

I. Introduction

A History and Mission

*By Marilyn Cade, Tony Harris, Tim Denton, and YJ Park
(Business, ISP, Registrars, and Non-Commercial Constituencies)*

[To be done]

B Participation in the Survey

*By Kristy McKee, Thomas Roessler, and Abel Wisman
(General Assembly)*

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.

Question 1 – Categories of Respondents

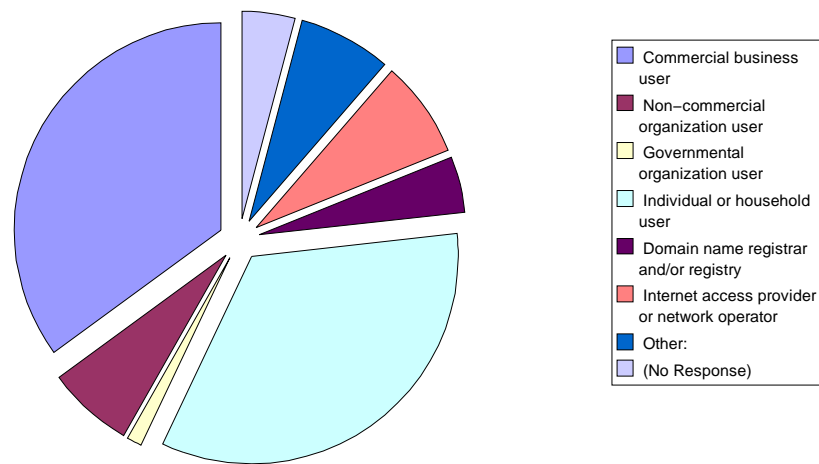
In the very first question, participants were asked to classify themselves into one of several categories:

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.

Question 2 – 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.

Question 3 – 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.

Question 4 – Use of WHOIS

Question 4 asked about respondents' use of the WHOIS system:

4. Which of the following most accurately describes the use of WHOIS that is *most important* to you or your organization:

- To determine if a specific domain name is unregistered/available?
- To find out the identity of a person or organization who is responsible for a domain name or web site I have encountered while using the Internet
- To support technical operations of ISPs or network administrators, including tracing sources of spam or denial of service attacks
- To identify the owner of a domain name for consumer protection or intellectual property protection purposes
- To gather names and contact information for marketing purposes
- To support government law enforcement activities (other than intellectual property)
- Other (please briefly describe)

Multiple responses to this question were accepted.

Question 4	availability	responsibility	technical	IP	marketing	law	other
Commercial	482	574	352	389	28	30	66
governmental	26	16	19	6		7	4
Individual	513	626	322	136	18	23	71
ISP	97	142	167	36	5	20	23
non-commercial	125	107	75	53	3	13	12
not stated	109	14	7	9	1	2	1
Other	140	97	49	117	8	12	31
Registrar-registry	48	73	50	34	5	7	11

The percentages in the following table use the total population of respondents for any given category as

the 100% reference totality. Since multiple responses were accepted, percentages will generally add up to more than 100%. In each row, the dominant use of WHOIS is marked in boldface.

Question 4 (percentages)	availability	responsibility	technical	IP	marketing	law	other
Commercial	45%	54%	33%	37%	3%	3%	6%
governmental	74%	46%	54%	17%	0%	20%	11%
Individual	50%	61%	32%	13%	2%	2%	7%
ISP	41%	61%	71%	15%	2%	9%	10%
non-commercial	60%	51%	36%	25%	1%	6%	6%
not stated	89%	11%	6%	7%	1%	2%	1%
Other	63%	44%	22%	53%	4%	5%	14%
Registrar-registry	37%	56%	38%	26%	4%	5%	8%

The dominant use of the WHOIS system among respondents is, in the commercial, individual, and registrar-registry categories, "to find out the identity of a person or organization who is responsible for a domain name or web site". Governmental respondents generally mention WHOIS as a means to find out about the availability of a domain, as do non-commercial, "not stated", and "other" respondents. ISP respondents mostly use WHOIS "to support technical operations of ISPs or network administrators". It's worth noting that non-IP law enforcement use is most frequently mentioned by governmental respondents (20%), followed by ISPs (9%) and non-commercials (6%). Also, almost 90% of respondents which did not assign any category to themselves mention "availability" as their most important use of WHOIS.

