Introduction

History and Mission

[To be done.]

Participation in the Survey

The NC WHOIS task force's survey consisted of 20 questions; it was published in English, French, Spanish, Russian, and Japanese. From June till August 2001, 3035 answers were received.
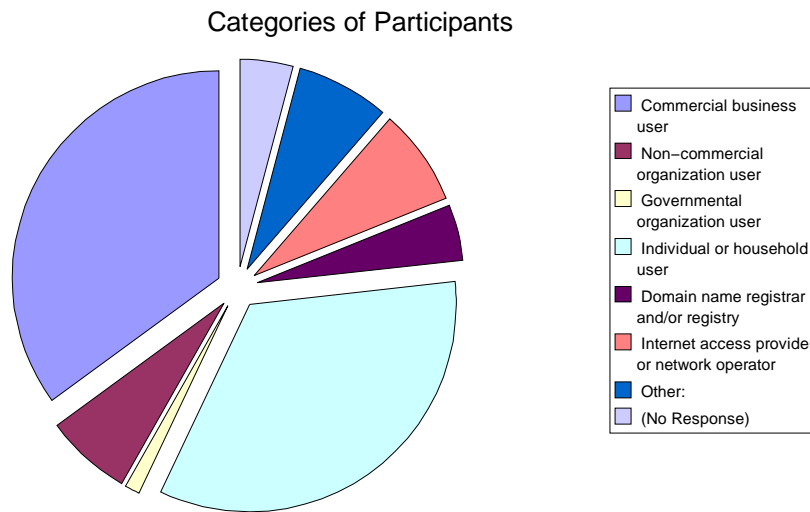
Categories of Respondents

In the very first question, participants were asked to classify themselves into one of several categories:

> 1. Which of the following terms best describes your status as a
> respondent to this survey?
> ❏   Commercial business user
> ❏   Non–commercial organization user
> ❏   Governmental organization user
> ❏   Individual or household user
> ❏   Domain name registrar and/or registry
> ❏   Internet access provider or network operator
> ❏   Other:

Respondents were also asked (where applicable) what size their organization is. An overview over the categories of respondents can be found in the table below. The data is also represented in the pie chart on the next page.

Category	#	%
Commercial business user	1063	35%
Non−commercial organization user	208	7%
Governmental organization user	35	1%
Individual or household user	1021	34%
Domain name registrar and/or registry	130	4%
Internet access provider or network operator	234	8%
Other:	222	7%
(No Response)	122	4%
Total Responses:	3035	100%

Categories of Participants

Clearly, commercial and individual/household users dominated the population of respondents to the survey. It should, however, be noted that only 35 participants mentioned "governmental organization user" as their category.

Statistical Considerations

These numbers are, in particular, important since they give a rough indication of the precision of the numbers in this report. In the table below, we give standard deviations (σ) to be expected for various results, when derived from various categories of respondents.[1]

From a statistical point of view, the best results can be expected from the commercial business user and individual user categories, where we have standard deviations between 1% and 2%. Statistical significance is worst with the governmental users category. We shall occasionally mention error margins explicitly where they are important in order to correctly interpret the result of a particular question.

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1   The standard deviations are the ones of a binomial distribution, which models answers to simple yes−no questions.

Category	#	10%	20%	30%	40%	50%
Commercial business user	1063	1%	1%	1%	2%	2%
Non–commercial organization user	208	2%	3%	3%	3%	3%
Governmental organization user	35	5%	7%	8%	8%	8%
Individual or household user	1021	1%	1%	1%	2%	2%
Domain name registrar and/or registry	130	3%	4%	4%	4%	4%
Internet access provider or network operator	234	2%	3%	3%	3%	3%
Other	222	2%	3%	3%	3%	3%
(No Response)	122	3%	4%	4%	4%	5%

Approximating the binomial distribution by a Gaussian normal distribution, it can be assumed that a result has a probability of about 68.3% to lie within a $\pm 1\sigma$ margin around the real value, and with a probability of 95% it can be assumed that a result lies within a $\pm 1.96\sigma$ margin around the true value.

Participation of Domain Name Holders

The second question of the survey asked whether participants were domain name registrants themselves:

> 2. Have you registered any domain names? ❏ yes ❏ no

(The question also asked for details, such as number and purpose of ccTLD and gTLd domain registrations. These parts of the question will be looked at in a later report.)

