



**COMMENT OF THE INTELLECTUAL PROPERTY CONSTITUENCY ON
THE PROPOSED IMPLEMENTATION OF GNSO THICK RDDS (WHOIS)
TRANSITION POLICY FOR .COM, .NET AND .JOBS**

The Intellectual Property Constituency (IPC) of the GNSO appreciates this opportunity to comment on the Proposed Implementation of GNSO Thick RDDS (Whois) Transition Policy for .COM, .NET and .JOBS. See <https://www.icann.org/public-comments/proposed-implementation-gnso-thick-rdds-whois-transition-2016-10-26-en> .

IPC has long advocated for a thick Whois architecture across all gTLD registries, has submitted numerous public comments on this topic, and has participated actively in both the Policy Development Process working group that led to adoption of this policy, and in the implementation group that has followed it. We commend the Implementation Review Team and the ICANN staff for producing the transition implementation plan now under consideration. We urge that it be approved and put into effect as soon as possible. Even so, our support is accompanied by frustration, because even as the finish line of this initiative comes into view in the distance, we remain acutely aware of the unacceptably slow pace that ICANN has set.

The GNSO first requested an issue report on the question of thick Whois for all gTLD registries almost 63 months ago, on September 22, 2011. The Policy Development Process on this issue commenced 57 months ago, on March 14, 2012. The PDP led to a final report published 38 months ago, on October 21, 2013, and the policy itself was unanimously adopted by the ICANN Board more than 34 months ago, on February 7, 2014.

The document now under consideration foresees that the full transition of the three remaining gTLD thin registries, all of them operated by the same company, to the thick Whois architecture will not occur until February, 2019. In other words, thick Whois for all gTLD registries will not become a reality until:

- 7 1/2 years after the GNSO formally took up the issue;
- nearly 5 1/2 years after the final report of the PDP working group was issued; and
- a full five years after the policy development process was completed with the unanimous adoption by the Board of a universal thick Whois requirement as a consensus policy.

IPC acknowledges that the transition to thick Whois, especially in the case of very large registries such as .com and .net, involves some complex issues and should be approached with care. But for the process to stretch over three-quarters of a decade, and for implementation of the policy with respect to only three registries to take twice as long as the entire process of developing and approving the policy, is indefensible. This is especially true since one company,

which already has considerable experience in running thick Whois registries, operates all three remaining thin registry gTLDs.

Once the transition plan has been fully implemented, IPC would advocate for an independent review of why the entire process took so long and what can be learned from this saga. Such a review is necessary if ICANN is to retain any credibility as a forum in which the multi-stakeholder community not only can develop policy, but can also see it implemented, within time frames suitable for the important tasks that have been assigned to the organization.

In the meantime, if ICANN is serious about outreach efforts to involve new participants into the organization – including participants from the business and professional sectors – it should recognize that the glacial pace of policy implementation is a huge deterrent to its efforts. If we are honest enough to tell people that it will take many years or even decades in order to achieve an important but specific improvement such as thick Whois, then it is entirely rational for many potential participants simply to decline, and to spend their finite time and energies elsewhere. ICANN needs to face up to this problem.

Respectfully Submitted,

Intellectual Property Constituency