C Statistical Considerations

*By Thomas Roessler
(General Assembly)*

The number of participant per category of respondent (question 1) is, 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.

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.

It should also be noted that, unless stated otherwise, percentages given refer only to those who elected to answer a particular question, but not to the entire set of respondents from any given category.

D Method of Evaluation of Free-Form Questions

*By Thomas Roessler
(General Assembly)*

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 questions 8.1, 10, and 17.d were evaluated manually for a pseudo-random set of 303 responses.² 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 these and other free-form questions may be undertaken after the Ghana meeting.

Generally, in order to derive some statistics from free-form questions, the members of the task force agreed upon "baskets" which were used to classify responses.

During the course of the investigation of these free-form questions, it turned out that only 25 out of the 303 responses investigated had a free-form answer to question 8.1, and that 9 of these 25 responses did not fit into any baskets agreed upon. For this reason, no evaluation of the free-form part of question 8.1 is found in this report. The question will be revisited at a later point of time.

² <http://www.dns0.org/dns0/notes/20011221.Whois-survey-result.doc>

II. User Requirements and Experience (qq. 5–10)

*By Steve Metalitz, Laurence Djolakian, and Ken Stubbs
(Intellectual Property and Registrars Constituencies)*

A Questions Asked

Searchability

10. Should the publicly accessible WHOIS database allow for searches on data elements other than domain name?

- Yes
- No

If yes, please specify from fields A–I above that you think should be usable as search keys.

- A B C D E F G H
- I

Should other enhancements to searchability (e.g., Boolean searching on character strings) be provided?

- Yes
- No

If "Yes", how should the cost associated with such enhancements be paid for?

B Methodology of Evaluation

The free-form part of question 10 was investigated on the subset of 303 questionnaires described in the introduction to this document. In order to classify responses, the members of the task force agreed upon the following set of "baskets":

- no answer
- registrar or registry

- registrant's searcher
- donation
- governmental funding
- ICANN

Note that there is a well-defined mapping from the baskets defined here onto the choices given to respondents in question 15, which also deals with funding issues.

C Results of Evaluation

By-category analysis of multiple-choice questions

Question 10

Respondents' answers when asked whether the publicly accessible Whois database should allow for searches on data elements other than domain names can be found in the table below.

Question 10	yes	no	Total	% yes	% no
commercial	712	322	1034	69%	31%
governmental	23	11	34	68%	32%
individual	530	462	992	53%	47%
isp	147	85	232	63%	37%
non-commercial	134	65	199	67%	33%
not stated	17	10	27	63%	37%
other	163	52	215	76%	24%
registrar-registry	72	56	128	56%	44%
Min				53%	24%
Max				76%	47%

Respondents were also asked to select fields which should be usable as search keys. Multiple fields could be checked by respondents. In the first table below, we list the number of respondents from each category who checked a particular search key.

Question 10 (keys)	A	B	C	D	E	F	G	H	I
Commercial	470	432	381	397	274	284	492	415	414
governmental	19	20	16	17	7	7	17	13	13
Individual	344	342	307	292	180	198	304	256	257
isp	111	99	98	83	39	47	82	77	73
non-commercial	89	90	80	57	35	36	86	79	67
not stated	8	6	10	7	6	7	11	9	5
Other	105	94	87	85	62	64	122	101	103
Registrar-registry	43	41	36	36	17	18	37	30	32

For the percentages, note that the total number of respondents in each category is used as the 100% totality. Since multiple fields could be selected, percentages will generally add up to more than 100%.

Question 10 (keys; %)	A	B	C	D	E	F	G	H	I
Commercial	44%	41%	36%	37%	26%	27%	46%	39%	39%
governmental	54%	57%	46%	49%	20%	20%	49%	37%	37%
Individual	34%	33%	30%	29%	18%	19%	30%	25%	25%
Isp	47%	42%	42%	35%	17%	20%	35%	33%	31%
non-commercial	43%	43%	38%	27%	17%	17%	41%	38%	32%
not stated	7%	5%	8%	6%	5%	6%	9%	7%	4%
Other	47%	42%	39%	38%	28%	29%	55%	45%	46%
Registrar-registry	33%	32%	28%	28%	13%	14%	28%	23%	25%

Respondents' answers when asked whether other enhancements to searchability should be provided can be found in the table below.

