IE Domain Registry CLG

Policy Advisory Committee – PAC #13

Minutes from the 13 November 2017 Meeting

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Minutes of the Meeting held on 13 November 2017

Meeting Location: Orion 2 Suite, Spencer Hotel, Excise Walk, IFSC, Dublin 1

Meeting Time: Called to order at 11:06am by the PAC Chairman.

Members present:

Chair	**Alfie Shaw**
Department of Communications, Climate Action & Environment	**Niamh Burns**
Department of Jobs, Enterprise and Innovation	**Joan Ryan**
HEAnet	**Brian Nisbet**
Irish Computer Society	**Kevin Thomas**
.ie Accredited Registrar (Hosting Ireland)	**Jonathan Bate**
.ie Accredited Registrar (Irish Domains)	**Conor Moran**
Internet Service Providers Association of Ireland	**Fred Logue**
Small Firms Association	**Linda Barry**
IE Domain Registry (IEDR)	**Jimmy Joyce**

IEDR Representatives:

David Curtin
Oonagh McCutcheon

PAC Secretariat:

Sarah Keegan

1. Apologies - Members not present:-

- Jim Barry – Enterprise Ireland
- Joe Kane – Law Society
- Judy McCullagh – Association of Patent & Trademark Attorneys (pre-arranged)
- Kelly Salter –.ie Accredited Registrar Register 365 (pre-arranged)
- Michele Neylon - .ie Accredited Registrar Blacknight (pre-arranged)

2. Minutes from the 29 August 2017 PAC meeting

It was confirmed that the Minutes from the 29 August 2017 PAC meeting were published online and that members had no further comments on their content. The PAC Chair formally signed the Minutes.

3. Review of action points from the 29 August 2017 PAC meeting

3.1. Policy Change Request: WHOIS Policy & Acceptable Use Policy

The policy change proposal was briefly summarised, along with the action items from the last meeting. The PAC were reminded that there was strong consensus for the change and that the phasing of implementation was due for consideration with the accredited .ie Registrar channel.

The IEDR confirmed that it will work with the channel to establish a suitable time frame for the implementation of the proposed changes in Q1 2018. Updates will be provided to the PAC in due course.

3.2. Policy Change Request: Privacy Policy

The policy change proposal was briefly summarised, along with the action items from the last meeting. It was noted that the action point related to the IEDR documenting existing data retention practices as part of the wider preparations for the enforcement of the new EU General Data Protection Regulation (GDPR).

The IEDR confirmed that it had documented its existing data retention practices, that this would be circulated to the PAC shortly, and that this would be subject to modification in the coming months to ensure compliance with the GDPR. Further updates will be provided to the PAC at the next meeting.

3.3. Proposal to alter the operation of the DNS check validation process

The policy change proposal was briefly summarised, along with the action items from the last meeting. The PAC were reminded that this proposal related to the alteration of the operation of the DNS technical check which runs on all tickets in the IEDR systems, including new registration, modification and registrant transfer requests. This check determines if the DNS information included in a request is correctly configured in accordance with the dot ie namespace's technical requirements.

It was noted that the mini-Working Group had been expected to engage with the wider Registrar channel through a consultation process on the proposed change, to determine if any objections exist. The mini-Working Group confirmed that the 30-day consultation process has now launched, and will conclude on 9th December 2017.

The IEDR remarked that it was favourable to the change, as it would enhance the customer experience, and that (should there be a favourable outcome to the consultation process), it would monitor the quality of the zone after implementation, to ensure that the existing high standard associated with the quality of the dot ie zone is maintained. Further updates will be provided to the PAC at the next meeting.

4. Update on the policy change – to remove restrictions on .ie domains corresponding to TLDs

The policy change proposal was briefly summarised, along with the action items from the last meeting. The PAC was reminded that a small number of restricted domains corresponding to gTLD extensions were under consideration for release using the standardised release mechanism for the dot ie namespace; Sunrise, Landrush and General Availability. These domains, which correspond to gTLD extensions, and which are under consideration for release, include coop.ie, aero.ie and post.ie.

The PAC was also reminded that the IEDR was to compile a further, definitive list of the domains currently reserved by the Registry which could potentially be made available for release, at the same time as those corresponding to gTLD extensions. The IEDR presented a list of all 170+ reserved domains, and provided an additional list of 11 domains that it would consider for release. The 14 domains are:-

aero.ie	**weare.ie**
coop.ie	**porn.ie**
post.ie	**heis.ie**
pin.ie	**sheis.ie**
kid.ie	**allinthename.ie**
school.ie	**allinthenames.ie**
wpad.ie	**elliptic.ie**

It was remarked that some particularly memorable and valuable names were included on the list, and that consideration should be given to the implementation of a premium pricing structure to support their release. This would ensure that the domains were not undervalued at release. There was brief discussion on the possibility of arranging a valuation for each of the domains on the list, and the IEDR confirmed that it was possible to do this.

After further discussion, the PAC acknowledged that a premium pricing structure may not be practical for implementation, given our use of the standardised release mechanism for the dot ie namespace (of Sunrise, Landrush and General Availability, which it was agreed should be used for all releases).

It was determined that a form of premium pricing could apply for contested applications in Sunrise and Landrush, with the use of an auction reserve price, that would be indicative of the market price for the domain in question. After discussion, there was consensus for this suggestion amongst the PAC. It was then acknowledged that the opinion and approval of the IEDR Board of Directors for the release of these domains would now be sought. Further updates will be provided to the PAC at the next meeting.

5. Update on the policy change – to remove the 'claim to the name' requirement from the Registration & Naming Policy

The policy change proposal was briefly summarised, along with the action items from the last meeting, which related to:-

- The launch and conclusion of the Public Consultation
- Compilation of an analysis report on the result of the Public Consultation
- The Working Group reviewing and considering the analysis of the Public Consultation

It was confirmed that the Public Consultation concluded on 30 September 2017, that the PAC Secretariat had analysed the findings, and had compiled a report on this for the consideration of the Working Group.

5.1. Public Consultation Analysis

For the benefit of the wider PAC, the process and governance associated with the review of the Public Consultation responses was detailed:-

5.1.1. Structure of Public Consultation Response Form

The PAC were reminded that responses were requested through a 10-question consultation form. Each question was prefaced with background information. Participants were asked to use check-boxes to agree / disagree with a provided statement, and invited to include further comments in an adjoining free-form comment box. The final question on the consultation form was an open-form comment box for respondents to provide any additional opinions on the proposed policy change.

5.1.2. Response compilation and clarification

It was noted that the findings were compiled in an anonymised spreadsheet, with each respondent assigned a unique ID. Where a provided response included contradictory indications of the respondent's comments, such respondents were contacted to clarify their opinion on the relevant matter, and this was recorded.

5.1.3. Evaluation process and due diligence

It was confirmed that quantitative analysis of the 'yes/no' responses from the check boxes was undertaken, and summarised for the Working Group. In addition, it was noted that extensive qualitative analysis of the comments provided in the adjoining free-form comment boxes, which appeared throughout the consultation form, was also undertaken. Responses were then categorised under a number of themes, to determine the frequency of the theme's inclusion in responses. This quantitative and qualitative analysis was then detailed for the Working Group, and included within a response analysis report.

For due diligence purposes, it was noted that the Working Group had been provided with the raw data files and the data analysis contained in the response spreadsheet, which detailed the full (anonymised) responses received, in addition to the qualitative and quantitative analysis findings.

The PAC were also informed that the Working Group had engaged in two conference calls to discuss the analysis, and to outline their commentary, which was then included in the Working Group's formal response statement on the results of the Public Consultation.