Question 2	yes	no	No resp.	Total	% yes	% no
commercial	973	81	9	1063	92%	8%
governmental	20	14	1	35	57%	40%
individual	730	279	12	1021	71%	27%
isp	207	22	5	234	88%	9%
non–commercial	177	29	2	208	85%	14%
not stated	20	4	98	122	16%	3%
other	156	59	7	222	70%	27%
registrar–registry	114	14	2	130	88%	11%

Results vary strongly across categories of respondents: While, for instance, 92% of commercial respondents are domain name holders, only 71% of individual respondents, and 57% (with $\sigma = 8\%$) of governmental respondents have registered any domain names.

Use of WHOIS

Question 3 asked participants how frequently they use the WHOIS service themselves:

3. How often do you use the Whois service on average?

❏   never

❏   occasionally

❏   weekly

❏   once or twice a day

❏   many times a day

Question 3	not stated	daily	hourly	never	occasionally	weekly	Grand Total
commercial	1	184	183	31	374	290	1063
governmental		3	4	3	18	7	35
individual	4	131	72	45	509	260	1021
isp		58	109	3	22	42	234
non–commercial	2	32	32	7	69	66	208
not stated	99	4	1		13	5	122
other	2	27	40	13	58	82	222
registrar–registry	2	18	45	8	34	23	130
Grand Total	110	457	486	110	1097	775	3035

Question 3 (%)	% not stated	% daily	% hourly	% never	% occ.	% weekly
commercial	0%	17%	17%	3%	35%	27%
governmental	0%	9%	11%	9%	51%	20%
individual	0%	13%	7%	4%	50%	25%
isp	0%	25%	47%	1%	9%	18%
non–commercial	1%	15%	15%	3%	33%	32%
not stated	81%	3%	1%	0%	11%	4%
other	1%	12%	18%	6%	26%	37%
registrar–registry	2%	14%	35%	6%	26%	18%

It should be noted that results of this question once again vary strongly across categories of respondents. Clearly, among the participants of this survey, ISPs are the heaviest WHOIS users, while governmental and individual respondents make the weakest use of the service.

Bulk Access to WHOIS Data

Summary

The majority of the Task Force concludes that cross–category consensus among respondents can be found with respect to the following points:

- Respondents strongly favor policies based on registrants opting into bulk access (or policies prohibiting any kind of bulk access) over opt–out approaches or unregulated bulk access.
- Respondents agree that bulk access provisions should be maintained in the gTLD environment.
- Respondents agree that bulk access provisions should be extended to apply to other TLDs.

Since the kind of bulk access policy favored by a huge majority of respondents is different from the one currently in force, a review of the current bulk access policy may be in order.

The gTLD and non–commercial constituencies don't at this point of time agree with the conclusions stated in this document.

Questions Asked

The bulk access issue was covered by questions 16 and 17 of the survey. For your reference, we include the questions' text:

> *Sale and marketing of customer data*
>
> 16. Should registrars be allowed to engage in resale or marketing use of the registration contact information?
>
> ❏   Yes
>
> ❏   Yes, but only with the express permission of the registrant (opt–in)
>
> ❏   Yes, but only after the registrant had the opportunity to opt–out.
>
> ❏   No
>
> *Bulk access/mandatory sale of customer data/manipulation and adding*

value to customer data

The current provisions with regard to the mandatory sale of Whois data, and uses that can be made of the data obtained through bulk access, are contained in the <u>Registrar Accreditation Agreement at sections 3.3.6 and following</u>[2], *Third Party Bulk Access to Data.* These provide for the mandatory sale of customer data on certain specific conditions. These conditions are discussed in terms of a contract between the registrar and a third party seeking access to the data. The data *may not* be used for mass unsolicited emailing, but can by inference be used for mass mailing (3.3.6.3), "other than such third party's own existing customers". In addition, the "Registrar's access agreement *shall require* the third party to agree not to use the data to enable high−volume automated electronic processes that send queries or data to the systems of any Registry Operator or ICANN accredited registrar, except as reasonably necessary to register domain names or modify existing registrations". (3.3.6.4)

