

**To:** Internet Corporation for Assigned Names and Numbers (ICANN)  
**From:** Messaging<sup>3</sup> Anti-Abuse Working Group (M<sup>3</sup>AAWG)  
**Date:** March 12, 2012  
**Subject:** **WHOIS Policy Review Team Draft Report**

M<sup>3</sup>AAWG welcomes the opportunity to comment on the WHOIS Review Team Final Report of 5 December 2011 (<http://www.icann.org/en/reviews/affirmation/whois-rt-draft-final-report-05dec11-en.pdf>). Overall, the report is excellent work and accurately describes the current WHOIS situation. The basic problem is that ICANN has never faced up to the regulatory role that its contracts with registries, registrars, and (indirectly) registrants require. As has often been noted, accurate registrant data is a key resource for fighting crime and abuse, and is used both by law enforcement and by responsible Internet businesses including M<sup>3</sup>AAWG member organizations.

The recommendations in this draft report lay out an achievable path to a WHOIS that meets the needs of the Internet community. We understand that some domains are registered by individuals who have legitimate privacy concerns, but the vast majority of domains are registered by organizations, not individuals. It should not be difficult to protect individual registrants while still allowing the data from the majority of organizational registrants to be fully available for the benefit of all Internet users.

While we concur with all 20 of the recommendations, we have some concern that the length of the list makes it less likely that any individual recommendation will be implemented. Hence, we encourage ICANN and the WRT (WHOIS Review Team) to group the recommendations by priority.

The most important priority is the first (#1) recommendation in the report, creating a single well-defined registrant data policy. To support this objective, the next level of priorities should include recommendations #3, providing adequate support to compliance efforts; #8, creating enforceable contracts and enforcing them; and #10 and #16, clarifying the roles of privacy and proxy services.

The other recommendations, while important, are less critical. However, we are not suggesting these lower priority recommendations be deferred or that they should wait for the higher priorities to be completed. Rather, to ensure the most important recommendations are achieved as quickly as possible, ICANN's leadership needs to focus its limited time on the highest priorities.

Sincerely,  
/signed/  
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M<sup>3</sup>AAWG PPC2012-002