5.1.4. Report publication

It was confirmed that the Working Group's formal response statement on the results of the Public Consultation, which documents the outcome of the public consultation and details the analysis of the responses received, along with the commentary of the Working Group, would be released for publication on the IEDR website with the Minutes of the 13 November 2017 PAC meeting.

It was further noted that respondents who included a contact email address with their submission would be notified of this via email.

5.2. Working Group Recommendation

After undertaking extensive analysis of the responses received during the Public Consultation process, it was determined that the Public have voted in favour of the policy change proposal to remove the claim to the name requirement, and that no previously unconsidered objections had been raised during the consultation process.

Accordingly, the Working Group confirmed that their Formal Response Statement (attached to these Minutes as Appendix I) on the results of the Public Consultation represented their recommendation for the implementation of the change to the wider PAC.

5.3. PAC Recommendation

After consideration of the Working Group's formal response statement on the results of the Public Consultation, the wider PAC agreed that consensus for the proposed policy change exists, and that it would formally make a recommendation to the IEDR Board of Directors in favour of the change, in line with the 10-step Policy Development Process (PDP). The Secretariat was asked to communicate this to the Company Secretary to the Board.

5.4. Work Stream Updates

5.4.1. Work Stream 1 – Communications, awareness building and promotion

It was noted that phase 2 of the previously considered communications plan is now set to launch, and that this would run until the potential implementation of the proposed policy change (should the IEDR Board of Directors approve the implementation of this policy change proposal).

The PAC were reminded that ensuring that existing registrants and SMEs were informed of the change were previously identified as tasks of significant importance, and that this was further echoed in some of the responses received during the consultation process. Accordingly, it was noted that this phase of the communications effort would focus on awareness-building amongst these parties; acting as a final call for those with a valid claim to protect any available dot ie domain names they wish to register.

To aid awareness-building efforts, the IEDR confirmed that a marketing toolkit had been designed for the accredited .ie Registrars, and PAC stakeholders (to share with their motherships), and that this would be circulated at the earliest opportunity, should the proposal receive IEDR Board approval. The IEDR specified that this toolkit would contain informational flyers, infographics, skyscraper digital images, FAQ content, sample draft landing page and social media content, in addition to two short animation videos.

It was further noted that phase three of the communications plan would occur prior to potential implementation of the proposed change, and that the IEDR would issue public service type communications to raise awareness of the change at that time.

5.4.2. Work Stream 2 - Deterministic Registration Process: How to show a 'Connection to Ireland'

The PAC were reminded that this work stream is expected to finalise word-crafting of the following edits to the IEDR policies, prior to implementation:-

- Edits to the Guidelines of the Registration & Naming Policy
- Removing 'claim' references from the Registration & Naming Policy

The Working Group will work to finalise these over the coming weeks, and share updates with the PAC in due course.

The IEDR will also prepare any required revisions to the Registrant terms and conditions, and circulate to the PAC when drafted.

5.4.3. Work Stream 3 - Fast-Pass Registration Process for existing registrants

The PAC were reminded that future applications from existing registrants would not need to include their proof of Connection to Ireland. It was also noted that the manual 'fast-pass' process for existing registrants, which would ensure that no documents were requested by the IEDR's Registration Services staff in respect of the new registration request, (where the existing domain held by the registrant was included in the comments box of the application form), was already in place, and that no technical changes were required to support this.

It was noted that there were no pending actions outstanding on this work stream, other than to ensure that it is communicated to the accredited .ie Registrar channel in due course.

5.5. Potential Implementation Timetable

Discussion turned to the potential timetable for implementation, and it was noted that, subject to IEDR Board approval, the proposed policy change could be implemented in mid-March or early-April 2018, as this would allow for four months of promotional and awareness-building activities to be undertaken.

The merits of a launch around St. Patrick's Day, or post-Easter, were briefly considered, and it was agreed that a launch around St. Patrick's Day offered a significant potential opportunity to raise awareness of the dot ie's 'identifiably Irish' brand.

Accordingly, the IEDR confirmed that it would engage with its Board of Directors to request their consideration and approval of the proposed policy change recommendation, and that it would engage with the Registrar channel and stakeholders to confirm the potential implementation date in the coming weeks, if Board approval is provided.

6. New – policy change request – to introduce an Alternative Dispute Resolution (ADR) Process to the dot ie namespace

The policy change proposal was summarised, along with the action items from the last meeting.

6.1. Considerations arising from the proposed removal of the claim requirement

Discussion then turned to the rationale for the policy change proposal, and the rationale for its submission to the PAC as a separate policy change proposal from that relating to the removal of the claim requirement. Consideration was given to whether the policy change proposal to introduce an ADR process should have any impact on the potential implementation timeframe of the proposal to remove the claim requirement.

During discussion, it was acknowledged that the IEDR currently offers a suite of mechanisms for addressing complaints that arise, including:-

- Cooperation with Law Enforcement – reported illegality
- Regulatory Authority Protocol (RAP) – reported breaches of Regulations
- .ie Dispute Resolution Policy (WIPO operated) – reported IP infringement
- Registration & Naming Policy / Registrant terms and conditions – reported breaches of IEDR policies, investigated using the internal complaints handling process (complaints@iedr.ie)

It was further acknowledged that just 20 of the 117 respondents to the Public Consultation had raised a potential rise in instances of cyber-squatting as a concern. This indicates that there was no significant public concern arising from this issue to warrant linking the implementation timeframe with that for the ADR process. It was further noted that, of those 20 responses, contradictory understandings of what constitutes cyber-squatting were included, with some raising other concerns such as domaining, and 'brass-plate' connections.

Furthermore, it was suggested that the types of disputes that could arise after the proposed removal of the claim requirement would likely relate to commercial rights infringement disputes, and that such disputes are already effectively addressed through the .ie DRP (WIPO process). Business and family disputes will be referred to the parties' legal advisors,

Accordingly, in light of the effectiveness of the existing mechanisms, and the low response rate indicating a need for an ADR process to address disputes that could potentially arise from the removal of the claim requirement, the PAC concluded that the proposed policy change to remove the claim requirement represented an entirely distinct, and separate policy change proposal to that relating to the introduction of an ADR process.

By formalising this distinction, it was acknowledged that the design of the ADR process can be given the appropriate time required to ensure it is effective.

6.2. Summary analysis of complaints received by the Registry

Discussion then turned to the types of complaints received by the IEDR, so that these may be taken into consideration by the Working Group reviewing this policy change proposal, when designing the scope and operation of a potential ADR process.

As requested at the previous PAC meeting, the IEDR detailed the types of complaints it receives, and related statistics from the last five years. It was noted that 30 complaints had been submitted through .ie Dispute Resolution Policy over the last five years, with 19 of these complaints upheld (resulting in the transfer of the registration).

Furthermore, the IEDR reported that 10 complaints had been received from Regulatory Authorities during the last five years, and handled through the Regulatory Authority Protocol (RAP). IEDR also confirmed that 62 general complaints were received via the complaints@iedr.ie mailbox during the last five years; 52 of these complaints were denied, 1 case resulted in domain deletion, and 6 resulted in revocation of the registration.

The IEDR noted that there are certain complaint types, which arise from reported breaches of the Registrant Terms and Conditions, such as impersonation / passing-off, that are not considered / deliberated on by the Registry, and that a Court decision would generally be required in such instances.

There was further brief discussion on:-

- transparency of decisions made relating to complaints handled internally by the IEDR, and balancing this with the need to protect complainant / registrant privacy,
- the potential for maintaining a form of publicly-accessible record on the decisions reached in the handling of complaints internally, to guide future complainants on the process and procedures.

6.3. Dispute resolution costs

Discussion then turned to the third party charges associated with the existing dot ie Dispute Resolution Policy (DRP). It was noted that, whilst there is a need for a cheaper and easier process, it may be challenging to ensure that the ADR process is significantly cheaper, due to the costs involved for expert panellists and mediation services.