The agreement says that the registrar "... may enable Registered Name Holders who are individuals to elect not to have Personal Data concerning their registration available for bulk access for marketing purposes based on Registrar's 'Opt−Out' policy, and if Registrar has such a policy Registrar shall require the third party to abide by the terms of that Opt−Out policy; provided, however, that Registrar may not use such data subject to opt−out for marketing purposes in its own value−added product or service." (3.3.6.6)

The text allows the Registrar discretion

- to prohibit, or
- to permit under conditions he chooses,

the use of the registrants' data

- to condition the subsequent use of the data (3.3.6.5), and
- to have a privacy policy, or not, (3.3.6.6)

but unless the registrar takes positive steps to have a privacy policy different from the Registration Agreement, the registrant's personal data is available as the Agreement prescribes. "Personal data" refers exclusively to data about natural persons.

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2   http://www.icann.org/registrars/ra−agreement−17may01.htm#3.3.6.3

17. Do you think that:

a. These provisions should be maintained in the gTLD environment?

❏   Yes

❏   No

b. These provisions should be extended to apply to other TLDs

(subject to any comments in 12)?[3]

❏   Yes

❏   No

c. As a user would you welcome information from your chosen service

provider introducing you to the additional services they may be able to

provide?

❏   Yes

❏   No

d. These provisions should be changed?

❏   Yes

❏   No

If so, how?

Method of Evaluation

The multiple choice questions were evaluated for the full set of 3035 submitted responses. This analysis

is also broken down by respondent's category (as given in question 1).

The free−form part of question 17.d was evaluated manually for a pseudo−random set of 303 responses.[4]

The selection of the 303 pseudo−random responses was performed in such a way that the number of

responses from any particular category of respondent (question 1) was proportional to the number of

responses from that category in the total set of questionnaires received. An analysis of the full set of

answers to question 17.d may be undertaken after the Ghana meeting.

In order to derive results from the free−form answer to question 17.d the following set of "baskets" was

agreed upon by the members of the task force:

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3   Question 12 asks whether respondent thinks that the data elements used in .com, .net, and .org should be available uniformly in
     country code top−level domains, and asks for reasons for respondent's opinion. This question will be evaluated elsewhere.
4   http://www.dnso.org/dnso/notes/20011221.Whois−survey−result.doc

- No answer
- No bulk access or sale of data
- No bulk access for marketing
- Opt–in before any sale or bulk access
- Opt–in before any sale or bulk access for marketing purposes
- Improve opt–out
- Better privacy protection
- Relax current restrictions

Results of Evaluation

Overall analysis of multiple–choice questions

The table below summarizes the results from the multiple–choice parts of questions 16 and 17.a–d. For each question, we list the number of respondents for each choice, and the corresponding percentages. This is done both for the full set of questionnaires, and for the selected subset of 303 responses which are used in the next section of this analysis

Question	Answer	All responses	Selected 303	% All Responses	% selected 303
16	Yes	83	4	3%	1%
	Opt–out	236	24	8%	8%
	Opt–in	1054	113	37%	40%
	No	1488	145	52%	51%
	Total	2861	286		
17.a	Yes	1665	172	66%	67%
	No	850	85	34%	33%
	Total	2515	257		
17.b	Yes	1611	162	65%	64%
	No	862	92	35%	36%
	Total	2473	254		
17.c	Yes	1079	95	42%	36%
	No	1489	168	58%	64%
	Total	2568	263		
17.d	Yes	1173	121	49%	49%
	No	1223	125	51%	51%
	Total	2396	246		

It can be noted, that, with the exception of question 17.c ("As a user, would you welcome information from your chosen service provider?"), the results from the full set of responses lie within the 1σ–neighborhood of the results from the selected 303 questionnaires.

By−category analysis of multiple−choice questions

We now give by−category numbers of the answers given to multiple−choice questions.

