

Comments on the WHOIS Policy Review Team Final Report

ICANN Internet Service Provider and Connectivity Providers Constituency

The Internet Service Provider and Connectivity Providers Constituency (ISPCP) have already provided comments on the Draft Final Report of the WHOIS Review Team (see <http://forum.icann.org/lists/whois-rt-draft-final-report/msg00028.html>), we now welcome the opportunity to comment on changes that have subsequently been made in the final version.

The inclusion of additional detail has in many cases strengthened the initial set of recommendations and is generally welcomed by the ISPCP.

The ISPCP fully recognise the tensions referred to between the various ICANN Constituencies which have been ably identified within the report. We also appreciate the recognition by the WHOIS Policy Review Team that there has been no coordinated effort to achieve consensus on the difficult issues, where strongly held opposing views have been an obstacle to progress. The report refers to this as a significant oversight, suggesting the establishment of regular WHOIS Reviews would assist. Whilst supporting that view, the ISPCP consider that having clearly identified the problem within this report, failure to tackle this issue now would represent a failure for ICANN itself as it relates to the Affirmation of Commitments (AoC) agreement with the US Department of Commerce. A point clearly underlined by the importance given to WHOIS when the AoC was drafted.

Focusing on WHOIS as a strategic priority for ICANN as proposed in Recommendation 1 should help ensure appropriate attention is given and continual progress is made. The additional detail provided as part of this recommendation within the final report is supported by the ISPCP and viewed as a very positive step forward.

Recommendation 4 on compliance is particularly welcome. This remains an area of concern for many ISPs, who whilst appreciating the difficulties of performing this role effectively, have questioned the current ability of ICANN to undertake this task. Publishing annual reports and conducting this activity totally independent of other interests is viewed as just the first step in reassuring the community that ICANN can stand up to this role. The real test will come with the new gTLD program and ICANN must certainly adapt to meet that need in advance.

The need for data accuracy cannot be stressed enough. This issue has been the overriding concern for ISPs and the lack of accuracy has, without doubt, had a negative impact on both operational and technical aspects of their business. As recognised within the report, this situation is totally unacceptable and decreases consumer trust in the industry. An effective plan to address this problem and ensure on-going improvement is long overdue. ICANN must now prove to both consumers and industry that it is capable of standing up to this task and fast adoption of the recommendations made within the final report would be viewed as a positive step forward. The ISPCP urges the rapid adoption of the recommendations related to data accuracy, particularly the need to ensure there is a clear, unambiguous and enforceable chain of contractual agreements with registries, registrars and registrants that demands the provision and maintenance of accurate WHOIS data.

Within the ISPCP response to the draft report and now again in the response to the final report from the WHOIS Policy Review Team the need for urgent action is stressed. Recommendation 15 which calls for a detailed and comprehensive plan to be provided by

ICANN within 3 months of the submission of the Final report has the full endorsement of the ISPCP Constituency.

The Review Team deserve full recognition for the manner in which they have tackled a very difficult and highly controversial subject. They have now completed their task, for which the ISPCP offer thanks to all involved members for their careful deliberation and hard work. It is now time to move forward and implement these recommendations.