



ICANN

23 May 2008

Janis Karklins
Chairman of the Governmental Advisory Committee
Ambassador of Latvia to France

Dear Janis

RE: GAC Recommendations for WHOIS Studies

Thank you for your memo of 16 April 2008, suggesting recommendations from the GAC on further studies of WHOIS. The GNSO Council recently completed a comment period during which it solicited public views about future studies of WHOIS. A small group of Council and constituency members have been convened to study the proposals that have been suggested and I'm told that they will be making a recommendation to the Council as to which studies should be initiated. This small group will be meeting over the next few weeks to develop this recommendation, so it is particularly useful to have the benefit of the GAC's advice as this group considers study options in greater detail.

In recommending consideration of further studies of WHOIS, the GNSO Council in Los Angeles specifically acknowledged the importance of ensuring that future studies do inform policy discussions, noting that, "a comprehensive, objective and quantifiable understanding of key factual issues regarding the gTLD WHOIS system will benefit future GNSO policy development efforts". The Board recognizes the GAC's longstanding interest in this issue, and notes that the GAC previously encouraged ICANN to gather information on how WHOIS is used and misused in Lisbon on 28 March 2007. It is in this vein that the Board particularly appreciates the GAC's recommendations for WHOIS studies suggesting not only future areas of potential study, but also for highlighting areas where the results of further study might be used to try to answer specific policy questions of broad concern, such as curtailing misuse and identifying potential legal conflicts.

As I understand it, the GNSO Council will be considering initial recommendations for further study through the second quarter of 2008. Staff will then be asked to determine costs to conduct any studies recommended by the Council, and the Council will consider further action once those costs are determined. The exact mechanism for conducting specific studies is unknown at this time, but we note your recommendation that studies be conducted by "neutral third parties" and we agree that studies should be conducted in an objective and professional way.

In addition to these GNSO efforts, you may know that ICANN operational staff is undertaking several contractual compliance and other efforts intended to improve WHOIS data accuracy and WHOIS service accessibility. They include: a WHOIS data accuracy study, an audit of compliance with the Registrar WHOIS Data Reminder Policy, an audit to ensure



adequate registrar investigation of WHOIS inaccuracy claims, and a WHOIS accessibility study. More on these undertakings can be found at <http://www.icann.org/announcements/announcement-2-21dec07.htm>.> ICANN staff will work closely with the GNSO too so that the knowledge gained in the staff work can inform the GNSO studies.

Again, thank you for the GAC recommendations and I look forward to your continued participation as the GNSO Council continues its work on WHOIS.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Peter Dengate-Thrush", written over a white background.

Peter Dengate-Thrush
Chairman of the Board of Directors
Internet Corporation for Assigned Names and Numbers