The criteria that applies to the existing dot ie DRP was briefly discussed, and whether this could be varied for an ADR process. Consideration was given to whether the same criteria should be maintained for an ADR process, or whether it should align with ICANN's Uniform Dispute Resolution Process (UDRP) for gTLDs. Aspects of Nominet's Dispute Resolution Policy were also discussed, including the 'shelving', or restricting of domains, where a complaint is upheld, resulting in the domain being unavailable for registration to any party, and which may not be preferable for successful complainants. It was agreed that the ADR Working Group will review these considerations further, in the course of their deliberations.

6.4. Further considerations and next steps

It was agreed that the ADR Working Group will give further consideration to the scope and operation of the ADR process, and whether a third party operator is required.

The Working Group also intends to:-

- review the ADR processes offered by other ccTLDs and gTLDS to determine if elements should be incorporated into a potential dot ie ADR process
- engage with the Law Society and Bar Council with regard to the potential inclusion of a mediation service, as part of the ADR process
- consider the need for a Public Consultation process to be held, in due course
- establish an indicative timetable, outlining the appropriate timing of key steps in the policy change proposal review process.

7. Any Other Business

7.1. Industry related developments / relevant legislative changes

Topics discussed included:

- **EU General Data Protection Regulation**

The impact of the upcoming enforcement of the EU General Data Protection Regulation was briefly discussed, along with potential impacts it may have on the dot ie namespace.

A recently published statement by the Dutch Data Protection Commissioner was discussed, which noted that the unlimited publication of registrant personal data on the WHOIS public record was in violation of the provisions of the GDPR.

The IEDR confirmed that it was reviewing WHOIS disclosures as part of its preparations to ensure the Registry is GDPR compliant, and would provide further updates in due course.

It was acknowledged that the WHOIS services for the gTLD extensions, .amsterdam and .frl., which are managed in the Netherlands, make greater levels of registrant personal data publicly available than the dot ie WHOIS output, which only displays the registrant and domain contact names.

- **NIS Directive**

There was brief discussion on the EU Directive on security of network and information systems (NIS Directive). The Department of Communications, Climate Action and Environment (DCCAE) confirmed that a public consultation paper would be issued in the coming weeks, with a subsequent meeting with the 'Operators of Essential Services' (OES), to discuss the guidelines, expected to take place in late-November / early-December.

8. Next Steps

IEDR will:-

- Circulate its existing data retention practices to the PAC.
- Consult with the IEDR Board of Directors regarding the potential release of the non-TLD reserved domains.
- Publicise the formal statement from the Working Group on the results of the Public Consultation.
- Circulate the marketing toolkit to Registrars.

PAC Secretariat will:-

- Submit the PAC's formal recommendation to the IEDR Board, in accordance with the 10-step PDP (regarding the claim proposal).
- Engage with the wider Registrar channel to establish an appropriate timetable for the implementation of the proposed WHOIS changes, in due course.
- Analyse the responses of the Registrar Consultation on the policy change proposal to alter the operation of the DNS technical check system. Updates to be provided in due course.
- Circulate the marketing toolkit to PAC stakeholders.

Alternative Dispute Resolution Policy Proposal Working Group will:-

- Engage with the Law Society and Bar Council on the proposal.
- Consider if a third party operator is required for the ADR process.
- Consider if mediation should be offered as part of the service.
- Give consideration to who should operate the processes.
- Review the ADR processes of other ccTLD operators.
- Draft indicative implementation timetable scenarios.

9. Next Meeting

PAC Secretariat will engage with wider PAC to set a date for the next meeting, which is expected to be held in early-February 2018.

PAC Minutes Appendices

Appendix I – Formal Response Statement

Dot ie - Policy proposal to remove the 'claim to the name' registration requirement

*Formal response statement from the
Policy Advisory Committee Working Group
on the results of the Public Consultation*

This paper has been issued by the Policy Advisory Committee of the IE Domain Registry CLG (IEDR), in its capacity as adviser to the Board of the company in relation to policy matters. IEDR is the active registry operator of the .ie country code top-level domain (ccTLD) for the island of Ireland.

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1. Executive Summary

This paper represents a formal statement from the dot ie Policy Advisory Committee Working Group (PAC WG) reviewing the policy change proposal to remove the registration requirement to show a claim to the name. The breakdown of responses received during the Public Consultation is summarised in Section 3 of this document, with the findings and position of the Working Group detailed within Sections 4 and 5, respectively.

This Public Consultation was launched on 28 August 2017, and concluded on 30 September 2017. During the consultation process, feedback was requested through a 10-question consultation form. Participants were then asked to use check-boxes to agree / disagree with a provided statement, and to then include further comments in an adjoining free-form comment box. The final question on the consultation form was an open-form comment box for respondents to provide any additional opinions on the proposed policy change.

Responses received during that period have since been collated for review by the Working Group reviewing this policy change proposal, and have undergone detailed examination, and consideration, by the Working Group.

The PAC and its Working Groups review all policy change proposals in line with the 10-step dot ie Policy Development Process (PDP) – see https://www.iedr.ie/p30/policy-development/ for further information on this process and the PAC membership.

2. Introduction & Background

2.1. About the IEDR and the Policy Advisory Committee (PAC)

The IE Domain Registry CLG (IEDR) is the body responsible for the management of the dot ie (.ie) namespace, and is responsible for implementing policies to ensure that all applicants for dot ie domain names have a verifiable connection to Ireland, provide evidence of their identity, and also show a valid claim to the name they wish to register.

In 2014, the IEDR established a Policy Advisory Committee (PAC) to consider and provide advice to the IEDR Board of Directors on policy change requests concerning Ireland's Internet top-level domain, dot ie.

The PAC operates in line with the IEDR's 10-step Policy Development Process (PDP), and consists of stakeholders with a vested interest in the dot ie namespace, and its policies. This Committee meets on a regular basis to discuss any proposed policy changes, and, where consensus exists to implement a policy change, the PAC works to find the most appropriate release mechanism for such changes.

2.2. Policy change proposal

In April 2017, a policy change request was submitted to the PAC proposing to remove the registration requirement for future registrants to show a claim to the name they wished to register, retaining the important requirement for all future registrants to provide evidence of their real and substantive connection to the island of Ireland.

Applying now, registrants must show:

✅ Connection to the island of Ireland

✅ Proof of identity

✅ Claim to the name
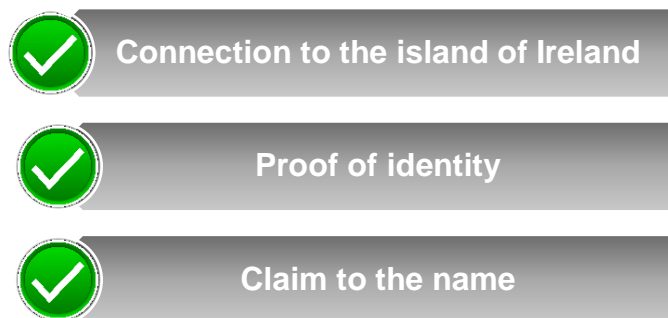
Applying after the change, registrants would show:

✅ Connection to the island of Ireland

✅ Proof of identity

❌ Claim to the name
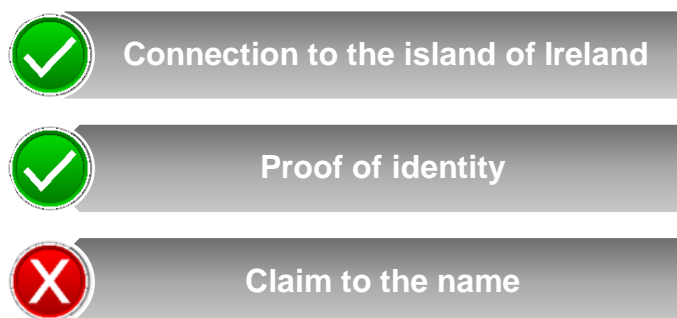
In accordance with the PDP, the PAC determined that a Working Group should be set up to give further consideration to this policy change proposal.

