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# Public Comment Summary Report

## Proposed Amendments to the Base gTLD RA and RAA to Add RDAP Contract Obligations

**Open for Submissions Date:**  
Tuesday, 06 September 2022

**Closed for Submissions Date:**  
Wednesday, 16 November 2022 (Extended from Monday, 17 October 2022)

**Summary Report Due Date:**  
Friday, 16 December 2022 (Extended from Monday, 07 December 2022)

**Category:** Technical

**Requester:** ICANN org

**ICANN org Contact(s):** [karla.hakansson@icann.org](mailto:karla.hakansson@icann.org)

**Open Proceeding Link:**  
<https://www.icann.org/en/public-comment/proceeding/proposed-amendments-to-the-base-gtld-ra-and-raa-to-add-rdap-contract-obligations-06-09-2022>

### **Outcome:**

ICANN org received five (5) comments from five (5) organizations on the proposed amendments to the base generic top-level domain (gTLD) Registry Agreement (RA) and the 2013 Registrar Accreditation Agreement (RAA). Comments provided general support for the proposed amendments with three (3) organizations offering feedback for ICANN org to consider before additional steps are taken.

ICANN org reviewed the proposed feedback and consulted with the Contracted Party House Negotiating Team (CPH NT). Following the consultation between ICANN org and the CPH NT, the comments confirmed that the proposed amendments met the stated objective of creating clear contractual obligations for registry operators and registrars to provide Registration Data Directory Services (RDDS) via Registration Data Access Protocol (RDAP) and phasing out certain obligations to provide RDDS via the WHOIS protocols. ICANN org and the CPH NT also determined that based on the comment from ICANN's Security and Stability Advisory Committee (SSAC), a modification to the proposed base gTLD RA Specification 3 was appropriate and has been made.

## Section 1: What We Received Input On

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ICANN org and members of the Registries Stakeholder Group (RySG) and the Registrar Stakeholder Group (RrSG), collectively the Contracted Party House Negotiating Team (CPH NT), sought input from the ICANN community on the proposed amendments to the base generic top-level domain (gTLD) Registry Agreement (RA) and 2013 Registrar Accreditation Agreement (RAA).

The proposed amendments specify operational requirements for providing Registration Data Directory Services (RDDS) via Registration Data Access Protocol (RDAP), and to phase out certain obligations to provide RDDS via the WHOIS protocols. ICANN org and the CPH NT took care when negotiating these changes to define a plan that would allow users time to prepare their systems and procedures to complete the transition from the WHOIS protocol to the RDAP protocol to query for domain name registration data. Ultimately, users can continue to access public domain registration data in gTLDs using “clients” or tools like ICANN’s easy-to-use, centralized lookup tool available at <https://lookup.icann.org>.

It is important to note that the requirements outlined in the amendments do not change the data elements required to be collected, transferred, escrowed, displayed, or redacted by registries or registrars, as those requirements are detailed in ICANN Consensus Policies. Additionally, the amendments do not create or modify any obligations related to disclosure of non-public registration data to third party requestors. The proposed amendments contain the foundational requirement for both registries and registrars to comply with the RDAP Profile to ensure registries and registrars provide responses via RDAP in a standardized format and consistent with the ICANN Consensus Policies. For more information about the RDAP Profile, please see <https://www.icann.org/gtld-rdap-profile>.

ICANN org and the CPH NT sought input from the ICANN community on the following proposed contractual requirements:

- A requirement to comply with the gTLD RDAP Profile.
- Updated definitions for RDDS related terms; this includes updating Specification 13 for .BRAND Registry Operators.
- Reporting requirements for registries that include changes to address the advice from the ICANN Security and Stability Advisory Committee in [SAC097](#) related to inconsistent reporting of RDDS queries.
- Service Level Requirements for RDAP availability, round-trip time, and update time.
- The plan to sunset certain requirements to provide RDDS via the WHOIS protocols over a period of 18 months from the contract effective date.
- The requirement for registrars to provide RDAP for all gTLD Domains Under Management (DUMs), eliminating the option for registrars supporting registries that provide complete contact information to relay the registration data from the registry.
- A change to the language of Specification 4, Section 3.1 of the base Registry Agreement that will enable ICANN org to use the existing Bulk Registration Data Access (BRDA) for research purposes. The BRDA change enables ICANN to use this data to conduct important research for projects such as [extending the DAAR to registrars](#). DAAR is a system for studying and reporting on domain name registration and security threats. The

overarching purpose of DAAR is to develop a robust, reliable, and reproducible methodology for analyzing security threat activity ([domain abuse](#)), which the ICANN community may use to make informed policy decisions.

