



The Internet Corporation for Assigned Names and Numbers

24 March 2017

Mr. Bryan T. Meehan, Sr.  
President  
Hi-Tech Business Systems  
9008 Yellow Brick Rd, Suite E  
Baltimore, MD 21237-5606

Dear Mr. Bryan T. Meehan:

Thank you for your letter of 19 February 2017 regarding WHOIS privacy services. I have forwarded your letter to ICANN Contractual Compliance; please find their response attached. The letter and response will be published to the ICANN Correspondence page: <https://www.icann.org/resources/pages/correspondence>.

Should you have any further questions on this matter, please do not hesitate to contact to ICANN Contractual Compliance at [compliance@icann.org](mailto:compliance@icann.org).

Sincerely,

Göran Marby  
President & CEO ICANN

Attachment: Response to Bryan T. Meehan letter of 19 February 2017



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 President  
 Hi-Tech Business Systems  
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 Baltimore, MD 21237-5606

Dear Mr. Meehan.

Thank you for your correspondence.<sup>1</sup>

The information below addresses your points and provides you with an update on different initiatives at ICANN.

Unfortunately, ICANN does not have contractual authority to address complaints concerning unsolicited commercial email, better known as spam. You may elect to contact the law enforcement agencies, consumer protection agencies, quasi-governmental agencies of the country where the entity is established or maintains a physical presence, or seek legal advice from an attorney. Some resources available to you could include consumer protection entities such as the International Consumer Protection and Enforcement Network ([www.icpen.org](http://www.icpen.org)) or the US Federal Trade Commission ([www.ftc.gov](http://www.ftc.gov)).

Section 3.3 of the 2013 Registrar Accreditation Agreement (RAA) requires registrars to provide free public access to Whois data (also referred to as gTLD registration data and directory services or RDDS) for all registrations under management. As detailed in Section III of the [Final Report from the Expert Working Group on gTLD Directory Services](#) (EWG's Final Report),<sup>2</sup> there are a number of legitimate users and purposes of public RDDS, including businesses, technical staff, and law enforcement agencies.

Your letter additionally references Sections 3.3.6.3 and 3.3.6.5 of the 2013 RAA. The 2013 RAA eliminated the requirement in the 2009 RAA for registrars to provide third-party bulk access to RDDS. Per Section 3.3.6 of the 2013 RAA, registrars will need to provide this bulk access if based upon an economic analysis conducted by ICANN, it is determined that an entity or individual is able to exert market power. In July 2013, the [2013 RAA: Summary of](#)

<sup>1</sup> See <https://www.icann.org/en/system/files/correspondence/meehan-to-marby-19feb17-en.pdf>

<sup>2</sup> See <https://www.icann.org/en/system/files/files/final-report-06jun14-en.pdf>



[Economic Analysis Supporting Removal of Bulk Whois Access Provision](#) found that it is unlikely that this will occur in the near future. Registrars are thus not obligated to provide bulk RDDS access service.<sup>3</sup> This is one of sections of the 2013 RAA that protects RDDS data and personally identifying information more than the 2009 RAA.

In January 2017, ICANN convened a working group to understand the need to define the purpose of collecting, maintaining and providing access to RDDS, and to consider safeguards for protecting data, using the recommendations in the EWG's Final Report as input (if appropriate), to create new ICANN policy. More information regarding this effort is at the [PDP on Next-Generation gTLD Registration Directory Service \(RDS\)](#) webpage.<sup>4</sup>

As to the privacy or proxy services, Registrars may provide privacy or proxy services at their discretion under the Specification on Privacy and Proxy Registrations of the 2013 RAA. Registrars are not obligated by the 2013 RAA to provide either privacy or proxy services. However, the pricing for privacy and proxy services as well as the pricing for domain name registration and related services are outside of ICANN's scope.

ICANN is also in the process of creating an accreditation framework for privacy and proxy service providers through the [Privacy/Proxy Services Accreditation Implementation](#).<sup>5</sup> Several issues will be considered, including feedback from governments, law enforcement, and consumer protection agencies, however pricing is not part of this framework.

As for the alleged non-compliance by the registrar GoDaddy.com, LLC., please submit a complaint at ICANN.org at this link <https://www.icann.org/compliance/complaint>.

To contact us, please email [compliance@icann.org](mailto:compliance@icann.org).

Sincerely,  
ICANN Contractual Compliance

<sup>3</sup> See

<https://community.icann.org/display/RAA/Negotiations+Between+ICANN+and+Registrars+to+Amend+the+Registrar+Accreditation+Agreement+Concluded?preview=/30344497/42894593/Summary%20of%20J%20Wright%20research%20re%20bulk%20whois1.doc>

<sup>4</sup> See <https://gnso.icann.org/en/group-activities/active/rds>

<sup>5</sup> See <https://www.icann.org/resources/pages/ppsai-2016-08-18-en>