2.3. Rationale for the proposal and the potential impact on the new registration process:-

Why was this policy change proposed?

✓ To make it faster and easier for those with real Irish connections to get a dot ie.

✓ To grow dot ie, especially with Irish Small Office / Home Office / Micro businesses.

✓ To remove the 'claim' requirement, as applicants can't prove future 'claims' (e.g. new start-up businesses who want a web presence before setting up a physical presence).

✓ To remove restrictions on domains that reflect a person's name, nickname, or pen name.

✓ We believe that now is the right time to remove the claim, so that those with real Irish connections can get any available dot ie domain they want, without delay.

What would not change from the implementation of this proposal?

Dot ie would still be:

• **reserved for those with legitimate Irish connections**
• **as safe as ever**
• **verifying the identity of domain owners**
• **verifying connection to the island of Ireland**

2.4. Public Consultation

During the deliberations of the PAC and the Working Group reviewing this policy change proposal, consensus-in-principle was found to exist for the change, and it was agreed that there was an important need to ensure that the opinions of all stakeholders (including the general Public) were taken into consideration during the decision-making process.

Accordingly, the Public Consultation launched on 28 August 2017, and concluded on 30 September 2017. During this time, feedback was welcomed via an online consultation question form. The structure of this consultation form was designed to identify if any previously unconsidered objections existed to the policy change proposal.

At the conclusion of the Public Consultation process, a total of **117 responses** had been submitted for the consideration of the PAC and the Working Group.
The categories of feedback provided during the Public Consultation are detailed in Section 3, and the position of the Working Group is detailed in Section 4.

3. Public Consultation Response Breakdown

3.1. Public Consultation response summary

*As noted above, **117 responses** were received during the consultation process, the findings of which are summarised below:-*

Overall Proposal	**73 participants** were in favour of the change
Positive Step	**75 participants** believed it was a positive change
Faster and Easier	**92 participants** agreed that registering a .ie would be faster and easier
Personal Name Variations & nicknames	**93 participants** were in favour of allowing the registration of these names
Safety of the Namespace	**80 participants** agreed that the safety of .ie names would not be adversely impacted
International Cyber-Squatters	**79 participants** agreed that the connection to Ireland requirement will deter these squatters
Handling Disputes	**86 participants** agreed that future .ie disputes can be handled through the existing and proposed mechanisms
Register Any Name	**73 participants** agreed with the change, given that it will allow any available name to be registered
Awareness Period	**83 participants** agreed that four months is a suitable period for businesses and individuals to register any available names needed

3.2. Public Consultation questions and responses

The consultation questions are detailed below, along with the full breakdown of the indications of agreement / disagreement submitted by participants.

Question 1 - Are you in favour of the proposed change?

Breakdown of responses received:-

Check-Box Responses				Further Comments
Number and percentage of participants in favour of the proposed change		**Number and percentage of participants not in favour of the proposed change**		1 of the 73 participants indicated that they were in favour of the proposal via their check-box response. However, the content of their comments indicated that this may be incorrect. This participant was contacted to clarify, but failed to reply. Accordingly, their original input has remained.
73	**62.4%**	**44**	**37.6%**	1 of the 73 participants who inconsistently populated the check-box objecting to the proposal, confirmed via email that their response should be marked 'in favour'. Accordingly, their input was altered, as requested.

Question 2 - Do you believe that the proposed change is a positive step, expanding the dot ie namespace to allow citizens and business to customise their web presence?

Breakdown of responses received:-

Check-Box Responses				Further Comments
Number and percentage of participants indicating the change is a positive step		**Number and percentage of participants indicating the change is not a positive step**		1 of the 75 participants indicated in the check-box that the proposed change was a positive step, but in subsequent comments noted that it would be terrible for businesses (but acknowledged that it was a positive move to allow personal name variations). As they still found aspects of the change beneficial, their response remains unchanged in the positive column.
75	**64.1%**	**42**	**35.9%**	

Question 3 - With the elimination of some paperwork / evidence, do you agree that the proposed change will make it easier and faster for those with real Irish connections to get a dot ie domain?

Breakdown of responses received:-

Check-Box Responses				Further Comments
Number and percentage of participants indicating that the change will make it easier and faster for those with Irish connections to get a dot ie		**Number and percentage of participants indicating that the change will not make it easier and faster for those with Irish connections to get a dot ie**		During analysis, it was found that 17 of the 92 participants that had agreed that the change would make the registration process easier and faster, qualified their responses, noting that they believed that this was not a positive outcome, as they felt it would negatively impact the value / exclusively of the .ie brand
92	**78.6%**	**25**	**21.4%**	

Question 4 - Do you agree with the proposed change given that it will allow any variation of a person's name to the registered?

Breakdown of responses received:-

Check-Box Responses				Further Comments
Number and percentage of participants indicating that they agree with the proposed change given that it will allow the registration of personal name variations		**Number and percentage of participants indicating that they do not agree with the proposed change given that it will allow the registration of personal name variations**		6 of the 93 participants that agreed with the change given that it would allow the registration of personal name variations, qualified their responses by advising that they would still like some form of claim requirement to be retained for personal name applications (i.e. a link to exist between the registrant and the name sought). 2 participants were reclassified from positive to negative, and included in the 24, following further analysis. Their comments indicated that they had misread the question, giving contradictory responses by selecting that they were in favour of this, but noted in comments that they felt that it was not a positive change. 4 participants (2 agreed, 2 disagreed) noted that they felt this change could be achieved without the removal of the claim requirement.
93	**79.5%**	**24**	**20.5%**	

Question 5 - Do you agree that this change doesn't adversely impact the safety of a .ie domain name?

Breakdown of responses received:-

Check-Box Responses					Further Analysis
Number and percentage of participants indicating they agree that the change doesn't adversely impact the safety of a .ie domain		**Number and percentage of participants indicating they do not agree that the change doesn't adversely impact the safety of a .ie domain**		**Check-Box Unpopulated**	2 participants noted that they did not feel that it was the IEDR's responsibility to ensure the safety of a dot ie domain, nor should the namespace be 'policed'.
80	**68.4%**	**34**	**29%**	**3**	**2.6%**	2 participants noted that they did not feel that safety was a feature of dot ie domains, or that it mattered.

Question 6 - Do you agree that the need to provide evidence of a real connection to Ireland when applying for a dot ie will continue to prevent International cyber-squatters?

Breakdown of responses received:-

Check-Box Responses					Further Comments
Number and percentage of participants indicating they agree that the connection to Ireland will prevent international cyber-squatters		**Number and percentage of participants indicating they do not agree that the connection to Ireland will prevent international cyber-squatters**		**Check-Box Unpopulated**	Further analysis and commentary on this matter can be found in Section 4 of this document.
79	**67.5%**	**35**	**29.9%**	**3**	**2.6%**	

Question 7 - Do you agree that the future dot ie domain disputes can be effectively handled through these mechanisms?

Breakdown of responses received:-

Check-Box Responses					Further Analysis
Number and percentage of participants indicating they agree that future disputes can be handled through the mechanisms detailed on the consultation form		**Number and percentage of participants indicating they do not agree that future disputes can be handled through the mechanisms detailed on the consultation form**		**Check-Box Unpopulated**	Further analysis and commentary is detailed in Section 4 of this document.
86	**73.5%**	**27**	**23.1%**	**4**	**3.4%**	

Question 8 - Do you agree with the proposed change (to remove the claim to the name requirement) given that it will allow any name to be registered?

