IE Domain Registry CLG
trading as .IE

**Policy Advisory Committee – PAC #31
Minutes – 26 May 2022 Meeting**

.ie We are
Ireland online

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Minutes of the PAC, #31 Meeting held on 26 May 2022

Meeting Location: Hybrid meeting. Spencer Hotel, Dublin 1 for in-person attendees.

Meeting Time: Called to order at 11:00 am by the PAC Chair.

Members and representatives present:

Chair
CyberSafeKids
Department of Environment, Climate & Communications (DECC)
.ie Accredited Registrar (Blacknight)
.ie Accredited Registrar (Register Group)
.ie Accredited Registrar (MarkMonitor)
.ie Accredited Registrar (FCR Media)
Irish Reporting & Information Security Service (IRISS)
IE Domain Registry CLG t/a .IE
Small Firms Association

1. Memberships Matters

Apologies – Members not present:
- Association of Patent and Trade Mark Attorneys (APTMA) – pre-arranged
- Enterprise Ireland – pre-arranged
- Law Society of Ireland – pre-arranged
- Internet Service Providers Association Ireland (ISPAI) – pre-arranged
- Department of Enterprise, Trade and Employment (DETE) – pre-arranged
- HEAnet
- Irish Computer Society (ICS)

The Chair welcomed Mr Peter Hogan, the new PAC representative from the Department of the Environment, Climate and Communications (DECC).

2. Minutes from the PAC #30 meeting

The Chair confirmed that the Minutes from the 24 February 2022 PAC #30 meeting will be published online following the meeting (available here http://www.iedr.ie/policy-development-process/). Accordingly, the minutes will be digitally signed by the Chair.

The Chair reminded the PAC that the draft Minutes of today's meeting will be circulated to the membership following the meeting.

3. Matters arising

3.1 Technical abuse – Netcraft service stats

The CEO of .IE reminded members that the Netcraft service is in place so that collectively we can help innocent victims of technical abuse, to find out if their .ie websites were impacted, and collectively, do what we can to assist them in removing the harmful software. Registrars are the key success factors in this work.

The .IE Chief Information Officer (CIO) updated the PAC on the latest metrics from Netcraft. They explained that there has been an increase in attacks since the start of the year, specifically in domain attacks. It was noted that notifications may differ, if it is believed that the attacker may be in full control.

We understand that Netcraft may have data on these types of attacks from other countries and the Registry has requested some additional information on this data. The .IE CIO reiterated that Netcraft is adding value by helping to keep the .ie namespace 'clean'.

They concluded by saying that there have been 275 takedowns since January 2022 with 761 attacks handled. They agreed to request and share some of the additional data behind the takedowns and attacks handled with members.

4. Handling of online abuse which uses the .ie namespace

4.1 Criminal abuse - illegality online – GNCCB update

The Registry confirmed that an agreement was reached with the Garda National Cyber Crime Bureau (GNCCB) on the Suspension Request Protocol document. There was a key engagement at a meeting on 10 March 2022 where a mutual understanding and due process was agreed upon. The GNCCB's agreement was confirmed by email on 17 May 2022. The Registry confirmed that there is a lot of common ground and goodwill with the GNCCB.

It was noted that the plain English nature of the 17 May email confirmation indicated that they clearly understood the substance and detail of the protocol.

There are four other Garda units, including the Criminal Assets Bureau (CAB) that we would like to extend the protocol to, and having a working model in place will help with this.

The next steps are:
- Communication with wider registrar channel
- Create a list of contact phone numbers for Registrars / .IE / Garda to be created and shared
- Publicity for the Co-operation Agreement – we haven't publicised the launch of Netcraft. Now we have an opportunity to speak about the protocol and Netcraft.
- Awareness building with GNCCB professionals – it's important that members of the GNCCB know where to go if they have an issue.
- Single points of contact (SPOC) – who is the go-to person for Registrars / .IE / Garda.
- Embedding 'The Process'

The Chair questioned if there was a plan in place to have regular contact between the single points of contact. The Registry confirmed that there wasn't but it's something that can be arranged. One of the Registrar representatives suggested that the annual .IE Registrar Day might be the right forum for engagement with the GNCCB. There was consensus for this – the Registry agreed to arrange an invitation for the next Registrar Day in Q4.

4.2 Consideration of new .IE anti-abuse policy?

The theme for this agenda item - is it time for the Registry to introduce a formal Anti-Abuse policy?

As was discussed at PAC #30, this topic is on the International agenda. It's getting a lot of attention at ICANN and at EU level. At the moment the Registry does not have a formal policy in place. There are provisions made for this in the existing Registrar agreement, and Security issues are referred to in the Registration and Naming Policy. In the Registrar Agreement, which is a legal document between the Registrar and Registry, power is retained to deal with domains that are abusers of the law.

The Registry is proposing the creation of a new .IE anti-abuse policy. To move it to the next stage, the Registry is suggesting forming a working group to consider the requirement for a formal policy and to make a recommendation to the PAC so it can issue a recommendation to the .IE board. Currently, there is no standard practice for ccTLDs but there are emerging actions and potential guidelines.

