

## **Study of the Accuracy of WHOIS Registrant Contact Information**

WHOIS accuracy is of critical importance to the protection and safety of internet users and is a valuable tool to Brand owners to enable protection of intellectual property. The Business Constituency commends ICANN for recognizing the need for such a study. Overall, we believe that the report is thorough and is an important step in the right direction. However, a number of questions will require further study and discussion to be useful in any future policy developments regarding WHOIS.

The members of the Business Constituency are active users of WHOIS records and we are concerned with the methods utilized to verify accuracy and the choice of the WHOIS information that was subject of the study.

### **1) Registrant vs Admin**

The study adhered to section 3.3.1.6 of the Registrar Accreditation Agreement that requires accurate name and postal address of the registered name holder. The registrant's information was verified via independent sources which in some cases resulted in a phone number that was associated with the postal address. Although the Registrant is legally responsible for the information in the domain name registration record the Admin contact is usually the most reliable source of contact information. It would be more effective in further studies to rely on the Admin contact information first and if necessary to then research the postal address for other contact points.

We would like to know why this study devoted so much expense and effort to verify the registrant's phone number, as opposed to other contact information on the WHOIS record.

### **2) Valid Email Address**

Most contact with a domain name registrant is initiated via a valid email address. Although, the email address is not required in section 3.3.1.6 of the RAA it is a universal point of contact. Registrants who do not maintain a valid email address and monitor it run the risk of losing control of their registration. We would like to know why verification of the email address was not included as part of the study.

### **3) 23% of WHOIS Records are Accurate**

We are very concerned that only 23% records were deemed fully accurate. This statistic supports the need for additional studies and new policies for ensuring accuracy. The study suggests that a connection be made between the credit card billing address and the Registrant's address listed on the WHOIS. Although, this is one possible point to verify an address this would not work for most corporate registrations. Guaranteeing accuracy should be based on information or a process that any registrant can provide or participate in.

The statistic in the study that revealed only 8% of WHOIS records completely failed seems unusually low. We frequently find WHOIS records in which all information appears false except for the email address.

#### **4) Stolen Identity**

The report did not find any cases of stolen identity, but companies often face this issue when tracking down WHOIS contacts. We have frequently found domain name registrations where the registrant has incorporated well-known brand names as part of their entity name. This can be especially deceptive to users that actually check a WHOIS record before doing business with a website.

#### **5) Proxy Services**

This study does identify a serious issue with proxy services and their responsiveness. All Proxy services do not act responsibly and respond appropriately. "The majority of criteria failures among entries associated with Privacy/Proxy services were because we were unable to get a response from the service confirming that they did indeed represent all domain names listed for them" (Pg. 16) Communications with a proxy service can be a blackhole, generating no response to emails and no information via a phone call. In some cases, extreme and costly measures are required to obtain registrant details, such as obtaining a court order.

#### **6) Centralized Database**

We agree with the suggestion of creating a centralized database. The value of having a centralized database would overcome the added expense. Researching ownership of a domain name registration due to the inaccuracy of the WHOIS record expends valuable resources for many companies when they are forced to utilize other sources to determine ownership. Registrants are willing to pay a fee to protect their information utilizing a Proxy Service. They should also be willing to adhere to requirement of providing accurate information.

At the very least, validation of WHOIS information should occur when a domain name registration is hosting content.

#### **Recommendations**

- 1) Include a valid email address as a requirement of the RAA
- 2) Check accuracy of Admin contact information first before seeking independent verification of the registrant information
- 3) Create a process to verify information on a WHOIS record. This could be limited to a domain name registration serving live content. Nominet has imposed additional requirements for sites serving content and will reveal additional contact information on the WHOIS if live content is reported.
- 4) Explore mechanisms to create and maintain a centralized WHOIS database

- 5) Continue studying the accuracy of the WHOIS. ICANN should set higher standards for accurate WHOIS data for registrants. After all, "Processes to gather accurate information are undertaken by Registrars in the collection of credit card and other form of payment information. Valid WHOIS data should be a criteria to complete registration of a domain name."
- 6) Fund additional WHOIS studies requested by Council for which staff is prepared to proceed. The Misuse and Registrant ID studies are likely to generate data that would affect policy decisions and compliance work, especially with so many new TLD operators coming online next year. These studies will help satisfy the Affirmation of Commitments (9.3.1), which requires ICANN to review the extent to which WHOIS "meets the legitimate needs of law enforcement and promotes consumer trust". Undertaking these long awaited studies will significantly contribute to the fact based understanding of all ICANN stakeholders. The BC believes that such fact based research will help to inform the further consideration of WHOIS policy. Finally, we will want to have these study results on hand so they can be compared with study results after new TLDs are operating for one year, as required by the Affirmation of Commitments item 9.3

The Business Constituency has had a long standing concern with WHOIS issues and has actively been involved in striving for improvement. Our business users are concerned about abusive use of registered domain names because abusive use or misuse adds risks to users of the Internet; leads to fraud and other deceptive practices. Accurate and available WHOIS is a critical part of ensuring trust on the Internet.