Breakdown of responses received:-

Check-Box Responses					Further Comments
Number and percentage of participants indicating they agree with the proposal, given that it will allow any name to be registered		**Number and percentage of participants indicating they do not agree with the proposal, given that it will allow any name to be registered**		**Check-Box Unpopulated**	1 participant's response was reclassified as positive on enquiry, after they clarified by email, the original contradictory response.
73	**62.4%**	**43**	**36.7%**	**1**	**<1%**	

Question 9 - Is a four-month notice period long enough to allow businesses and individuals to register additional dot ie domain names which they might want to protect from liberalisation?

Breakdown of responses received:-

Check-Box Responses						Further Comments
Number and percentage of participants indicating that a four-month notice period is long enough		**Number and percentage of participants indicating that a four-month notice period is not long enough**		**Check-Box Unpopulated**		1 of the 3 participants who failed to populate the relevant checkbox, provided follow-on comments clarifying that they felt 4 months was more than enough time. 1 participant who had indicated that they felt a 4-month notice period would not be sufficient was reclassified after further analysis of their supplementary comments, which confirmed that the proposed time-frame was acceptable.
83	70.9%	31	26.5%	3	2.6%	4 requests for up to 12 months 3 requests for up to 6-8 months 3 requests for substantial media engagement (TV / Radio / Facebook) 1 request to notify all WHOIS contacts 3 requests to ensure SMEs are aware 1 request that all companies on CRO database without a website are notified

Question 10 - Open Form Comments Box

Categories of feedback provided in the various comments boxes throughout the consultation form are outlined in Section 4 below.

4. Public Consultation - Categories of further responses received

On review of the responses received during the Public Consultation process, it has been acknowledged that many respondents were particularly generous with their time, providing thoughtful and incisive commentary with their submissions. These comments have been broadly categorised and dealt with throughout this Section below.

After undertaking quantitative analysis of the check box responses, in addition to detailed qualitative analysis of the additional comments provided during the Public Consultation process, the Working Group determined that a number of comments warranted a response and commentary.

Accordingly, the Working Group, having now concluded their review of the responses provided, wishes to outline their position, via this formal statement.

4.1. Responses related to cyber-squatting and domaining concerns

Some participants commented on the potential for increased cyber-squatting (deliberate, bad faith registration), and domaining (bulk buying for profitable re-sale), to occur in the dot ie namespace, via the open-form comment boxes.

The table below illustrates a breakdown of the sources of cyber-squatting, which participants specifically identified as a concern, and how many participants shared that view:-

Concerns relating to Irish cyber-squatters only	Concerns relating to Irish & International cyber-squatters	Concerns relating to International cyber-squatters only	General concerns of cyber-squatting
14	7	1	20

The table below displays a breakdown of the sources of domaining which participants specifically identified as a concern in their comment box responses, and how many participants shared that view:-

Concerns relating to Irish domainers only	Concerns relating to Irish & International domainers	Concerns relating to International domainers	General concerns of domaining
2	2	0	9

10 participants indicated that they had concerns with overseas companies, lacking legitimate Irish connections, registering dot ie domains by simply registering a branch of their company in Ireland to obtain an Irish VAT or Company number. *This is sometimes referred to as a 'brass-plate connection'.*

Furthermore, a small number of participants suggested that the requirement to show evidence of a real connection to Ireland should be tightened, and made more challenging to prove (e.g. permit dot ie registrations to those with Irish passports only, or only to those who can prove that they are living in the island of Ireland).

One further suggestion was to require registrants to re-prove their connection to Ireland after a defined period of time.

3 participants suggested that cyber-squatting and domaining concerns might be addressed by establishing a limit on the number of dot ie domains that a registrant can hold.

==**PAC Working Group commentary:-**==

With 20 comments on this issue, it's clear that it's a topic of interest. Many differing perceptions of what cyber-squatting is defined as were noted during the Public Consultation process. To assist the discussion, a popular definition is, as follows:-

Cyber-squatting is registering, trafficking in, or using a domain name with bad faith intent to profit from the goodwill of a trademark belonging to someone else. (See https://en.wikipedia.org/wiki/Cybersquatting).

Trademark or copyright holders may neglect to re-register their domain names, and by forgetting this important update, cyber-squatters can easily steal domain names. The cyber-squatter then offers to sell the domain to the person or company who owns a trademark contained within the name at an inflated price. Another purpose is to steal or misspell a domain name in order to profit from an increase in website visits, which otherwise would not be possible. Cyber-squatters sometimes register variants of popular trademarked names, a practice known as typo-squatting.

Frequently, a complainant can be upset that another party has registered "my name". However, this cannot be defined as cyber-squatting. Dot ie domains are registered on a 'first come, first served basis' by any applicant that complies with the Registration and Naming Policy. If a competitor has validly registered the name, then unfortunately, the complainant will need to choose another.

The Working Group has acknowledged that, currently, the only way to ensure that no one else registers a domain that reflects another party's protected right, is for that IP holder to register the relevant domain(s), so that it is unavailable for registration. This will remain unchanged with the proposed policy change.

In a modern digital economy, cyber-squatting is an unfortunate reality. It can be impossible to prevent, even currently. For instance, an applicant can get a dot ie domain name by submitting documentation from Ireland's national companies registration office (CRO) with proof of a registered business name or corporate name. A determined applicant, whether resident or non-resident, could always set up a "brass-plate" operation in Ireland, and then register related dot ie domains. This has always been the reality. Indeed, there has been a small number of actions over the last decade, adjudicated on by the independent arbitrator, WIPO, on this type of complaint. What is important is that fast, remedial action can be taken, if abuse is proven.

The Working Group has also acknowledged that various mechanisms for addressing this matter are already in place. These mechanisms include the provisions of the IEDR Registrant Terms and Conditions, the Registration & Naming Policy, and the Dispute Resolution Policy (WIPO). Furthermore, the Working Group has remarked that the PAC will be mindful of matters such as cybersquatting etc., when designing the proposed alternative dispute resolution process, which is currently under consideration.

Many domain registration issues cannot be addressed by the Registry nor by Registrars. Unfortunately, legal redress may be the only option in certain circumstances, for example to hear the evidence and issue a judgement on "passing off", bad faith registrations, impersonation, slander, defamation and many other matters of legal opinion.

The Working Group would like to confirm that the PAC has given extensive consideration to this matter. During discussions, it was acknowledged that the removal of the claim requirement was not expected to have any significant impact on these activities.

The Working Group has further noted that the registration process for legitimate registrants with Irish connections needs to be easier and faster, in the interests of opening of the namespace to citizens and businesses.

With regard to concerns of 'brass-plate' connections to Ireland, on review of this, the Working Group has agreed that the removal of the claim requirement does not change the existing requirements for showing a connection to Ireland. Accordingly, it has been agreed that the 'brass-plate' matter is not directly impacted by the proposed policy change to remove the claim requirement.

It also been noted that applications from overseas applicants are limited, relative to the overall registration numbers.

For example, the table below outlines the number of accepted applications from the month of August 2017, and the proportion that originate from overseas applicants which were accepted or refused:-

Breakdown of applications from overseas registrants - August 2017		
	Accepted Registrations	**Refused Registrations**
Applications from overseas applicants	183 (5% of total registrations in Aug '17)	22 (0.6% of total registrations in Aug '17)
Total registered domains in August 2017 = 3421		

Source: IEDR Registration Services

The Working Group acknowledges the global nature of the concerns of respondents in relation to the issue of cybersquatting and infringement of intellectual property. However, the Working Group is of the opinion that the existing mechanisms in place provide a reasonable basis for addressing any potential, incremental issues that may arise from the policy change proposal (to remove the claim to the name requirement for applicants for dot ie names).