- Updates made to clean-up Uniform Resource Locator (URL) web addresses in the RA and to make miscellaneous editorial changes (e.g., URLs updated to “https” from “http”) to address outdated links and clarifications to current requirements.

## Section 2: Submissions

**Organizations and Groups:**

Name	Submitted by	Initials
Contracted Party House (gTLD Registries Stakeholder Group and Registrar Stakeholder Group)	gTLD Registries Stakeholder Group	RySG
NIC United Kingdom of Great Britain and Northern Ireland	Andrew Hallfamn	UKGBNI
Business Constituency	Business Constituency	BC
Security and Stability Advisory Committee	SSAC Staff	SSAC

**Individuals:**

Name	Affiliation (if provided)	Initials

## Section 2a: Late Submissions

At its discretion, ICANN org accepted late submissions, which have been appended to this summary report.

**Organizations and Groups:**

Name	Submitted by	Initials
Governmental Advisory Committee	Governmental Advisory Committee	GAC

**Individuals:**

Name	Affiliation (if provided)	Initials

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## Section 3: Summary of Submissions

A comment submitted by the Contracted Party House (CPH) said the proposed amendments to specify operational requirements that allow registry and registrar operators to provide RDDS securely and responsibly via RDAP and to phase out certain obligations to provide RDDS via the WHOIS protocols are appropriate and meet the needs of operators and the community.

The Network Information Center of the United Kingdom of Great Britain and Northern Ireland (NIC UKGBNI) suggests to the gTLD Registries Stakeholder Group (RySG) and the Registrar Stakeholder Group (RrSG), that in the creation of mechanisms for easy user access to the domain registration database they consider:

- Which data should be collected and exposed,
- The analysis of the data protection laws of several countries such as Brazil, the European Union, Argentina, and the United Kingdom,
- Promotion of periodic research on the effectiveness of the WHOIS and RDAP protocols,
- Improvement of Domain Abuse Activity Reporting (DAAR) extension project for registrars since the project has some problems and persistent errors in its structure.

The Business Constituency (BC) confirmed that requiring the contracted parties to implement RDAP is the right direction but raised the concern that the community must continue to work together to develop policy dictating parameters of authenticated access via RDAP. The BC further stated that without required guidelines regarding access to nonpublic data, RDAP functionality will remain unused. The BC also took the opportunity to state that the differentiation between natural and legal persons should be encouraged but is concerned that the contracted parties will not voluntarily make this field standard.

The BC supports the change to the RA that will permit ICANN org to use registry Bulk Registration Data Access (BRDA) information to study and report on domain name registrations and security threats as part of the Office of the Chief Technology Officer (OCTO) effort to improve DAAR. Further, the BC appreciates the 18 month post-amendment period before the sunset of WHOIS and encourages ICANN to begin educational outreach to the community on the use of RDAP. However, the BC believes there is no reason that the transition to RDAP should require the elimination of WHOIS-based lookup requirements on registrars' websites as it goes beyond what is necessary to implement the transition to RDAP. The BC's position is that the elimination of WHOIS lookup at the registrar will raise significant consumer protection issues and that relying solely on ICANN org's lookup tool (lookup.icann.org) is not sufficient. This concern goes further by suggesting that ICANN has not made any service level agreements (SLA) commitments regarding the output from the lookup tool, if the output will be readable, or if the lookup tool will be blocked by registrars. As such, the BC recommends that the applicable sections of the RAA (Sections 3.3.1 and 3.3.9) and RA (Specification 4, Section 1.4.1) be updated requiring registrars and gTLD registries to continue to require a free, publicly available interactive web-based service.

The BC raised another concern regarding the change in 3.16 of the RAA. Specifically, the change in the Uniform Resource Locator (URL) directing registrants to summaries of the RAA and Consensus Policies. The proposed update in the RAA amendment directs registrants to a shorter document that the BC believes does not meet the intended requirements in section 3.16. The BC recommends that ICANN org update the URL in Section 3.16 to new content that fully explains the RAA agreements and policies.

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The Security and Stability Advisory Committee (SSAC) addressed two specific points in their comments. First, the proposed language in Specification 3 of the RA to address Recommendation 4 of SAC097 to report domain registration data accurately and publicly does not go far enough to adequately address the recommendation. While the proposed language is an improvement, the SSAC believes the result may still report per-TLD statistics inaccurately for TLDs run under shared registry systems. The second comment focuses on the sunset of web-based WHOIS. The SSAC raises the concern that the sunset of web-based WHOIS may have a negative impact for end users as the deployment of RDAP lookup services will vary by registry and the loss of human-readable output to queries via web-based WHOIS may be lost in the transition.

