.IE
Domain
Registry
Limited

IEDR POLICY DEVELOPMENT PROCESS (PDP)
FOR THE .IE NAMESPACE

17 MAY 2011

PDP Working Group | Sara Lotfalizadeh

Contents

1. **INTRODUCTION:**

In December 2010, the IEDR announced that a working group would be formed with Stakeholders with the objective of developing a formal Policy Development Process (PDP) for the .ie namespace. It was announced that once agreed, the PDP will be submitted to the Policy Advisory Committee (PAC) for approval.

The Policy Advisory Committee has not yet been formed. The Terms of Reference (ToR) for a Policy Advisory Committee (PAC) were agreed in Q4 2008 and published on the Registrar Discussion Forum (RDF) in Q1 2009. The ToR provides that the PAC shall be a consultative and advisory body to IEDR and will deal with questions and issues relating to the operation of the .ie ccTLD. Other terms include:-

- The PAC may convey advisory views or submissions on policy matters to IEDR. All advice given by the PAC will be objective and in the best interests of the Irish Internet community.
- The PAC shall be autonomous in regard to its agenda and to the subject matter of its policy advisory recommendations.
- IEDR may refer any policy issue to the PAC for its consideration. Recommendations of the PAC shall be of persuasive authority and IEDR shall have due regard to them.
- Otherwise than as provided by the Terms of Reference, the PAC may regulate its activities as it sees fit.

The proposal for Chairman of the PAC was sent to ComReg as provided for in the ToR. A decision from ComReg is still awaited at the time of writing. In view of the extended delay, and in order to make progress in the interim, the PDP working group has been formed.

While the primary objective for this Working Group was to develop the present formal Policy Development **Process (PDP)** for the .ie namespace, it also has the task of determining how the proposed PDP could be applied to imminent policy questions, such as for example:

(a) Policy change proposal to release two letter .ie domains,
(b) The policy/process for making IDNs available in the .ie namespace,
(c) Policy change proposal to relax the rules for Personal .ie domain names, and
(d) Policy change proposal to permit a secondary market in .ie domain names.

On Monday 16th May 2011, the discussion process and call for public comments was closed and the following was deemed accepted.

2. **IEDR Policy Development Process for the .ie namespace**

The present document constitutes to formal PDP for the .ie namespace. It is the result of the WG meeting and discussions. The proposal has also been submitted for public comments on the IEDR website.

2.1   **PDP Principles**

All policies for the .ie namespace will be developed following **three principles:** open, transparent and bottom-up.

1. Open

Anybody can propose a policy change - The Public, The PAC, The IEDR, ComReg. All policies are developed in an open forum in which anyone may participate.

2. Transparent

All aspects of the PDP will be documented and publicly available via the IEDR website.

3. Bottom Up

Policies should be developed by the .ie community from the bottom up. The community may initiate proposals; the working group develops the proposals into draft policies which are then discussed by the community.

The IEDR can also propose a Policy change, which will go through the same PDP channel as any other proposal.

2.2   PDP definitions

The PDP will refer regularly to policies, procedures and process. These notions are defined below for a better understanding of the PDP.
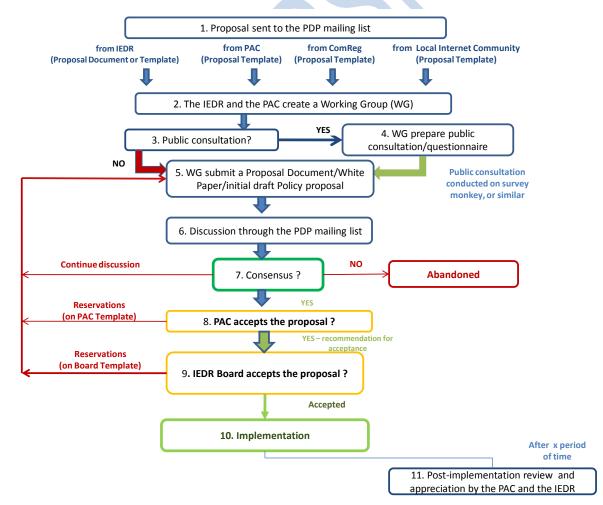
> .ie namespace "Policy" is defined as "a high-level overall plan embracing the general goals, rules and acceptable processes and procedures which govern the operation of the .ie namespace."
>
> .ie namespace "Process" is defined as "the series of procedures followed in a regular definite order, in implementing an element or segment of the Policy".
>
> .ie namespace "Procedure" is defined as as "the series of steps in a Process, followed by the Registry/Registrar/Registrant in a regular definite order, in implementing the Policy".