4.2. Responses relating to disputes, the associated costs, and time duration for resolution

> **10 participants** highlighted concerns that domain disputes arising from cyber-squatting and bulk-buying activities would be a particular concern, particularly the cost and length of time required to resolve such matters

> **2 participants** commented that the existing, formal dispute process is too expensive and slow

> **1 participant** commented that they saw no need for any dispute resolution mechanisms

Comments relating to a potential new alternative dispute resolution process to the dot ie namespace are as follows:-

> **2 participants** commented that an independent operator should handle the proposed alternative dispute resolution (ADR) process

> **3 participants** commented that the ADR process will need to be simple to use, and affordable for businesses

> **1 participant** recommended that the ADR process offer a fast-track, escalation process for a fee

PAC Working Group commentary:-

The Working Group has acknowledged that the existing ie Dispute Resolution Process, which is operated by the World Intellectual Property Organisation (WIPO), may be considered by some (especially small business owners) to be costly and time-consuming, and which may act as an impediment to its use. Accordingly, it should be noted that a separate policy change proposal to introduce a simpler, speedier ADR process is currently under consideration by the PAC, and a separate Working Group.

It is expected that the introduction of this ADR Process will further enhance the mechanisms already on offer for addressing disputes that arise. These existing mechanisms include the provisions of the IEDR Registrant Terms and Conditions, the Registration & Naming Policy, and the existing, WIPO-operated, ie Dispute Resolution Policy.

The Working Group has further acknowledged that suggestions to engage a third party operator for the proposed ADR process operations, to ensure that the process is independent, simple and affordable, and to offer a 'fast-track' expedited resolution process, are already under consideration by the Working Group reviewing that policy change proposal.

The Working Group has cautioned against unreasonable expectations of reduced costs and timelines - given the reality that due process, for future complainants/registrants, does take time.

Other suggestions, related to the proposed design of the ADR process, will be passed to the Working Group reviewing that policy change proposal, and considered as part of their research.

Accordingly, on review of the responses received, the Working Group is of the opinion that the policy change can proceed, on the basis that no previously unconsidered, serious objection has been identified with regard to dispute handling.

4.3. Responses requesting liberalisation of second-level domains

- ➢ **3 participants** suggested that the existing policies for managing the dot ie namespace should be retained (including the claim requirement), and that a second-level domain, e.g. co.ie or me.ie, should be launched, with some level of liberalisation applying to this second-level.

PAC Working Group commentary:-

The Working Group has determined that the introduction of a second-level namespace would require extensive research and a cost benefit analysis due to the potential adverse impacts on existing registrants, and on the dot ie brand. Current domain holders of dot ie names would potentially need to protectively register domains in a second-level, which could be costly for them. As the suggestion does not relate directly to the potential impact of the proposal to remove the claim requirement, this would need to be submitted for consideration as a separate policy change request.

4.4. Responses related to financial motivation

- ➢ **10 participants** suggested that the proposed policy change was driven by the Registry and service providers to generate more revenue, at the expense of small businesses

- ➢ **1 participant** noted that reducing the cost would encourage greater personal registrations

- ➢ **1 participant** noted that it was difficult to justify why dot ie was more expensive, compared to dot com registrations

- ➢ **5 participants** suggested that the price of a dot ie domain should be reduced as a result of the proposed policy change

PAC Working Group commentary:-

The Working Group has acknowledged the points raised by respondents, and would like to reaffirm, and clarify, the rationale for the proposed change, which is motivated out of an intent to modernise and enhance the customer experience with regard to the new registration process, so that those with real Irish connections; which is considered the USP of the dot ie namespace, can get the domain they want, without unnecessary delay or friction in the application process.

The Working Group believe that the policy change proposal will ensure that the registration process is easier to understand, faster, and more objective, for those who can prove their real Irish connection.

With regard to pricing, it was noted that the price to register a dot ie domain name is more costly than that associated with a dot com registration, primarily due to the economies of scale (.com has over 120 million names worldwide, so it's average cost per domain is smaller). In addition, dot com is an entirely unmanaged and unregulated namespace, without the related costs of compliance and authentication.

A manual review process is operated for applications in the dot ie namespace, and this will continue to operate in order to determine that future registrants have a real connection to Ireland, and prove their identity.

For clarification, it should be noted that the Registry, IEDR, operates on a cost-recovery basis. It is a company limited by guarantee, without a share capital, and is therefore not driven by profit motives for shareholders. Any profits arising are re-invested in internet promotion initiatives, such as Ireland's Internet Day, OPTIMISE to e-commerce enable SMEs and research to guide policymakers on digital strategies to encourage Internet usage and uptake, by citizens and business.

Accordingly, having considered the responses received, the Working Group is satisfied that the motivation for the policy change is not financially driven, and recommends that the policy change proposal can proceed as proposed, in the interests of Ireland's Internet community.

4.5. Responses related to allowing the registration of personal name variations

As noted in Section 3.4., Question 4, 93 of the 117 participants were in favour of permitting the registration of personal name variations.

> ➢ 6 of the 93 participants qualified their responses by advising that they would still like some form of claim requirement to be retained for personal name applications (i.e. a link to exist between the registrant and the name sought).

> ➢ 4 participants noted that they felt this change could be achieved without the removal of the claim requirement.

PAC Working Group commentary:-

The PAC has previously given significant consideration to the matter of personal name variations. It has determined that it would be impractical and inadvisable to retain a claim requirement for personal names. This would require the continuation of a form of subjective check by the IEDR Registration Services team. This subjectivity would apply particularly where a domain name is applied for that is not immediately recognised as a known personal name variation (e.g. Gosia, the shorthand version of Malgorzata). This could result in delays to the registration process for all applicants, and a poor user experience, for such future registrants.

It has also been acknowledged that relatives, guardians or parents wishing to register the name of a child may not have an obvious connection to the name of the child (e.g. differing surnames). Accordingly, it was similarly agreed that it would be unfair to discriminate against these legitimate registrants, who have real Irish connections to their personal domain names.

The Working Group has further remarked that the requirement to provide evidence of a connection to Ireland, proof of identity, and to have a registrant's name made publicly available on the WHOIS public search facility, will act as a deterrent to those wishing to engage in abusive activities online, using personal name variant domain registrations.

Accordingly, having carefully considered the responses received, the Working Group strongly recommends that personal domain names should be included in the policy liberalisation, thereby benefiting citizens and residents who desire their identifiably Irish, personal domain name of choice.

4.6. Responses related to geographic place names

(Note: This policy restriction was removed on 20 December 2016 following the 10-step PDP)

- ➢ **8 participants** suggested that the (now-removed) restriction, which reserved the registration of dot ie domains which corresponded to geographic place names in the island of Ireland, for Local Authorities and Government Agencies, or some similar protection for geographic place names, should be reinstated in light of the proposal to remove the claim to the name registration requirement

- ➢ Additionally, a small number of these participants indicated that they would be in favour of the overall proposal to remove the claim requirement, provided that the place names restriction was reinstated

- ➢ **1 participant** suggested that such domains should only be available for people of the given locality to registrar.

PAC Working Group commentary:-

The Working Group noted that one of the reasons for the liberalisation was the expansion of the dot ie namespace to allow citizens, clubs, tidy towns, residents associations and small business owners to register their preferred dot ie names, to include their local place names or their townland names.

The Working Group also noted that Local Authorities and Government Bodies were previously given a 90-day notice period in September 2016, to register any available geographic names they required, prior to the removal of the geographic restriction in December 2016. This notice period was launched after an 18-month consultation process with the relevant Local Authorities and Government Bodies.

The Working Group noted that Local Authorities are already required to register domains they want to protect, as this is the only way to ensure that it cannot be registered by another party.