The Government Advisory Committee (GAC), who specifically referenced the RDAP Profile, focused their comments on how roles and entities have evolved since ICANN's inception and how some may not have existed in previous RDDS systems. As such, the GAC supports efforts to build flexibility into the contracts to accommodate future policy changes pertaining to RDDS, such as new RDAP data elements and/or changes to which RDAP data elements might be viewed as necessary to include in an RDAP response. This extends to the inclusion of all entities inherent to the registrar's domain name registration data distribution channel (e.g., resellers).

Further, the GAC would like to clarify whether commercial proxy services would be considered "reseller" entities and, therefore, listed in the Registrant data element. If those commercial proxy services exist to anonymize primary registrant information it may be, in the GAC's opinion, that commercial proxy services need their own data element or entity role. The GAC also suggested that the inclusion of an RDAP data element designed for the sole purpose of directing requesters to the appropriate means of requesting unredacted RDDS data be included in development of a WHOIS Disclosure System and referenced in 3.3.1 of the RAA.

Finally, the GAC appreciates and supports the step taken by ICANN org and the CPH NT to enable the use of BRDA for research purposes as DNS abuse is an ongoing issue of importance to the GAC.

## Section 4: Analysis of Submissions

ICANN org and the CPH NT appreciate the feedback to the proposed RA and RAA amendments and thanks contributors for the valuable input.

In general, the comments support the proposed amendments to the RA and RAA and the contractual obligations for RDAP. Further, the comments support the step taken by ICANN org and the CPH NT to enable the use of BRDA for research purposes to combat DNS abuse.

Both the BC and SSAC commented on the sunset of WHOIS and the concern that the proposed RAA amendment at 3.3.1 removes the "interactive web page" currently offered by registrars. ICANN reminds the community that access to RDDS, commonly known as "the WHOIS System" or "the WHOIS Services" will continue to be available by the gTLD registries and ICANN accredited registrars. The registration data collected and made available by the gTLD registries and registrars will be in accordance with ICANN Consensus Policies. The change proposed in this amendment is that the registration data will be available via the RDAP protocol versus the WHOIS protocol.

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Another related concern raised by the BC is that it may be a challenge to find registration data if you are not familiar with lookup.icann.org. However, the current paradigm is actually more challenging for users than the proposal. Today, knowing where to find a trusted source for registration data requires a level of knowledge and sophistication, first of which is knowledge of registration data and the WHOIS system generally. A WHOIS query is limited to the specific database queried, be it a registry operator or registrar's registration data database. Thus in most cases you must perform a registry WHOIS look up to determine who the sponsoring registrar is for the domain name, then you must find the location on the registrar's website where they offer the WHOIS lookup capability and perform the lookup.

By contrast, RDAP also has a functionality known as "bootstrap" that enables a query to go beyond a specific registry operator or registrar to enable a search of all registration data available in the RDAP service. Instead of returning a result such as "not available," a query will route to the authoritative server to return the relevant data. This is different from the current WHOIS protocol, where the information is not linked across contracted party systems. This enables broader searches while at the same time minimizing the amount of data that is routinely transferred from one entity to another.

Users can use lookup.icann.org or any lookup client of their choice to perform these lookups with a single query. ICANN anticipates many of the existing free web-based WHOIS lookup tools will make the changes necessary to utilize RDAP (if they have not already) to continue providing the services to their users. ICANN org is confident that finding sources to lookup registration data will not be a challenge; searching for "domain registration lookup" in most search engines today will offer free tools, including the centralized ICANN lookup tool, to search for registration data.

To address the BC's concerns that ICANN org has not made any commitments regarding the output of lookup.icann.org, ICANN org can assure the community that lookup.icann.org is available to all users and has a capacity management process in place to plan for changes in capacity to accommodate for an increase in traffic.

To the point raised by the BC regarding the 18 month period following the contract amendment date and when the contractual obligations for RDAP are in full effect, ICANN org is committed to educating the community on the transition to the RDAP protocol and the benefits of that change. This includes the continuation of a series of blogs about the evolution of the WHOIS Protocol to RDAP on icann.org.

To address the BC's comment on the change in the URL noted in 3.16, the proposed change was made as the link provided in the current RAA points to "[Registrant Rights and Responsibilities Under the 2009 Registrar Accreditation Agreement](#)" which offers obsolete information. The link in the proposed amendment points to [Registrants' Benefits and Responsibilities](#) and is an extension of a broader effort by ICANN org to [educate](#) registrants with blogs and webinars to inform registrants about their rights and responsibilities, the domain name ecosystem, how to navigate it, and the ICANN policies that impact them.

