

WHOIS policy and opt-out

Information to inform the PAB's discussion

1. Introduction

At the March meeting the PAB received a presentation from Richard Cox of Spamhaus asking for the introduction of a more visible abuse reporting system for the WHOIS and the use of the opt-out facility. The use of WHOIS opt-out was last looked at by the PAB at the September 2006 meeting. This paper is intended to provide background information to the PAB and does not contain any recommendations.

2. Background

The only type of registrant currently allowed to opt-out of displaying address details on the WHOIS are consumers. A consumer is defined as an individual not registering, using or planning to use the domain name as part of a business, trade or profession. All other types of registrant e.g. individuals using a domain name in the course of trade (this includes the registration of domain name for monetization purposes, e.g. pay per click etc), sole traders, partnerships, limited companies etc are required to display an address on the WHOIS.

This address does not need to be the registrant's address; for example it could be the address of their registrar, solicitor, accountant or registered office. It could also be a PO Box address. However, we must be able to contact the registrant "quickly at any reasonable time without having to get information from anywhere else" (Terms and conditions, Section 1 Definitions). This is important to ensure we can contact the registrant in the event of a domain name dispute, at the point of renewal or for any other reason. Failure to provide good quality contact details could result in the cancellation of the domain name.

3. Current practice

The current terms and conditions allow us to immediately remove the opt-out without notifying the registrant:

12 ...Please note that if, at any point, we discover that you are not a consumer, we may automatically cancel your opt-out (see condition 11.2) without notifying you.

However, our practice is as follows; on receipt of a complaint we review the registrant information. If the registrant is clearly a limited or public limited company we immediately remove the opt-out without warning and advise the registrant via email. If the registrant is an individual, and we believe the domain name is being used in the course of trade, we send an email to the registrant and their registrar to advise that we believe their current use of the opt-out is not permitted. We always give 1 working days notice before opting the registrant in. In the intervening period the registrant may choose to modify the address information provided for their domain name. Alternatively they may wish to contest our belief that the domain name is being used in the course of trade.

Currently there is no tool on our website to report WHOIS opt-out abuse. If someone wishes to make a complaint about a domain name which is opted out they must contact the Registrant Services Department.

4. Statistics

- On average we deal with 100 WHOIS opt in/out complaints each month
- We do not normally proactively seek out misuse of the opt-out facility and instead respond to complaints received
- The majority of registrants are unaware that they are incorrectly opted out and are happy to be opted in
- Only 10% - 15% of incorrect opt outs query why we are opting them back in and these are usually individuals who are using the website for trading purposes.

5. ICANN Policy for gTLDs

In his presentation, Richard said that ICANN had introduced a WHOIS abuse reporting facility for gTLDs and was following up with registrars on their response to complaints.

6. For Discussion

The PAB are invited to consider the current system for reporting abuse of the opt-out facility of the WHOIS. In particular the following issues:

- What is the perception of the opt-out facility and its use?
- What is the process of correcting an incorrect opt-out and is this sufficiently clear and easy to access?
- How can Nominet improve the opt-out facility and prevent abuse?