Potential abuse of dot ie domains that correspond to geographic place names in the island of Ireland was previously considered by the Working Group. It was also acknowledged that a future registrant would likely be deterred from engaging in online abuse involving the use of these geographic domains, by the need to show evidence of a real connection to the island of Ireland, proof of identity, and the requirement for all registrants to have their name made publicly available on the WHOIS public search facility.

The Working Group is of the opinion that no previously unconsidered, serious objection has been identified by the above respondents, and that the benefits of the proposed policy change far outweigh

the issues raised above. Local authorities and government agencies will have an extended period of time to exercise their existing claims to the names. This timeframe will enable them to register those names considered essential or valuable.

4.7. Responses related to requests for further simplification of the new registration process (further liberalisation)

➢ **7 participants** suggested that further liberalisation would be beneficial to the dot ie namespace. Amongst these suggestions were proposals to:-

- remove the requirement to demonstrate a real and substantive connection to the island of Ireland (or to broaden its interpretation)

- remove all registration requirements (perceived 'red-tape')

- allow anyone with a European VAT number, or proof of residency in the EU, to register any available dot ie domain name (without the need to show further evidence of a connection to the island of Ireland)

PAC Working Group commentary:-

There was strong consensus within the PAC that the connection to Ireland was a USP for the .ie namespace. There was further consensus that it was appropriate to retain the Connection to Ireland requirement for new applications, as dot ie is the only online namespace reserved for Irish citizens, businesses and those with a connection to Ireland.

The Working Group agreed that any further liberalisation of the policies governing the dot ie namespace would be treated as an entirely separate policy change proposal, in line with the 10-step Policy Development Process.

4.8. Responses related to the impact of the proposed change on the dot ie brand

➢ **27 participants** commented that they felt that the value and trust in the dot ie brand would be negatively impacted by the proposed policy change. Of these:-

- o **13 participants** specifically commented that they felt the proposed change would negatively impact the value of dot ie registrations.

- o **4 participants** commented that the proposed change would result in reputational / credibility damage for the namespace

- o **2 participants** commented that the legitimacy of the namespace could be negatively impacted by the proposed change

- o **2 participants** commented that the integrity of the namespace could be negatively impacted by the proposed change

<mark>PAC Working Group commentary:-</mark>

The Working Group acknowledges that protecting the respected reputation of the dot ie brand is of vital importance to the Policy Advisory Committee. After careful consideration, the Working Group has determined that the reputation of the dot ie brand would not be adversely impacted by the proposed policy change, due to a number of factors:-

➢ the continued implementation of the requirements to show a connection to the island of Ireland, and proof of identity, when applying, to ensure that only those with real Irish connections can get a dot ie domain name

➢ the continued implementation of the provisions of the Registrant Terms and Conditions and the Registration & Naming Policy, which address potential registration issues, such as bad faith registrations etc.

➢ the continued cooperation between the IEDR and Law Enforcement / Regulatory Bodies, to ensure that matters of illegality are addressed effectively

➢ the continued implementation of dispute mechanisms for addressing domain name registration disputes that arise (in addition to the alternative dispute mechanism currently being designed)

Accordingly, on review of the responses received, the Working Group recommends that the policy change can proceed as proposed, on the basis that the factors outlined above will enhance the value of a .ie presence and will continue to protect the reputation and integrity of the dot ie brand from potential damage.

4.9. Responses related to querying the need for the proposed change

➢ **22 participants** commented that they felt that there was no need for the proposed policy change, as the existing registration process is perceived as working effectively

➢ **6 participants** commented that they felt the existing registration process was easy

➢ **1 participant** commented that they felt the existing registration was quick

<mark>PAC Working Group commentary:-</mark>

The Working Group noted that the Registry itself submitted the change proposal because it recognised that the claim requirement had outlived its usefulness in recent years. Contrary to the original objectives, the claim requirement was now counter-productive, and was restricting the expansion and inclusivity of the .ie namespace.

During the debates in the PAC on this policy change proposal, the Registry had acknowledged that the processing time for some new registrations was unduly lengthy, and that this results in a poor user experience.

It should be noted that the time from application submission to acceptance is historically an average of c.30 hours (in August the average was **29 hours and 32 minutes of business hours**). When considered in respect of the instantaneous registration process for other competing gTLD namespaces such as.com, it places dot ie at a competitive disadvantage. The demand for fast results from future registrants, the need for dot ie to remain competitive, and provide a positive user experience, the Working Group believes that there is an important need to enhance and reduce friction in the registration process. This is particularly important from a customer experience perspective, so that those with real Irish connections can get the domain they want, without unnecessary delay.

Accordingly, on review of the responses received, the Working Group is of the opinion that a legitimate need exists to enhance and modernise the registration application process, which would be achieved through the removal of the claim requirement.

4.10. Responses related to the appropriate time frame for raising awareness

83 of the 117 participants agreed that a 4-month time frame was appropriate to raise awareness of the proposed policy change.

> ➤ 4 participants suggested that up to 12 months would be recommended

> ➤ 3 participants suggested that up to 6-8 months would be recommended

> ➤ 3 participants suggested that substantial media engagement (TV / Radio / Facebook) should be undertaken

> ➤ 1 participant suggested that all WHOIS contacts be notified

> ➤ 3 participants suggested that SMEs should be notified

> ➤ 1 participant suggested that that all companies on CRO database without a website should be notified

PAC Working Group commentary:-

The Working Group has acknowledged that there is an important need to ensure that significant promotional activities are undertaken, if the proposed policy change is approved. In particular, the Working Group appreciates the importance of ensuring that the SME community and existing registrants are made aware of the proposed change.

In this regard, the Working Group has noted that it would work closely with the PAC member organisations, including those involved in supporting the SME community, and the accredited .ie Registrars, amongst others, to promote awareness of the proposed change.

Promotional campaigns would also be undertaken by Registrars and the Registry, in order to raise further awareness of the change at a national level.

Accordingly, on review of the responses received, and the strong support for the proposed awareness-building timeframe, the Working Group is of the opinion that 4 months will be sufficient for any awareness-building and promotional efforts.

4.11. Other comments

A number of additional suggestions and concerns were raised by participants via the open-form comment boxes.

These additional suggestions included proposals for:-

- brands to have the option to restrict their name from registration (opt-out), as per the recent new gTLD namespace launches

- the introduction of a 'fast-pass' registration process for existing registrants, through a member-ID system

- modernisation of the Registry's policies to be undertaken every five years

- the registration process for clubs and groups in Ireland to be made easy

- long-term registrants to be protected from domain deletion, should the renewal lapse due to non-payment

- a domain name reservation system to be introduced on a confidential basis to protect sensitive services, campaigns or IP rights

- requiring the use of the domain name for a website / email service (offering a 12-month grace period)

- the proposed change to be implemented through a phased release to allow those whose applications were previously refused the opportunity to register the name they requested (Note: this response was received anecdotally during the consultation process)

These additional concerns related to:

- the cost of protective registrations on SME's

- mis-use of Internationalised dot ie domain names (IDNS) for typo-squatting (Note: IDNs are domains that use the fada character in the Irish language)

- a perceived unreasonable burden on Local Authorities to register domains they may wish to protectively register

- potential misrepresentation of communities, if the registration of domains that correspond to geographic place names is abused

- potential criminal misuse

- the proposal being submitted too soon, as some businesses may not yet appreciate the value and importance of registering a dot ie domain

PAC Working Group commentary:-

The Working Group has acknowledged the suggestions provided, and determined that no previously unconsidered, serious objection has been identified from their content.