Question 10 (Boolean)	yes	no	Total	% yes	% no
commercial	464	506	970	48%	52%
governmental	14	20	34	41%	59%
individual	338	603	941	36%	64%
isp	96	126	222	43%	57%
non-commercial	83	102	185	45%	55%
not stated	16	11	27	59%	41%
other	116	91	207	56%	44%
registrar-registry	37	81	118	31%	69%
Min				31%	41%
Max				59%	69%

Analysis of free-form responses to question 10

In this case, 214 out of 303 respondents did not answer the question. One response was garbled, 15 could not be easily classified, and two await translation.

Out of the remaining 71 responses, 18 said the registrar or registry should pay, 29 said the registrant should pay, and 21 said that search users should pay. 2 respondents suggested that some kind of donation should be used, and 1 respondent mentioned ICANN. Among those who could not easily be classified under the current basketing system, several mentioned advertising, the free software community, or alleged that there is no cost.

The task force may adjust the basketing system used for this question before the full set of submissions is attacked.

III. Uniformity in WHOIS access (qq. 11–15)

*By Miriam Sapiro, Ram Mohan, and Karen Elizaga
(gTLD registry constituency)*

A Questions Asked

11. Do you use WHOIS in ccTLDs?

- Yes
- No

12. Do you think that the data elements used in .com, .net, and .org should be available uniformly in country code top-level domains?

- Yes
- No

Why or why not?

Uniform data format to WHOIS

13. Do you support the concept of uniformity of WHOIS data format and services?

- Yes
- No

What, in your view, is the best way to achieve uniformity both in format and search capability across Whois services?

Centralized portal access to WHOIS

14. Do you support the concept of centralized public access to WHOIS – e.g., a "one-stop" point of WHOIS to access information:

- Yes
- No

a. Across .com/.net/.org?

- Yes

No

b. Across all gTLDs (i.e., including the new TLDs)?

Yes

No

c. Across all TLDs? (i.e., including country code TLDs)?

Yes

No

If appropriate, what, in your view, is the best way to achieve the level of centralized public access that you support?

15. Who should bear the cost burden of implementing centralized public access?

Those who use the service should pay for it.

It should be paid for by ICANN.

Registrars should support it as a public service

Should be part of the domain registration fee as it is today.

Other.

B Results of Evaluation

Question 11

Question 11	yes	no	Total	% yes	% no
commercial	588	406	994	59%	41%
governmental	17	15	32	53%	47%
individual	385	554	939	41%	59%
isp	172	54	226	76%	24%
non-commercial	110	83	193	57%	43%
not stated	17	9	26	65%	35%
other	115	93	208	55%	45%
registrar-registry	80	45	125	64%	36%
Min				41%	24%
Max				76%	59%

Question 12

The free-form part of question 14 has not yet been evaluated by the members of the task force.,

Question 12	yes	no	Total	% yes	% no
commercial	895	105	1000	90%	11%
governmental	30	4	34	88%	12%
individual	769	158	927	83%	17%
isp	205	25	230	89%	11%
non-commercial	162	32	194	84%	16%
not stated	26	2	28	93%	7%
other	190	16	206	92%	8%
registrar-registry	98	25	123	80%	20%
Min				80%	7%
Max				93%	20%

Question 13

The free-form part of question 13 has not yet been evaluated by the members of the task force.

Question 13	yes	no	Total	% yes	% no
commercial	946	71	1017	93%	7%
governmental	31	2	33	94%	6%
individual	881	79	960	92%	8%
isp	219	15	234	94%	6%
non-commercial	177	19	196	90%	10%
not stated	25	2	27	93%	7%
other	200	9	209	96%	4%
registrar-registry	111	14	125	89%	11%
Min				89%	4%
Max				96%	11%

Question 14

The free-form part of question 14 has not yet been evaluated by the members of the task force.