In overall terms, the three may be considered as follows: - A process will define what needs to be done to implement a Policy e.g. the registration of the .ie domain. A process may define standards, guidelines and activities. Procedures are defined as part of processes. A procedure describes how the activities of the process are to be performed. A procedure describes "how to" or step-by-step instructions that implement the process and how the steps are to be performed for the process to fulfil a customer's requirements.

2.3   Policy Development Process Model – Flowchart of the 10 step PDP

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2.4   Explanatory Notes

1. **The proposal is posted to the IEDR PDP-WG mailing list for discussion.**

   The policy-wg mailing list is open to anyone from the community at all times, and anyone can join the list for discussion. The PAC will be part of the mailing list so will be able to see all incoming proposals.

   Any proposal to change policy must be supported by completion of the Proposal Template (Appendix A) which will be published and communicated to stakeholders via the PDP mailing list and RDF.

   In principle, all incoming proposals should be reviewed and taken into consideration. Any filtering should be limited to identifying and excluding proposals which are not related to a policy change (but to process or procedure) or are vexatious, spurious or duplicate proposals etc. The PAC, which will be part of the mailing list and will see all incoming proposal can recommend on the priority to give to the different proposals. A Proposal Template must be created for policy change proposal submitted by the Public, ComReg or the PAC (see Appendix A).When it proposes a policy change the IEDR will prepare full documentation, including the Proposal Template, and this proposal will then go through the normal PDP channel.

2. **In all cases, the PAC and the IEDR create a Working group :**

   Participants will be volunteers and where appropriate technical experts/specialists may be invited by the IEDR and/or the PAC.

3. **The PAC and the IEDR (with advice from the WG) determine if the proposed policy change requires a Public consultation or not.**

   The public consultation, generally in the form of a questionnaire, can be conducted on survey monkey.com or similar. Indeed, all policy changes will not require a public consultation. In the event that the policy change proposal is not to be dealt with through a public consultation, the PAC with the IEDR can ask the WG to prepare a proposal directly. The PAC may give recommendations to the working group prior to their first meeting and provide them with key points and directions to follow.

4. **In the event that a Public consultation will be conducted** :

   Public consultation is required; the WG will meet and prepare the consultation format and questions to be submitted to the public.

5. **The WG prepare a report, with specific text and recommendations and :**

   a.   Based on the Public consultation/questionnaire responses, if any and as appropriate,
   b.   Based on the PAC recommendation, if any.

6. **The report will be published through the PDP mailing list for further discussion within the stakeholders, probably passing through a number of iterations, until consensus is reached.**

   If no consensus, the WG will need to review the report and edit a revised one to be resubmitted to the mailing list. The PAC may intervene and give recommendations at anytime if required to make the report more acceptable by the majority.

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7. **Consensus must be reached**

Consensus is defined as general agreement of the group and is not measured by a majority vote.

Consensus is a form of cooperative, non-coercive decision-making. Briefly, the working group will meet on an issue and policy change proposal, discuss together and propose various solutions etc. The working group must propose a solution that **best satisfies the group**. Even though individual preferences and concerns must be considered, the final decision is the **group decision** and therefore **must satisfy the working group** and not one individual. Therefore, it implies that unanimity is not required.

However, it is reasonable to predict that the WG will have to face some disagreements and uncertainty as to the best decision. It will be expected from the WG to work on a cooperative atmosphere for a better productive behaviour.

a. If no consensus is reached the discussion can either be abandoned or continue until consensus is finally reached,

b. The situation where a proposal is abandoned for lack of consensus ought to be exceptional.

8. **The PAC review the report**

a. If the PAC has reservations on the report submitted by the WG, they can send it back to the WG with additional recommendations and comments. The PAC will complete the 'PAC Template' to provide a detailed report of their reservations.

b. If the PAC approves the report, the document can be submitted to the IEDR Board, with a recommendation for acceptance.

