

# **GAC PRINCIPLES REGARDING gTLD WHOIS SERVICES**

Presented by the Governmental Advisory  
Committee

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- 1.1 The purpose of this document is to identify a set of general public policy issues and to propose principles related to generic top level domain (gTLD) WHOIS services, in line with the recommendations of the Tunis Agenda of the World Summit on the Information Society in November, 2005.
  
- 1.2 These principles are intended to guide the work within ICANN and to inform the ICANN Board of the consensus views of the GAC regarding the range of public policy issues associated with WHOIS services.

**Public Policy Aspects of WHOIS Data**

2.1 The GAC recognizes that the original function of the gTLD WHOIS service is to provide a look up service to Internet users. As the Internet has evolved, WHOIS data is now used in support of a number of other legitimate<sup>1</sup> activities, including:

1. Supporting the security and stability of the Internet by providing contact points for network operators and administrators, including ISPs, and certified computer incident response teams;
2. Allowing users to determine the availability of domain names;
3. Assisting law enforcement authorities in investigations, in enforcing national and international laws, including, for example, countering terrorism-related criminal offences and in supporting international cooperation procedures. In

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<sup>1</sup> Subject to applicable national law.

some countries, specialized non governmental entities may be involved in this work;

4. Assisting in combating against abusive uses of ICTs, such as illegal and other acts motivated by racism, racial discrimination, xenophobia, and related intolerance, hatred, violence, all forms of child abuse, including paedophilia and child pornography, and trafficking in, and exploitation of, human beings.
5. Facilitating enquiries and subsequent steps to conduct trademark clearances and to help counter intellectual property infringement, misuse and theft in accordance with applicable national laws and international treaties;
6. Contributing to user confidence in the Internet as a reliable and efficient means of information and communication and as an important tool for promoting digital inclusion, e-commerce and other

legitimate uses by helping users identify persons or entities responsible for content and services online; and

7. Assisting businesses, other organizations and users in combating fraud, complying with relevant laws, and safeguarding the interests of the public.

2.2 The GAC recognizes that there are also legitimate concerns about:

1. the misuse of WHOIS data, and

2. Conflicts with national laws and regulations, in particular applicable privacy and data protection laws.

## **Principles Applicable to WHOIS Services**

3.1 The definition, purpose, and operation of gTLD WHOIS services should reflect and respect the different interests and concerns outlined in Section 2 above.

3.2. gTLD WHOIS services must comply with applicable national laws and regulations.

3.3 gTLD WHOIS services should provide sufficient and accurate data about domain name registrations and registrants subject to national safeguards for individuals' privacy in a manner that:

1. Supports the stability, reliability, security, and global interoperability of the Internet, from both a technical and public trust perspective; and

2. Facilitates continuous, timely and world-wide access.

3.4 Ongoing collaboration among all relevant stakeholders who are users of, affected by, or responsible for, maintaining WHOIS data and services is essential to the effective implementation of these principles.

## **Recommendations for Action**

4.1 Consistent with the above principles, stakeholders should work to improve the accuracy of WHOIS data, and in particular, to reduce the incidence of deliberately false WHOIS data.

4.2 The ICANN community, working with other stakeholders, should gather information on gTLD domain name registrations and registrants and how WHOIS data is used and misused. This information should be publicized and used to inform future debate on this issue.