Question 14	yes	no	Total	% yes	% no
commercial	895	126	1021	88%	12%
governmental	26	7	33	79%	21%
individual	831	148	979	85%	15%
isp	185	47	232	80%	20%
non-commercial	171	30	201	85%	15%
not stated	23	5	28	82%	18%
other	195	19	214	91%	9%
registrar-registry	97	27	124	78%	22%
Min				78%	9%
Max				91%	22%

Question 14.a	yes	no	Total	% yes	% no
commercial	910	86	996	91%	9%
governmental	27	4	31	87%	13%
individual	836	103	939	89%	11%
isp	190	33	223	85%	15%
non-commercial	162	21	183	89%	11%
not stated	23	3	26	88%	12%
other	194	14	208	93%	7%
registrar-registry	105	14	119	88%	12%
Min				85%	7%
Max				93%	15%

Question 14.b	yes	no	Total	% yes	% no
commercial	875	105	980	89%	11%
governmental	23	7	30	77%	23%
individual	791	131	922	86%	14%
isp	189	32	221	86%	14%
non-commercial	160	25	185	86%	14%
not stated	19	4	23	83%	17%
other	190	15	205	93%	7%
registrar-registry	97	23	120	81%	19%
Min				77%	7%
Max				93%	23%

Question 14.c	yes	no	Total	% yes	% no
commercial	849	135	984	86%	14%
governmental	23	8	31	74%	26%
individual	755	167	922	82%	18%
isp	175	48	223	78%	22%
non-commercial	157	29	186	84%	16%
not stated	20	4	24	83%	17%
other	188	17	205	92%	8%
registrar-registry	86	35	121	71%	29%
Min				71%	8%
Max				92%	29%

Question 15

Question 15	Users	ICANN	Registrars	Registrants	Other	Total
commercial	96	96	246	552	28	1018
governmental	1		7	24	2	34
individual	66	84	251	526	38	965
isp	9	22	67	124	6	228
non-commercial	13	15	35	122	11	196
not stated		5	8	13		26
Other	13	14	49	120	16	212
Registrar-registry	17	13	24	59	10	123

Question 15 (percentages)	Users	ICANN	Registrars	Registrants	Other
commercial	9%	9%	24%	54%	3%
governmental	3%	0%	21%	71%	6%
individual	7%	9%	26%	55%	4%
isp	4%	10%	29%	54%	3%
non-commercial	7%	8%	18%	62%	6%
not stated	0%	19%	31%	50%	0%
Other	6%	7%	23%	57%	8%
Registrar-registry	14%	11%	20%	48%	8%
Min	0%	0%	18%	48%	0%
Max	14%	19%	31%	71%	8%

IV. Marketing and Bulk Access to WHOIS Data (qq. 16, 17)

*By Kristy McKee, Thomas Roessler, and Abel Wisman
(General Assembly)*

A 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.

B 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 Registrar Accreditation Agreement at sections 3.3.6 and following³, *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

³ <http://www.icann.org/registrars/ra-agreement-17may01.htm#3.3.6.3>

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.

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)?⁴

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?

C 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 on the pseudo-random set of 303 responses described in the introduction to this report. An analysis of the full set of answers to question 17.d may be undertaken after the Ghana meeting.

⁴ 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.

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:

- 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

D 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 1 σ -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 stricter 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–commercial.

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%; $\sigma=8\%$), 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%	

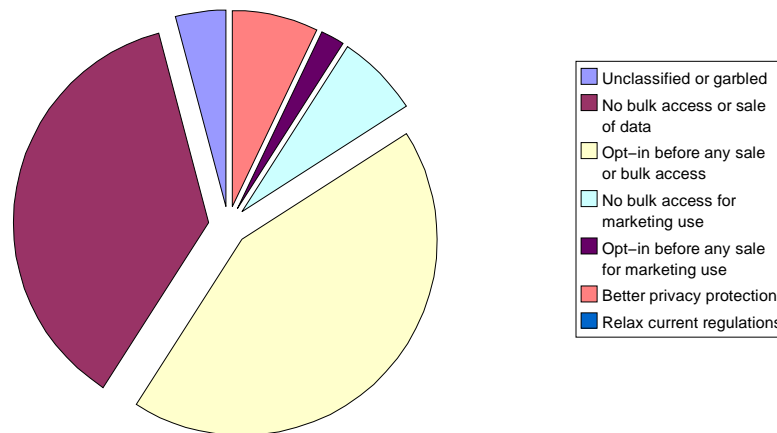
It does not seem possible to derive any results with strong validity from these results. Basically, all we can say is that half of the respondents suggest a change of bulk access provisions, and half of the

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, 2 could not be easily classified, and 2 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". 7 respondents more specifically suggested no bulk access for marketing, and 2 respondents were categorized as "opt-in before marketing use". 9 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 the 99 free-form responses looked at ask for opt-in or stricter 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 stricter 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.)