9. **The IEDR Board will review the report (after consensus, approval and recommendation by the PAC)**

If the Board still has reservations on the proposed document, they can send it back to the WG and the PAC so they can revise the draft to make it acceptable. The Board will complete the "Board Template" to provide a detailed report of their reservations to assist the PAC and the WG in resolving the issues.

10. **Implementation**

If the Board approves the change, the policy will be implemented in a reasonable period of time – determined in the report (the period of time may vary depending on the different requirements – technical, regulatory, financial etc.).

Note: Since the Board will review the report once approved by consensus and the PAC, the reservations will be justified by important and reasonable grounds. In any case, the Board decision on a PDP will be published.

11. **Post-implementation phase**

After a certain period of time – *which may vary depending on the policy change and the different factors to implement it* – the PAC and the IEDR will consult to evaluate the effectiveness and results – whether positive or negative – of the new or amended policy.

2.5   PDP Cycle

The Policy Development Process can be envisaged in terms of a cycle, as follows:-

1. Need	stages 2 to 5 of the PDP model
2. Discussion	stage 6
3. Consensus	stage 7
4. Evaluation	stages 8 to 9
5. Implementation	stage 10

❖ **Glossary**
- **"ICP-1[1]":** Internet Domain Name System Structure and Delegation (ccTLD Administration and Delegation)
- **"RFC 1591":** stands for Request for Comments. The RFC 1591 provides some information on the structure of the names in the Domain Name System (DNS), specifically the top-level domain names; and on the administration of domains.[2]
- **"RDF":** means Registrars Discussion Forum. It is a forum accessible to the IEDR accredited Registrars and it a platform of discussion for different matters such as Technical services, Registration services etc.

The following terms/definitions are extracted from Registrar Agreement and the IEDR website for ease of access.

- "**Registration Policies**" means the policies each applicant must adhere to in order be granted the right to use a .ie domain name. These policies specify what each applicant must provide to the IEDR in order to demonstrate / authenticate their claim to the proposed .ie domain name;
- "**Naming Policy**" means the policies that each application must satisfy in order to become a registered .ie domain name. This includes the validity of the domain name, the availability, reachability and good management of the domain name as well as complying with the technical requirements laid out in RFC 1034 and RFC 1035;
- **"Acceptable Use Policy"** is that policy published on the Site from time to time, which sets out amongst other things, the maximum rate of access that is allowed to the services IEDR provide and the penalties that apply if the policy is not complied with;
- **"Whois Policy":** The IEDR provides the WHOIS as a publicly viewable register - solely to allow users to obtain information about the existence and status of the .ie domain name and the identity of the registrant of the .ie domain name. The number of daily queries is limited and the WHOIS data may not be used for advertising or for any purpose that may be unlawful under the Data Protection Act 1988.
- **"Privacy Policy":** Personal data will not be held by IEDR for any longer than is necessary for the purposes for which it was obtained. The IEDR will use, analyse and assess personal data to maintain and develop our relationships with Registrants, to process Registrant's requests, and to provide the Services as described in the full Privacy Statement.
- **"Dispute Resolution Policy (IEDRP)":** IEDR provides a mechanism to deal with the resolution of disputes between two parties over to whom a given .ie domain should be registered. Complaints are not decided on by IEDR, but by an independent and impartial Panel of one or three experts appointed by the World Intellectual Property Organisation (WIPO). IEDR will implement the decision of a Panel in respect of a domain.
- "**Registration Process**" means the process described in Section 7.1 of the Registrar Agreement;
- "**MSD process**" means the Mail, Suspend, Delete process whereby registrants of non-renewed domains receive a 14 day warning by email before the non-renewed domain is suspended and following suspension, a further 14 day time period before the non-renewed domain is then deleted from the database of .ie domain names;
- **"Accreditation Procedures"** are those procedures published by IEDR from time to time on www.iedr.ie, setting out the technical and other criteria for the Accreditation and continued Accreditation of Registrars by IEDR;
- "**Rules**" means all rules and regulations applicable to the .ie Top Level Domain, including without limitation the IEDR Registration Policy, the IEDR Naming Policy, the Acceptable Use Policy, the Registrant terms and conditions, the WHOIS Policy on the IEDR website, the IEDRP Rules, as published amongst others on the website of IEDR (www.iedr.ie) and the WIPO (http://arbiter.wipo.int/domains/rules/ie.html.);

