-2103, seeking community input.[2]

The BC commends the EWG for presenting a robust response to many issues raised on its Initial Report.

Moreover, the BC supports the EWG's commitment to getting fact-based feedback in the form of research into high-risk and weak points in the proposed new system (RDS) as outlined in Section V of the Status Update Report.

The BC offers these specific comments and questions for the EWG to consider in its next phase:

1. Based on the EWG analysis and argument and BC initial comment, the BC reiterates its support for a Centralized Directory Service considering the desire for accuracy, uniformity, and focus on preventing fragmentation of the Internet.

2. Considering needs and expectations of business registrants and users, the BC compared RDS models in terms of support for the proposed principles for significant improvements to privacy and proxy services. The BC generally supports the Aggregated model. Among other factors, the Aggregated model has the advantage of potential lower cost of deployment, maintenance, and future modification and upgrades. We consider the Cost Benefit Analysis study a priority for ICANN to provide to the community, to further inform the question of RDS model.

3. Moreover, while we see benefits to the ARDS, we are deeply concerned about security and integrity issues, such as a DDOS or other attack. We request that ICANN engage in a detailed study of potential security risks and recommended mitigation plans. We suggest that the SSAC also be involved in this analysis. We will await the results of the cost-benefit study and additional security information before fully endorsing any particular RDS model.

4. To fully review the new model being proposed the BC urges the EWG to identify which data elements will be freely available to the public and the data elements that will require registration, login and identification of purpose to access the Centralized Directory Service. The BC recognizes that for consumer protection, it is important for data which is currently available to the public to remain public. This is particularly the case for domain names which are used in any commercial manner or for fundraising for non-commercial purposes. At the same time, the

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[1] Business Constituency Charter, at http://www.bizconst.org/charter.htm.

[2] See Comment page at http://www.icann.org/en/news/announcements/announcement-11nov13-en.htm

BC recognizes the need to protect the privacy of those registrants engaged in at-risk free-speech uses who may require heightened protection of their personal information

5. The BC supports the use of the new Registration Data Access Protocol (RDAP). This protocol has the potential to incorporate new parameters not covered by the EPP.

6. In view of the recent WHOIS Misuse Study showing some evidence of email harvesting, we recommend first-level counter measures such as CAPTCHA and IP barring for a period (24hrs) for anonymous access to registrant basic data.

7. The BC accepts EWG's suggestion for an "Enhanced Protected Registration Service (EPRS)" for general personal data protection and adherence to local privacy law. We also support principles proposed to guide EPRS implementation.

8. To reduce response time to legitimate requests under EPRS, the BC welcomes the concept of "Relay and Reveal". However, we look forward to first reviewing the proposal for a cost-effective reveal escalation process for RDS requests.

9. As noted in our prior comments, the BC supports the creation of a "Maximum Protected Registration Service" that offers third-party Secured Protected Credential Service. We posit that the third-party be accredited by ICANN in collaboration with relevant international business organization(s) through a stringent accreditation process. The BC further awaits draft procedures for the enablement of vulnerable and disadvantaged groups to benefit from the many advantages of holding their own domains on the Internet. However, there should be no government influence over the accreditation service that could lead to certain dissident groups being unable to get accredited for protection.

10. The BC favors the proposal for Binding Corporate Rules by ICANN to encompass internationally accepted management practices in data protection. This is quite appropriate in view of the expansion of gTLDs and the role of ICANN in protecting the sensitive data at issue here.

11. The expert working group should clarify whether the registries will remain authoritative for the data they provide to the new model and whether they can also provide the data to third parties. Today, WHOIS data is available to third parties under certain conditions in bulk form. This data is useful for providing legitimate services, such as IP watch/abuse protection services, but prohibited for use in bulk advertising or individualized marketing of non-related services. The BC opposes the use of WHOIS data for any purpose other than that for which it is collected, but do support legitimate third party 'protection' services.

12. More detail is needed on how the existing registrations are validated and the timeline in which that happens.

13. The BC seeks clarification as to whether the new model will allow existing third party services to access the data in the same manner as they do in the existing model.

14. The BC suggests further interactions with the ccNSO to inform the EWG and the rest of the community on how ccTLDs differ among themselves and from the gTLDs with respect to possible application of the new Directory Service across all TLDs. This interaction could possibly lead to further strengthening the role of ccTLDs for business registrants and users.

15. We note that "The EWG is in the process of developing a rigorous comparison of RDS benefits versus the benefits of the current Whois system as improved under the 2013 RAA. " The BC looks forward to seeing this comparison. We strongly urge a balanced report that is then provided for community comment.

16. Finally, the BC requests a discussion for how the roll-out of ARDS would occur and how it applies to current registrations. Of critical importance is a migration plan for gTLD registrations in DNS today. When a full proposal is ready, it should be subject to comment by the users of the present WHOIS, with regard to timeframe, process, audit, and penalties for lack of progress. It is possible that ICANN has not yet fully appreciated that the process of engaging with current registrants will require an educational and awareness campaign. This should not merely be an 'alert' to Internet users. Nor should ICANN shift the burden of education onto registrars or registrants.

Jimson Olufuye and Tim Chen led drafting of these comments, and many BC members contributed as well. These comments were approved in accordance with the BC Charter.