To the BC's comment that the differentiation between natural and legal persons should be encouraged, ICANN org notes that this topic is not part of the amendment scope and is covered in the [Final Recommendations Report of the GNSO Expedited Policy Development Process \(EPDP\) Team on the Temporary Specification for gTLD Registration Data Phase 2A](#), where the GNSO Council asked the EPDP Team to continue work on this topic.

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The SSAC also suggested that the proposed language in Specification 3 of the RA that is intended to address Recommendation 4 of SAC097 may still report per-TLD statistics inaccurately for TLDs under shared registry systems. ICANN org understands that for some queries for gTLDs under shared registry systems, it is not possible to determine a relationship to a gTLD and should not be considered inaccurate based on how shared registry systems are currently managed. While ICANN org and the CPH NT are satisfied that the proposed language is a significant improvement over the existing language, additional language has been added to the proposed RA amendment to further clarify. Once implemented this will provide additional accuracy for reporting for TLDs in this scenario.

For gTLDs that are part of a single-instance Shared Registry System: (1) the fields whois43-queries, web-whois-queries, searchable-whois-queries and rdap-queries in the Registry Functions Activity Report should match the sum of queries reported for the gTLDs in the single-instance Shared Registry System, (2) *in case of queries related to the fields in (1) above for which the Registry Operator cannot determine the TLD to count the query to (e.g., a registrar lookup query for a registrar operating in more than one TLD sharing the same RDAP base URL)*, registries have the flexibility to choose how to allocate those queries across the gTLDs utilizing the single-instance Shared Registry System, and (3) the Registry Functions Activity Report may include the total contact or host transactions for all the gTLDs in the system.

To the GAC's reference to how roles and entities continue to evolve in relation to RDDS, ICANN org acknowledges the GAC's comment and notes that ICANN org will continue to work with the ICANN community to identify how roles and entities are represented in RDDS as part of the policy development process and will work with the contracted parties to update the respective agreements as policies require. ICANN org further acknowledges the request from the GAC for clarity as to whether commercial proxy services would be considered "reseller" entities. The proposed RDAP Profile enables the publication of data elements of which the reseller is included. Issues specific to privacy and proxy services will be managed via the implementation of privacy proxy policy recommendations.

ICANN org appreciates the recommendations made by the NIC UKGBNI for registries and registrars to continually monitor and evaluate the registration data collected and exposed. The ICANN community has come together to develop the Registration Data Policy, to determine what data is to be collected, displayed, transferred, and escrowed, and the Policy is in progress of being implemented. In addition, OCTO continues to evaluate DAAR to further develop a robust, reliable, and reproducible methodology for analyzing security threat activity.

## Section 5: Next Steps

Following the completion of the Public Comment process, ICANN org will post the proposed amendments for a 60-day voting period. If the proposed amendments receive the required super majority of votes by registry operators and registrars for their respective agreements the proposed amendments will be sent to the ICANN Board for consideration.

# ICANN | GAC

Governmental Advisory Committee

<b>Status</b>	Final
<b>Distribution</b>	Public
<b>Date</b>	16 November 2022

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## Governmental Advisory Committee Comments on the proposed Registration Data Access Protocol (RDAP) and Bulk Registration Data Access (BRDA) Contractual Amendments

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ICANN org and the Contracted Parties House Negotiating Team (CPH NT) have solicited input from the ICANN community on proposed amendments to the base contracts between ICANN and Registries (the Registry Agreement (RA)), and ICANN and Registrars (the Registration Accreditation Agreement (RAA)).<sup>1</sup> The proposed contractual requirements include:

1. A requirement to comply with the generic Top Level Domain (gTLD) Registration Data Access Protocol (RDAP) [Profile](#).
2. Updated definitions for Registration Data Directory Services (RDDS) related terms; this includes updating Specification 13 for .BRAND Registry Operators.
3. Reporting requirements for registries that include changes to address the advice from the ICANN Security and Stability Advisory Committee (SSAC) in [SAC097](#) related to inconsistent reporting of RDDS queries.
4. Service Level Requirements for RDAP availability, round-trip time, and update time.
5. The plan to sunset certain requirements to provide RDDS via the WHOIS protocols over a period of 18 months from the contract effective date.
6. The requirement for registrars to provide RDAP for all gTLD Domains Under Management (DUMs) eliminating the option for registrars supporting registries that provide complete contact information to relay the registration data from the registry.
7. A change to the language of Specification 4, Section 3.1 that will enable ICANN org to use the existing Bulk Registration Data Access (BRDA) for research purposes. The BRDA change enables ICANN to use this data to conduct important research for projects such as [extending the Domain Abuse Activity Reporting \(DAAR\) system to registrars](#). DAAR is a system for studying and reporting on domain name registration and security threats. The overarching purpose of DAAR is to develop a robust, reliable, and reproducible methodology for analyzing security threat activity ([domain abuse](#)), which the ICANN community may use to make informed policy decisions.
8. Updates made to clean-up Uniform Resource Locator (URL) web addresses and miscellaneous editorial changes (e.g., URLs updated to “https” from “http”) to address outdated links and clarifications to current requirements.