A PDP New Policy Template has been put forward by the Registry with a view to creating a working group to consider the matter. The Chair led the ensuing discussion where the following points were made:

- A Registrar representative noted that:
  - The formal terms for gTLDs are weak – there are only two clauses which refer to what needs to be done with law enforcement and consumer protection; and the obligation for Registrars to investigate and respond appropriately.
  - Engagement with the Internet Jurisdiction project would be useful.
- The Registry reminded members that any policy change would follow the usual 10 step process (PDP). At the Chair's request, the Registry gave an overview of the 10 step process (PDP). It described how the process goes from a proposal being received, to when it is discussed by the PAC, and they decide whether a working group or public consultation is required. From there, the PAC considers the options and builds consensus around the proposal specifics and how it can be implemented. Then it goes to the .IE board for approval and it moves to the implementation phase once it's approved. The .IE board has never rejected a policy proposal recommended by the PAC.
- A Registrar representative requested that the creation of the working group is deferred by a few months. They understand that they are other things happening imminently that may have an impact on this topic.
- The same Registrar representative noted that there is incoming legislation, specifically around dealing with terrorist content, which is coming in July. They noted that it is aimed at platforms and hosting providers, and will possibly have an impact on this topic.
- The Chair agreed to defer this topic until PAC #32.

5. NIS 2.0 – Role for the PAC?

5.1 Updates from the EU legislative process & Trilogue negotiations

The registry updated members on what has happened since the last PAC meeting in February. The final stage of Trilogue negotiations took place on 12 May 2022. So far, there hasn't been an official EU response except to say that an agreement has been reached between the three parties. We are closely watching the outcome for several key reasons. One was the proposal by the parliament to force the industry to verify domain holder information at the point of registration. The point has been made that this could be potentially ruinous for Registrars. Another was the scope of the legislation. A lot of Registrars are small SMEs and don't have the staffing or resources to deal with the level of regulatory compliance that is being proposed. There were other potential obligations within, regarding domain name information being accurate and up to date, which is an expensive and resource-heavy burden.

Some information has been provided by rapporteurs from the Trilogue negotiations. Some positive proposed edits from the Council draft are listed below:
- Article 23 - dilutes "Verification"
- Less conflict with GDPR in Whois proposals
- Scope – it only applies to medium-sized companies which excludes the majority of smaller Registrars.
- Data Access being mandated for 'legitimate access seekers' – no further elaboration on a definition. We will have to wait on an official response.
- The Member States would have 21 months to transpose
- Member States shall "require" Vs shall "ensure" - it's stating the Member States shall be required to do certain things rather than the Member States shall ensure certain things are done.

The Registry conclude that this phase of the negotiation has been (relatively) positive so far. There is a sense of realism emerging around what Registries/Registrars can and cannot do.

5.2 NIS 2 impact assessment and roadmap for Ireland

Member States will have 21 months to implement the directive once it has been brought through Parliament. At this point, they are still working through some processes so the earliest it can be ratified is August 2022 but it's looking more like September 2022. It comes into law 30 days after it is published in the official journal of the European Union which gives us a closing date of July 2023. That is the rough timetable, but there will be

many touch points on the subject matter as the first draft of the legislation is released and as the Irish Government indicates its approach.

One of the Registrar representatives stated that they would like to see proper engagement with the relevant Government departments. They would not like to see what happened in South Africa being repeated, where they changed many important policies without engaging with the channel. The Registry confirmed that there is a representative from the DECC on the PAC. The department has indicated that they are in a wait and see mode as well and they cannot move forward until they have seen the first draft of the legislation. The department also confirmed that they are committed to working with the Registry and Registrars to transpose the legislation.

5.3 Cyber Security awareness-building & timing

The Registry is in a position to coordinate and provide solid leadership to the Registrar channel but also to educate Stakeholders and SMEs on the legislation.

The Chair questioned if there are any ongoing surveys by Stakeholders to find out if SMEs are aware of the upcoming legislation. This was something they did for GDPR. One of the Registrar representatives suggested that there wasn't. The PAC representative from IRISS confirmed that the topic is being discussed at security conferences and events but it's not being widely discussed.

One of the Registrar representatives suggested that the first step is to raise awareness amongst .IE Registrars. They are concerned that smaller Registrars aren't aware of what is coming. The Registry noted that it has relationships with organisations such as Retail Excellence and could give their members access to a forum to educate them on cyber security. Also noted that SFA is a member of the PAC, and its representative can liaise with the mothership.

There was consensus to wait for the final NIS 2 regulation to be released before we decide on the next steps.

6. Any Other Business

6.1 Proposed EU framework to protect the Intellectual Property for craft and industrial products (e.g. Donegal Tweed).

There is a new EU framework coming to protect Intellectual Property in several small industry sectors such as craft and food products. This is something that may require a new domain name information and alert system. For example, if passed if someone were to register a domain name relating to Donegal Tweed, its envisaged that a domain name alert system would let them know, so they can take action. This framework is on the agenda at the next CENTR meeting in June (CENTR is the organization that represents Internet Country Code Top-Level Domain Registries (ccTLDs) at a European level). The Registry will attend the meeting and report back at the next PAC meeting.

6.2 Critical Entities resilience (CER) Directive

In relation to the CER Directive, the Registry noted that there is some consistency across the regulations coming from NIS 2.0. There may be further requirements for the domain sector coming from this CER, so it is positive to see consistency at European level before it hits the National Legislative forums.

7. Next Meeting

The provisional date for the next PAC #32 meeting has been set for Thursday 28 July 2022.