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[1] http://www.icann.org/en/icp/icp-1.htm
[2] http://tools.ietf.org/html/rfc1591

❖ **Appendices**

1. **Appendix A – POLICY CHANGE REQUEST / NEW POLICY REQUEST TEMPLATE: - TO BE COMPLETED BY THE PROPOSER**

	Policy change proposal / New Policy proposal	
1.	**Proposal Originator** (name: email: telephone: organization)	
2.	**Date**	
3.	**Policy Proposal Name:**	
4.	**Policy Proposal type**: new, modify, or delete	
5.	**Purpose and benefits of the proposal :** Please state the benefits of your proposal	
6.	**Please indicate any perceived problems (issues you envisage)**	
7.	**Policy proposal grounds:** please indicate the reasons for your proposal (what is wrong/missing/inadequate etc. with the status quo?)	
8.	**Policy term proposal:** temporary, permanent, or renewable	
9.	**Policy statement/text**: Current Policy Text (if modification): New Policy Text	

2. **Appendix B – PAC DECISION TEMPLATE: - TO BE ISSUED IN RESPONSE TO POLICY DEVELOPMENT PROPOSAL.**

		Proposal Summary	
1.	**Proposal Originator** (name: email: telephone: organization)		
2.	**Proposal Version**		
3.	**Date**		
4.	**Policy Proposal type**: new, modify, or delete		
5.	**Policy term:** temporary, permanent, or renewable		
6.	**Policy statement/text**: Current Policy Text (if modification): New Policy Text		
7.	**Review/ Rationale** (specify how it serves the interests of the local internet community)**:-** • Arguments supporting the proposal • Arguments opposing the proposal • Summary results of the public consultation/questionnaire • Highlights from the consensus building phases		
		PAC Decision	
8.	**PAC Decision** on the proposal draft:- • Partial/conditional acceptance/reservations • Objections from the PAC		
9.	**PAC justifications and grounds for proposal objections:-** • Specify whether the basis is :- legal/regulatory/competition/technical/financial/ other • Specify how the objection impacts on the local Internet community.		
10.	**PAC justifications for deferral of a decision - grounds for reservations :-** Specify nature of the reservation:- legal/regulatory/competition/technical/financial/other Specify how the reservation might be dealt with by the working group. If possible, provide the revised text which might be acceptable to the PAC.		
11.	Additional recommendation and advices to the working group		

3. Appendix C – IEDR BOARD DECISION TEMPLATE: - TO BE ISSUED IN RESPONSE TO A POLICY DEVELOPMENT PROPOSAL.

	Proposal Summary	
1.	**Proposal Originator** (name: email: telephone: organization)	
2.	**Proposal Version**	
3.	**Date**	
4.	**Policy Proposal type**: new, modify, or delete	
5.	**Policy term:** temporary, permanent, or renewable	
6.	**Policy statement/text**: Current Policy Text (if modification): New Policy Text	
7.	**Review/ Rationale** (specify how it serves the interests of the local internet community)**:-** • Arguments supporting the proposal • Arguments opposing the proposal • Summary results of the public consultation/questionnaire • Highlights from the consensus building phases	
	Board Decision	
8.	**IEDR Board Decision** on the proposal draft:- • Partial/conditional acceptance/reservations • Objections from the Board	
9.	**IEDR Board justifications and grounds for proposal objections:-** • Specify whether the basis is :- legal/regulatory/competition/technical/financial/other • Specify how the objection impacts on the local Internet community.	
10.	**IEDR Board justifications for deferral of a decision - grounds for reservations :-** Specify nature of the reservation:- legal/regulatory/competition/technical/financial/other Specify how the reservation might be dealt with by the PAC/working group. If possible, provide the revised text which might be acceptable to the Board.	
11.	Additional recommendation and advices to the PAC/working group	