



Comment on Removal of Searchable Whois Service from the .SHARP Registry Agreement

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Business Constituency Submission

GNSO//CSG//BC

Background

This document is the response of the ICANN Business Constituency (BC), from the perspective of business users and registrants, as defined in our Charter:

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.

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1. Searchable Whois Service Is Not Necessary for Closed .brand TLDs

The new gTLD program permits registry operators to provide a searchable Whois service as an optional measure to facilitate expanded access to the registry's Whois database. For open gTLDs with myriad different registrants with diverse registration data, searchability makes it easier for law enforcement agencies and victims of online abuse to identify patterns of abuse by cyber criminals and could provide for greater consumer protection.

However, concerns have been raised that such enhanced searchability could be utilized for nefarious purposes. A TLD which elects to offer this optional service should always provide adequate safeguards in order to ensure that the information gained from such services is only narrowly used for appropriate purposes.

Searchability serves little utility in closed and restricted-use TLDs where all registration data pertains solely to the registry operator and its Affiliates. *See, for example*, ICANN, [Specification Thirteen](#), at 7.1 (ii) (July 15, 2014) and so can be easily contacted. Moreover, closed. brands TLDs like .SHARP are generally less vulnerable to malicious conduct, apart from registrar-level attacks in which the registry operator is also likely the victim. For these reasons, searchability adds unnecessary backend costs and reporting requirements for closed and restricted-use registry operators without any commensurate value. *See* ICANN, Applicant Guidebook, Specification 3 (June 4, 2012) (Registry Functions Activity Reports necessarily include, if offered, searchable Whois queries during reporting periods).

2. The Removal of Searchable Whois Does Not Materially Affect the .SHARP Application

The BC also notes that the .SHARP application garnered twenty-seven total points with respect to technical and operational capability, whereas only twenty-two points were necessary as a mandatory minimum. *See* ICANN, [.SHARP Initial Evaluation Report](#) (July 3, 2012) ("Question 26: Whois, Score: 1). Further, despite initial plans to provide a searchable Whois service, no extra point was awarded to Sharp. *See id and see also* ICANN, Applicant Guidebook, [Attachment to Module 2: Evaluation Questions and Criteria](#), at A-19 (June 4, 2012) (citing searchability as an optional means to obtain an additional point in the technical and operational capability section of the application).

Accordingly, the .SHARP new gTLD application did not rely on the inclusion of searchable Whois in order to pass initial evaluation, and removing this optional element from the application does not have a material effect on the technical soundness of the application.

Conclusion: For the foregoing reasons, the BC supports the removal of searchable Whois services for the .SHARP TLD.

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This comment was drafted by Andy Abrams with edits from Chris Wilson and Steve Coates. It was approved in accordance with our charter.