

Registrar Stakeholder Group's Feedback on the (Draft) Charter of a PDP Working Group on a Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS

Registrars would like to thank ICANN staff for their work in connection with the Final Issue Report, and the additional time allocated for review. However, in our examination of the current Draft Charter, Registrars have noted several points of concern. Staff analysis of the public comments determined there were “no comments suggesting additional questions that should be explored on this PDP”. The Registrar Stakeholder Group does not fully agree with this assessment, as several questions were previously raised during the public comment period that do not appear to be fully addressed within the current Draft Charter¹. These questions involve important matters such as technical feasibility, jurisdiction, redundancy, ICANN access/control, cost and stress testing.

- 1) **Technical Feasibility.** The Draft Charter asks which system requirements must be satisfied in any implementation (see System Model). However, it does not ask more important questions such as 1) Are the necessary system requirements technically feasible? 2) Has technical feasibility been reviewed by engineers? The PDP should not proceed until the feasibility questions are addressed.

We ask that technical feasibility be considered by the PDP Working Group, and the Charter amended if necessary.

- 2) **Jurisdiction.** While the issue of jurisdiction related to matters such as privacy is addressed in the Draft Charter, it does not ask the basic question of where the RDS will be located. Will it be centralized or decentralized? What steps will be taken to address jurisdictional challenges?

We ask that location and jurisdiction be considered by the PDP Working Group, and the Charter amended if necessary.

- 3) **Redundancy.** The issue of redundancy and parallel policy efforts on WHOIS requirements has not yet been addressed. We are concerned that the working group for the initial phase of the PDP may duplicate the efforts of other ongoing PDPs. How can duplicate efforts best be minimized? Should current activities be deferred? If so, which activities?

We ask that redundancy and deferment of activities be considered in the Final Charter.

- 4) **ICANN Access/Control.** The compliance section of the Draft Charter asks what steps are needed to enforce policies. The logical follow up is whether ICANN compliance will be tasked enforcement. If so, will ICANN need access to the data in the system? This question cuts across several areas of questions posed in the Draft Charter, but none of the questions in the Draft Charter seem to address ICANN's role specifically.

We ask that ICANN's specific role be considered by the PDP Working Group, and the Charter amended if necessary. If possible, we kindly request that the following specific questions be addressed: *Will ICANN or any non-contracted 3rd party need access to data in the system? If so, for what specific purpose(s)? Will ICANN control the system? How will risks associated with such access controls be minimized? How will ICANN or an authorized provider ensure data remains secure? How will data breaches be addressed? What specific safeguards will be incorporated to ensure access controls are managed and monitored throughout the life of this system?*

- 5) **Cost.** Phase 1 of the Draft Charter asks “what costs will be incurred and how must they be covered?” We do not believe this is specific enough. We believe the following cost-related questions should also

¹ <http://forum.icann.org/lists/comments-rds-prelim-issue-13jul15/msg00004.html>

be addressed: 1) What will it cost to develop the Next-Gen RDS and who will pay for it and 2) What will it cost to deploy and maintain the Next-Gen RDS and who will pay for it. 3) If ICANN provides funding for this system, what section of the budget will incorporate this expense allocation? How can we be assured the future funding will be protected?

We ask that the PDP Working Group give additional consideration to cost and funding, and the Charter amended if necessary.

- 6) **Stress Testing.** The Draft Charter does not address stress testing. We believe stress testing is of upmost importance for all parties in order to clearly understand how a Next-Gen RDS will be deployed, protected, executed and managed in the near and long term life of the system.

We ask that stress testing be considered by the PDP Working Group, and the Charter amended if necessary.

Thank you in advance for your consideration.

Regards,

ICANN Registrar Stakeholder Group (RrSG)