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<sup>1</sup> [Proposed Amendments to the Base gTLD RA and RAA to Add RDAP Contract Obligations](#). Comment closing 24 October 2022; Report Due 07 November 2022



## GAC Comment regarding the requirement to comply with the gTLD RDAP Profile.

As described by ICANN<sup>2</sup>, the [gTLD RDAP Profile](#) consists of two documents:

- the [RDAP Technical Implementation Guide](#) “that aims to provide technical instructions to gTLD registries and registrars on how to implement the RDAP service”
- the [RDAP Response Profile](#) “that intends to map current policy requirements to the RDAP implementation with flexibility to incorporate future policy changes with minimal reengineering.”

The GAC views this requirement as a worthwhile endeavor.

The GAC observes that the domain name industry has evolved considerably since ICANN’s inception, and today includes roles/entities which may not have existed in previous RDDS systems. In the same vein, new entities/roles may be created tomorrow which have yet to be conceived of today. Accordingly, the GAC supports efforts to build, to the extent possible, flexibility into the contracts to accommodate future policy changes pertaining to RDDS, such as new RDAP data elements and/or changes to which RDAP data elements might be viewed as necessary to include in an RDAP response.

Section 2.5 of the RDAP Response Profile provides that “the returned domain object in the RDAP response MAY contain an entity with the reseller role, if the domain name was registered through a reseller.” In recognition of the purposes of the RDDS system and the evolving domain name industry, the GAC supports the inclusion of all entities inherent to the registrar’s domain name registration data distribution channel. Such entities should be included in an RDAP query response, when they exist.

Recognizing that the reseller may be listed in the Registrant data element, regarding the optional Reseller data element (in Section 2.5 of the Response Profile), the GAC seeks clarity as to whether commercial proxy services would be considered “Reseller” entities? Some might consider commercial proxy services to be a subcategory of resellers who exist to anonymize the identifying information of the primary registrant. Others might argue that commercial proxy services have historically been treated differently by ICANN policy making, having been the subject of a potential accreditation program,<sup>3</sup> and thus should not be considered general “resellers”. If the latter viewpoint prevails, it may be that commercial proxy services are in need of their own data element or entity role.

Similarly, in light of ICANN’s 2019 Registration Directory Service (RDS)-WHOIS2 Review, which noted that 71% of responding WHOIS users<sup>4</sup> made use of WHOIS “reverse lookup” functionality<sup>5</sup>, the GAC appreciates efforts by ICANN to ensure that such capabilities are not precluded from adoption pursuant to potential future policy development activities.

Lastly, in recognition of ICANN’s proposal for the development of a WHOIS Disclosure System (WDS), and the need for public awareness outreach to make end users aware of such a system, the GAC would call attention to the potential value of an RDAP data element designed for the sole purpose of directing requesters to the appropriate means of requesting unredacted RDDS data (such as the WDS, once implemented). An inclusion of this data element within the RAA (3.3.1) RDAP Directory Service might be considered, as only the RDDS communication channel is certain to reach 100% of the potential WDS user-base.

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<sup>2</sup> [ICANN gTLD RDAP Profile](#), version February-2019

<sup>3</sup> [ICANN Privacy and Proxy Accreditation](#)

<sup>4</sup> See Section 5.2 of the [Registration Directory Service \(RDS\)-WHOIS2 Review Final Report](#).

<sup>5</sup> A “reverse lookup” of WHOIS data fields allows requestors to submit an identifier other than the domain name, and receive as a response other domains that were registered using the same information.

**GAC Comment regarding change to the language of Specification 4, Section 3.1 that will enable ICANN org to use the existing Bulk Registration Data Access (BRDA) for research purposes (such as extending Domain Abuse Activity Reporting to registrars)**

The GAC appreciates and supports this step taken by ICANN and the CPH NT to enable the use of BRDA for research purposes. The GAC notes that DNS Abuse is an ongoing issue of importance to the GAC, and reiterates its view that a common understanding of facts only benefits discussion of the issue within the ICANN community. DAAR reporting has always been appreciated, but the continued improvement of such reporting to enable the linkage between abusive domains and their corresponding registrars is a welcome development.