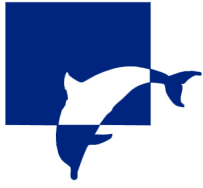


**The domain name WHOIS debate:  
the privacy concerns of domain  
name registrants and spam  
recipients**

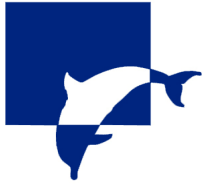
*Caroline Wilson*



## Introduction

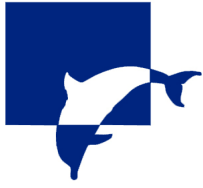
“The issue of WHOIS (the data furnished in relation to a domain name registration and available to public viewing) is important, and raises issues of interest with a wide range of stakeholders, often with conflicting views and positions.”

*Dr. Paul Twomey (President and CEO of ICANN) ICANN  
Newsletter July 8, 2005*



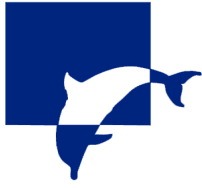
# What is WHOIS?

The WHOIS database contains registry data for individuals and companies that have registered domain names. This information is available to the public, and is used by third parties (including marketing companies)

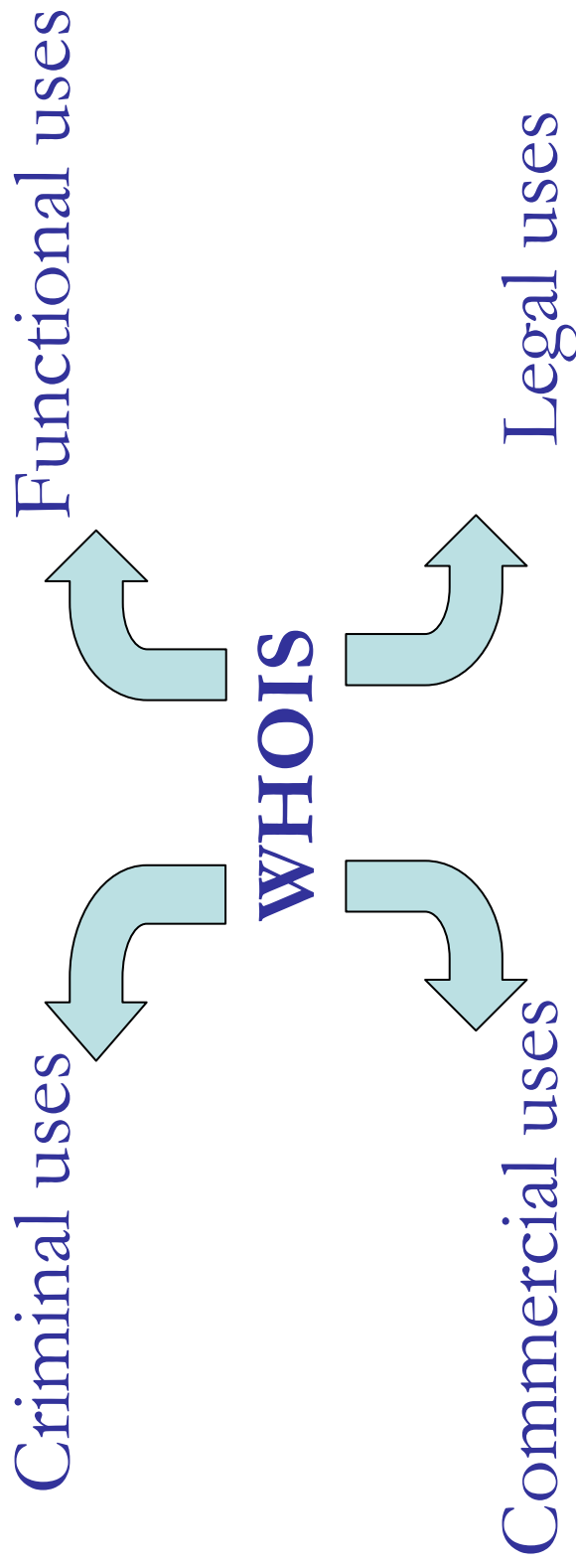


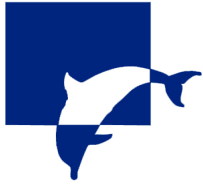
# The WHOIS stakeholders

- Domain name registrants (commercial and individual)
- Domain name registries
- Third party IPR proprietors or other individuals affected by Internet content
- Direct marketers



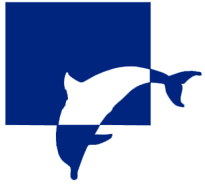
# How WHOIS data is used





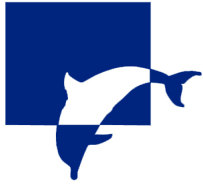
# The Current WHOIS picture (1)

- The interests of the domain name registrant are not being addressed. Domain name registrants are vulnerable to, for e.g.:
- Spam (from commercial users of WHOIS data)
- The curtailment of freedom of expression
- Usage of WHOIS data for serious crimes (e.g. stalking)



## The Current WHOIS picture (2)

- ccTLDs v gTLDs
- ‘Fat’ and ‘thin’ WHOIS
- The GNSO Task Forces’ proposals
- The united GNSO Task Force



## The Way Forward (1)?

- Informational self-determination for domain name registrants must be balanced with the interests of other stakeholders – tiered access to WHOIS data should be central to this
- ICANN should lead the way for gTLDs
- Will we see regulatory competition amongst ccTLDs, or will we see ICANN's approach being adopted as the regulatory standard (C.F. the UDRP)?





## The Way Forward (2)?

- A multi-layered solution is needed, but domain name registrants should not ignore self-help re. unwanted commercial uses of WHOIS data (e.g. ‘E-mail hygiene’, including digital signatures, the Janus e-mail strategy and proxy domain name registrations)
- If access to WHOIS data is not properly controlled, then reliance must be placed on more effective spam regulation

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