

2017-08-30

Dear Jennifer,

Thank you for providing the Registrar Stakeholder Group an advance opportunity to review and edit ICANN's "Proposal Regarding Feasibility Analysis of Cross-Field Address Validation Services." Members of the registrar cross-field validation working group have been working closely over the past weeks to review the proposal. We request a short extension to the provision of a final redline and would also like the opportunity to meet with ICANN in the next few weeks to discuss a couple of major points of disagreement and concern regarding the proposal, outlined in brief below.

We note that efforts to move forward with cross-validation were previously forestalled due to ongoing policy efforts related to the provision of registration directory services (RDS) including the Expert Working Group on Registration Directory Services (EWG) and the Policy Development Process (PDP) to Develop a Next Generation Registration Directory Service (RDS). Not only are these conversations still ongoing, but additional dimensions of change and complexity have also been added to WHOIS-related discussions: 1) the pending pilot deployment of the Registration Data Access Protocol (RDAP) by internet registries and registrars, which will commence in September 2017, and 2) efforts to address potential discrepancies between ICANN's WHOIS requirements and legal requirements set forth in the European General Data Protection Rule (GDPR) by May 25, 2018. These two work-streams have the potential to yield significant, systemic changes to how registration data is processed and have significantly shifted the focus of WHOIS related conversation within the community from accuracy toward a more fundamental discussion of whether and how registration data may legally be published. Further, unlike the RDS PDP, both of these efforts have discrete deadlines that are known within the community.

We believe that it is untimely to debate, design, and deploy incremental changes to WHOIS validation procedures, when the very nature of how WHOIS is provided could change significantly in the next nine months in ways that could render much of the work on cross-field validation irrelevant. In its implementation framework for Thick WHOIS, ICANN noted its interest in avoiding changes that were ad hoc and created duplicative work for contracted parties. We strongly urge ICANN to apply the same logic here and avoid demands for technical work that could be rendered irrelevant by either GDPR or RDAP within the next year. We believe that it may be more prudent to delay a feasibility study and request for information until such a time that the impact of RDAP and GDPR on the provision of registration data is better known. However, even if initial research does go forward it is imperative that no commitments about the provision of cross-field services be made to providers or the community, nor requirements be placed upon registrars, until we understand the impact of these efforts on the provision of WHOIS at a systemic level. In addition to creating unnecessary costs for the Community,

holding several RFIs with the same objective will increase the chances that candidates lose interest in submitting a bid when there is no tangible commercial gain for them.

ICANN's proposal appears to conflate two deliverables: the provision of information from potential providers about their marketplace offerings and an independent assessment of the feasibility of cross-field address validation services. While an understanding of the existing marketplace that would be provided by an RFI is likely an important part of any assessment of feasibility, they are not one in the same. A feasibility study must look beyond technical specifications and consider the impact of the provision of cross-field validation services on competition in the registrar marketplace (given the potential for differential impact to registrars in different regions or proposing different registrar models), the creation of differential conditions for registrants around the world, as well as the likelihood that these efforts would actually improve contactability, particularly considering the limited impact of ICANN's WHOIS Accuracy Pilot.

A related concern raised by the proposal is the suggestion that any contributions to a study on the feasibility of cross-field validation services would be provided at cost to the submitter. This is incongruous to the approach taken by ICANN in other efforts that require outside research, where the independent party is compensated by ICANN for its work. The alternative creates a problematic situation in which most parties willing to contribute meaningful research would likely have interests in the outcome of the discussion. The independent study under consideration must be funded by ICANN to avoid creating conflict and incentivize meaningful, independent research. It must equally include conflict of interest procedures than ensure that the provider of the assessment could not ultimately be selected as the service provider.

We look forward to discussing these issues with ICANN in the next few weeks and providing a full redline of the proposal, that addresses these and other issues, shortly thereafter.

Kind Regards,

Graeme Bunton

Chair, Registrar Stakeholder Group