Question 16

Question 16	yes	opt−out	opt−in	no	Total
commercial	28	79	389	540	1036
governmental	3	3	12	17	35
individual	23	59	374	535	991
isp	7	15	69	142	233
non−commercial	4	36	64	96	200
not stated	1	2	11	11	25
other	7	25	97	85	214
registrar−registry	10	17	38	62	127

Question 16	% yes	% opt−out	% opt−in	% no
commercial	3%	8%	38%	52%
governmental	9%	9%	34%	49%
individual	2%	6%	38%	54%
isp	3%	6%	30%	61%
non−commercial	2%	18%	32%	48%
not stated	4%	8%	44%	44%
other	3%	12%	45%	40%
registrar−registry	8%	13%	30%	49%
Min	2%	6%	30%	40%
Max	9%	18%	45%	61%

Question 16	% opt−in/no	% opt−out/yes
commercial	90%	10%
governmental	83%	17%
individual	92%	8%
isp	91%	9%
non−commercial	80%	20%
not stated	88%	12%
other	85%	15%
registrar−registry	79%	21%
Min	79%	8%
Max	92%	21%

For question 16, a by−category tabulation shows that individuals participating in the survey had the strongest demand for opt−in or better protection of their data, with 92%. This desire was lowest in the

non−commercial category of survey participants, where 80% demanded such protection. Opt−out approaches were most popular with non−commercial respondents (18%), and most unpopular with individual and ISP participants in the survey (6%). Permitting marketing and sales (the "yes" answer to this question) was most popular among governmental participants (9%), and most unpopular among non−commercial and individual participants.

Question 17.a

Question 17.a	yes	no	Total	% yes	% no
commercial	600	290	890	67%	33%
governmental	19	8	27	70%	30%
individual	564	305	869	65%	35%
isp	144	79	223	65%	35%
non−commercial	122	61	183	67%	33%
not stated	13	8	21	62%	38%
other	118	68	186	63%	37%
registrar−registry	85	31	116	73%	27%
Min				62%	27%
Max				73%	38%

Between 62% and 73% of respondents suggest that bulk access provisions should be maintained in the gTLD environment. This demand is strongest in the registrar−registry communities, and weakest with participants from the "not stated" category.

Question 17.b

Question 17.b	yes	no	Total	% yes	% no
commercial	580	298	878	66%	34%
governmental	17	9	26	65%	35%
individual	550	307	857	64%	36%
isp	138	79	217	64%	36%
non−commercial	112	69	181	62%	38%
not stated	14	7	21	67%	33%
other	120	61	181	66%	34%
registrar−registry	80	32	112	71%	29%
Min				62%	29%
Max				71%	38%

Between 62% and 71% of respondents suggest that bulk access provisions should be extended to apply to other TLDs. This demand is strongest with the registrar−registry communities, and weakest with the non−commercials.

Question 17.c

Question 17.c	yes	no	Total	% yes	% no
commercial	376	526	902	42%	58%
governmental	9	21	30	30%	70%
individual	359	543	902	40%	60%
isp	80	142	222	36%	64%
non–commercial	83	102	185	45%	55%
not stated	13	9	22	59%	41%
other	91	102	193	47%	53%
registrar–registry	68	44	112	61%	39%
Min				30%	39%
Max				61%	70%

Distribution of responses varies stronger than usual with this question: The registrar–registry group of respondents states with a statistically significant majority of approximately 60% that they would welcome information from the chosen service provider. Commercial respondents have a significant majority against receiving such material, as do governmental (70%; σ=8%), individual, and ISP users. The statistical value of the majority in the non–commercial group is questionable.

Question 17.d

For this question, results are listed including error margins.

| Question 17.d	yes	no	Total	% yes	% no	σ
commercial	415	415	830	50%	50%	2%
governmental	11	16	27	41%	59%	9%
individual	395	451	846	47%	53%	2%
isp	104	110	214	49%	51%	3%
non–commercial	90	87	177	51%	49%	4%
not stated	9	10	19	47%	53%	11%
other	100	76	176	57%	43%	4%
registrar–registry	49	58	107	46%	54%	5%
Min				41%	43%	
Max				57%	59%	

It does not seem possible to derive any results with strong validity from these results. Basically, all we can say is that half of the respondents suggest a change of bulk access provisions, and half of the respondents don't.

