



VERISIGN[®]

September 21, 2018

VIA EMAIL

Akram Atallah
President, Global Domains Division
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Dear Akram:

We are writing to request an extension of the current implementation deadlines under the Thick WHOIS Consensus Policy (“Thick WHOIS Policy”). Under the current implementation plan, the optional milestone deadline for registrars to begin voluntarily submitting thick registration data to Verisign is November 30, 2018, the deadline for registrars to submit all new domain name registrations to Verisign as thick is April 30, 2019, and the deadline to complete the migration for all existing .com and .net domain name registrations is January 31, 2020.¹ Although Verisign has completed all technical and operational work necessary to begin accepting thick data from registrars in November, we believe a one-year extension of the current deadlines is necessary.

First, the contractual changes necessary to implement the Thick WHOIS Policy are not completed and, as a practical matter, will not be completed in time to meet the November 30 deadline established under the current implementation schedule. Under the current timeline established pursuant to ICANN’s Procedure for Consideration of Proposed Amendments to gTLD Registry-Registrar Agreements (“Amendment Procedure”), the Registrar Stakeholder Group (“RrSG”) has until October 3, 2018 to respond to updated changes to our proposed amendments to the .com and .net registry-registrar agreements. In the event any concerns are expressed by the RrSG, the Amendment Procedure calls for a subsequent “consultation” period of indeterminate length between ICANN, Verisign and the RrSG, followed by an additional RrSG review period of 15 days. While we hesitate to comment on the RrSG’s possible response, particularly given that the ongoing work of the EPDP and the fact that any permanent Consensus Policy for WHOIS is very likely to supersede or at least inform any contractual changes to the registry-registrar agreements, which we address below, we believe the consultation period and subsequent RrSG review period is likely to occur, making it impossible for Verisign to comply

¹ See ICANN Board, *Resolution 2018.05.13.06* (May 13, 2018).

with the notice requirements in our registry-registrar agreements prior to the November 30 deadline.

Second, ICANN is aware of the ongoing work by the community on the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data (“EPDP”) to formulate a permanent Consensus Policy for WHOIS, or its replacement, within the one-year effective date of the Temporary Specification. That work includes, among other items, consideration by the EPDP of what WHOIS data registrars should be required to collect, what WHOIS data registrars should be required to transfer to registry operators and for what legitimate purposes both registrars and registry operators should process WHOIS data.

With these (and other) core questions regarding the collection, transfer and processing of WHOIS data currently under consideration by the EPDP, we believe adhering to the current implementation deadlines for the Thick WHOIS Policy and migrating massive amounts of WHOIS data associated with .com and .net during the pendency of the EPDP’s work would add complexity and risk to the compliance situation at a critical time for the community’s work to remove the current uncertainties about the collection, transfer and processing of WHOIS data.² We believe the thick WHOIS transition for .com and .net should not occur until the compliance situation becomes clear and the work of the community and ICANN to formulate a permanent Consensus Policy for WHOIS is complete.

As a result of the uncertainties arising from the ongoing work of the EPDP, and the related unfinished contractual changes and practical timing considerations, as described above, we are requesting that ICANN extend all dates in the current implementation plan for the Thick WHOIS Policy by one year, to coincide with the time-frame for the community to formulate a permanent Consensus Policy to replace the Temporary Specification and any necessary corresponding implementation review and contractual modifications resulting from that Consensus Policy. We are seeking an extension of the current implementation deadlines now, rather than waiting until October 3rd for the RrSG’s response, due to the timing of the upcoming ICANN Board of Directors meeting in mid-October prior to ICANN 63. It is our understanding that materials for consideration at that meeting must be delivered to the ICANN Board two weeks in advance. Thus, in order to ensure ICANN staff has sufficient time to consider this extension request and, if appropriate, seek ICANN Board approval, we are delivering this extension request now.

² Based on the current EPDP schedule, the November 30, 2018 Thick WHOIS Policy deadline falls squarely within the public comment period of the EPDP’s Initial Report, a period of time when the community and European data protection regulators will be considering the EPDP’s recommendations regarding a permanent Consensus Policy with respect to WHOIS. The April 30, 2019 Thick WHOIS Policy deadline, in turn, appears to fall within the time period allotted for the ICANN Board’s consideration of the EPDP’s Final Report.

September 21, 2018
Page -3-

Thank you for your consideration of this important matter.

Sincerely,



Patrick S. Kane
Senior Vice President, Naming
VeriSign, Inc.

CC: Karla Hakansson, ICANN
Cyrus Namazi, ICANN