⁵ <http://www.dns0.org/clubpublic/nc-whois/Arc00/msg00214.html>

E Findings and Discussion of Results

Questions 16 and 17.d

A total of 89% of respondents to question 16, with the percentage varying between 79% and 92% in individual categories, ask for opt-in or stricter 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 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 stricter) 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. 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 respect to bulk access, with the consensus measured among survey participants in mind. It has been pointed out by members of the task force that question 16 may have been too broad in that it covers mandatory sale of WHOIS data (for instance for the provision of search services), marketing use, and registrars marketing their data. A hint at the interpretation of the results may be derived from the free-form answers to question 17.d, where only 9% of respondents asking for opt-in or stricter protection specifically mentioned marketing use of their data, and 80% of respondents generally suggested such protection for personal data contained in the WHOIS database. This interpretation problem is expected to be the topic of further discussion within task force.

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.

However, it should be noticed that the question's wording may leave room for ambiguity: The question

talks about *these* bulk access provisions, as described in the preceding text. During a task force discussion, one member understood the question to mean that "some kind" of bulk access provision should be maintained, while another member suggested that the question means that the specific bulk access provisions described on the questionnaire should be maintained. The conclusion stated in this report is implied by both interpretations of this answer. More specific conclusions may be derived after further discussion within the task force.

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. Once again, it should be noticed that the question mentions *these* bulk access provisions, which may have been ambiguous to respondents; once again, the conclusion made in this report is backed by both interpretations, and may be refined after further discussion within the task force.

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".

V. Third Party Agents (qq. 18, 19)

*By Troy Dow, Bret Fausett, and Oscar Robles-Garay
(Business and ccTLD Constituencies)*

[Conclusions and a nicer headline ;-) to be done.]

A Questions Asked

Question for registrars, ISPs, and hosting companies

18. Where non-disclosure of the name and address is requested by the Domain Registrant, the ICANN Accreditation Agreement allows for a name and address of a third party to be used where the third party has an agreement with the Registrant, does your company offer this service to its customers?

- Yes
- No

Question for the public

19. To protect your privacy if you were offered the opportunity to use the name and address of a third party to act as your agent, would you register domains in the name of the third party rather than your own name.

- Yes
- No

B Results of Evaluation

Question 18

Question 18	yes	no	Total	% yes	% no
commercial	115	248	363	32%	68%
governmental	2	9	11	18%	82%
individual	63	155	218	29%	71%
isp	88	128	216	41%	59%
non-commercial	14	50	64	22%	78%
not stated	3	7	10	30%	70%
other	32	38	70	46%	54%
registrar-registry	45	42	87	52%	48%
Min				18%	48%
Max				52%	82%

Question 19

Question 19	yes	no	Total	% yes	% no
commercial	361	574	935	39%	61%
governmental	21	12	33	64%	36%
individual	455	463	918	50%	50%
isp	85	131	216	39%	61%
non-commercial	67	118	185	36%	64%
not stated	14	15	29	48%	52%
other	93	90	183	51%	49%
registrar-registry	46	62	108	43%	57%
Min				36%	36%
Max				64%	64%

VI. Other Comments (q. 20)

A Questions Asked

Question 20 asked respondents for free-form answers to a variety of questions.

Please consider the following:

20a. What, in your view, is the most important personal privacy interest applicable to the WHOIS database?

20b. What, in your view, is the most important consumer protection interest applicable to the WHOIS database?

20c. What, in your view, is the most important law enforcement interest applicable to the WHOIS database?

20d. What, in your view, is the most important interest with respect to protection of minors applicable to the WHOIS database?

20e. What, in your view, is the most important network operational interest applicable to the WHOIS database?

20f. What, in your view, is the most important competitive or economic interest applicable to the WHOIS database?

20g. What, in your view, is the most important interest with respect to intellectual property rights that is applicable?

20h. What other interests, besides those listed above, should be considered with regard to the WHOIS database?

Free text area for any other comments:

B Method of Evaluation

The evaluation of the results from this question (which obviously requires human attention) has not yet been undertaken by the members of the task force, and is on the Task Force's post-Ghana agenda.

VII. Final conclusions

[In this version of the report, or still later?]

VIII. Task Force Members

[to be done]