Analysis of free–form responses to question 17.d

The free–form part of the question was answered on 99 out of the 303 questionnaires whose free–form

responses were investigated by the task force's members. Of these responses, two could not be easily classified, and two more responses were garbled. Of those which could be classified according to the baskets listed above, 37 ended up in the "no bulk access or sale" basket, and another 43 were classified as "opt−in before any sale or bulk access". Seven respondents more specifically suggested no bulk access for marketing, and two respondents were categorized as "opt−in before marketing use". Nine respondents asked for improved opt−out, 7 generally asked for better privacy protection, and a no respondent suggested to relax the current restrictions.[5]

Classification of Free−Form Answers to Question 17.d
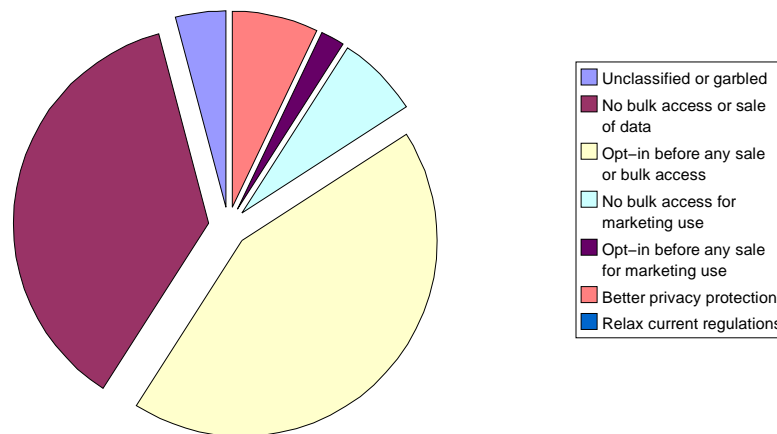
Calculating percentages, we find that 89% of responses looked at ask for opt−in or better protection of their data when marketing use is suggested. When those answers which specifically mention marketing use are left out of the picture, we still have 80% of responses looked at which ask for opt−in or better protection of their data.

An analysis of free−form answers to this question by category of respondent has not yet been performed. (Note that the statistical value of any conclusions derived from such an analysis would be fairly limited.)

Findings

Questions 16 and 17.d

A total of 89% of respondents, with the percentage varying between 79% and 92% in individual categories, ask for opt−in or better protection of their data when bulk access is concerned. This result is further confirmed by the evaluation of free−text responses to question 17.d, where 88% of responses

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5   http://www.dnso.org/clubpublic/nc−whois/Arc00/msg00214.html

analyzed favor opt–in protection (or no bulk access at all) over opt–out solutions or bulk access. It can safely be asserted that there is consensus across all categories of respondents that bulk access provisions should provide opt–in (or better) protection of personal data stored in the WHOIS system. This is in contrast with the current policy, which is based on registrants opting out of bulk access to their data. However, there is *no* consensus across categories of respondents when they are explicitly asked whether or not bulk access provisions should be changed: In fact, the picture we obtain from this question's results is one of indecision.

Since, however, question 16 gives a result of extraordinary clarity in response to a clear, simple, and specific question, the majority of the WHOIS task force concludes that the results from question 16 alone warrant the recommendation to review ICANN's WHOIS policy, with the consensus measured among survey participants in mind.

Note: The gTLD and non–commercial constituencies do not agree, at this point of time, with the conclusion stated in this section, and demand that further research be carried out before any conclusions can be stated.

Question 17.a

It can be safely stated that there is consensus across categories of respondents that bulk access provisions should be maintained in the gTLD environment.

Note: The gTLD and non–commercial constituencies do not agree, at this point of time, with the conclusion stated in this section, and demand that further research be carried out before any conclusions can be stated.

Question 17.b

It can be safely stated that there is consensus across categories of respondents that bulk access provisions should be extended to apply to other TLDs.

Note: The gTLD and non–commercial constituencies do not agree, at this point of time, with the conclusion stated in this section, and demand that further research be carried out before any conclusions can be stated.

Question 17.c

As a preliminary finding, it can be stated that the registrar–registry (and "not stated") groups of respondents have a strong tendency to welcome advertising information from the chosen service provider. On the other hand, strong majorities of governmental, commercial, individual, and ISP respondents clearly stated that they would not welcome such advertising.

While there is certainly no consensus across constituencies, it is worth noting that those who would actually receive the kind of advertising this question is about have typically indicated that they would not welcome it. On the other hand, registry and registrar respondents – that is, those who'd send out the advertising material – state that they would also welcome it "as a user".