5. Recommendations of the Working Group & Next Steps

The Working Group has now concluded its extensive analysis of the responses provided during the Public Consultation process. After careful consideration, the Working Group has determined that the Public are in favour of the change, and that a mandate has been received to recommend this policy change proposal to the wider PAC at their next meeting, in line with the 10-step Policy Development Process.

Should the PAC concur with the findings of the Working Group, and determine that a mandate to recommend the change has been received from the Public, and that no previously unconsidered, serious objections have been identified, a formal recommendation will be issued by the PAC to the IEDR Board of Directors, for its consideration, with a request for its approval for implementation.

Should the proposed policy change receive Board approval for implementation, the Working Group and wider PAC will continue to work with their member organisations to raise awareness of the proposed change.

In particular, the PAC and Working Group reviewing this matter have identified a number of actions that should be undertaken to raise awareness of the policy change:-

> ➤ Engage with the SME community

Bodies involved in supporting the SME community would be engaged with to ensure that their members are suitably informed of the change.

> ➤ Engage with the Local Authorities

Local Authorities would be contacted via the City and Council Management Association, amongst others, to ensure that they are suitably informed of the change.

> ➤ Engage with existing registrants

Accredited .ie Registrars would be asked to notify existing registrants of the pending policy change. IEDR would be willing to offer an opt-in service, facilitating the issuing of these communications to registrants.

Efforts on these matters expect to be undertaken in the coming weeks, subject to IEDR Board approval being provided. If the policy change proposal is approved for implementation, it is expected that the change will come into effect in late March 2018.

6. Appendices

Appendix I – Public Consultation Question Form

Question 1

We propose removing the need to show a claim to the name when applying for a dot ie domain. All applicants will still need to prove that they have a real connection to Ireland.

By making this change, it will be easier and faster for those with real Irish connections to get any available dot ie domain they want.

It will be easier and faster because we will not need any evidence / confirmation of an applicant's claim to their preferred dot ie name, therefore, removing a subjective assessment of what is a valid "claim".

Within our Rules, we will retain the right to refuse certain applications, including those where the requested domain name is "defamatory, racist or contrary to public policy". These restrictions are detailed in our Registration & Naming Policy.

- **Are you in favour of the proposed change?**

    Yes
    No (please say why not)
    Further comments (or recommendations)

Question 2

Dot ie is the national namespace, effectively a national resource for the businesses, communities and citizens of Ireland. We believe it is important to facilitate the growth and development of the Internet in Ireland. The proposed change in policy, to liberalise the rules, will allow more citizens to have a website with any name they choose that's available.

- **Do you believe that the proposed change is a positive step, expanding the dot ie namespace, to allow citizens and businesses to customise their web presence?**

    Yes
    No (please say why not)
    Further comments (or recommendations)

Question 3

Applicants will no longer need to show their claim to the name when applying for a dot ie domain – they will just need to prove that they have a real connection to Ireland.

This will make it easier and faster for those with real Irish connections to get any available dot ie domain they want. If you have a real connection to Ireland, it is easy to prove this, because it can be verified with an objective check.

- **With the elimination of some paperwork / evidence, do you agree that the proposed change will make it easier and faster for those with real Irish connections to get a dot ie domain?**

    Yes
    No (please say why not)
    Further comments (or recommendations)

Question 4

With this policy change, individuals will be able to register variations of their personal name, a nickname, a pen name or a short version of their first name.

This is not allowed at present. For personal name domain names (e.g. JohnSmith.ie), applicants have needed to ensure that their domain name matches one of the accepted formats listed in our Registration & Naming Policy. Domain names that reflect nicknames, short versions of a person's name etc. have not been permitted.

- **Do you agree with the proposed change given that it will allow any variation of a person's name to be registered?**

    Yes
    No (please say why not)
    Further comments (or recommendations)

Question 5

All applicants will still need to prove that they have a real connection to Ireland. We will continue verifying the identity of all applicants, and continue operating mechanisms for handling domain disputes. Click here for more information on how we handle domain disputes. This will ensure that only those with real Irish connections can register dot ie domains, and that dot ie will be as safe as ever.

- **Do you agree that this change doesn't adversely impact the safety of a .ie domain name?**

    Yes
    No (please say why not)
    Further comments (or recommendations)

Question 6

In order to prevent international cyber squatters from registering dot ie domains, all applicants will still need to prove that they have a real connection to Ireland. Proof of a real connection to Ireland will be accepted by an applicant providing evidence that they are any of the following:-

> ➢ a citizen / resident of the island of Ireland,

> ➢ a company / business offering their products to consumers in Ireland,

> ➢ a local group or charity operating in Ireland,

> ➢ a school or university recognised by the Department of Education.

- **Do you agree that the need to provide evidence of a real connection to Ireland when applying for a dot ie will continue to prevent International cyber squatters?**

    Yes
    No (please say why not)
    Further comments (or recommendations)

Question 7

We offer a formal, independent Dispute Resolution Policy for handling dot ie domain disputes.

An Alternative Dispute Resolution Policy is also being considered by our Policy Advisory Committee at present. This may offer a faster and more affordable option for disputing dot ie domain registrations.

There are also a number of safeguards in our Terms of Service and Registration & Naming Policy for handling any domain disputes that may arise. Therefore, domain disputes may be effectively handled under these mechanisms, should they arise.

- **Do you agree that future dot ie domain disputes can be effectively handled through these mechanisms?**

   Yes
   No (please say why not)
   Further comments (or recommendations)

Question 8

Removing the claim requirement means that anyone with a proven connection to Ireland will be able to get ***any name*** they like that's available. For example, a business in Dublin operating as a butcher could register www.galwayflowers.ie, if it was available. What is your opinion of this possibility?

- **Do you agree with the proposed change (to remove the claim to the name requirement) given that it will allow any name to be registered?**

   Yes
   No (please say why not)
   Further comments (or recommendations)

Question 9

Provided that no significant objections are raised during this consultation process, which would potentially prevent the change from happening, we propose to implement the removal of the claim requirement in early 2018.

The long notice period is designed to allow widespread awareness-building. Some people may have used the current claim rules as a virtual safety net - they may not have registered their .ie because they felt entitled to the domain name and that no one else could get it. This is all about to change.

For example, if a business is called Electricity Supply Board, but commonly known as ESB, the company might just have www.ESB.ie. From now, it may want to register both names – www.ElectricitySupplyBoard.ie and www.ESB.ie.

- **Is a four-month notice period long enough to allow businesses and individuals to register additional dot ie domain names which they might want to protect from liberalisation?**

   Yes
   No (please say why not)
   Further comments (or recommendations)

Question 10

If you have any additional opinions on this policy change proposal, please let us know in the comments box below:-

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Appendix II – Policy Change Template

1	**Proposal Originator** *(name: email: telephone: organisation):* David Curtin, dcurtin@iedr.ie, 01-2365400, IEDR
2	**Date:** 27 April 2017
3	**Policy Proposal Name:** To remove the policy requirement to provide proof of a claim to the .ie domain name as a pre-condition within the IEDR Registration & Naming Policy (Retaining the existing Connection to Ireland requirement).
4	**Policy Proposal type**: Deletion
5	**Purpose and benefits of the proposal:** *Please state the benefits of your proposal* • To ensure that the registration process for those with a legitimate connection to the island of Ireland is more deterministic in nature, enhancing the user experience for IE registrants. • Greater determinism in the registration process will also benefit IE Registrars, IEDR and IE users, as it will reduce the administrative processing times, further ensuring that requests are processed more quickly. • The proposed change will also allow those with legitimate connections to Ireland to get the IE domain they need without undue delay / inconvenience / restrictions, particularly new business start-ups who prefer to get an online presence before setting up a physical location for operations. • This will particularly help to address the perception that it is difficult to get a dot IE domain, and allow for the development of the namespace.
6	**Please indicate any perceived problems (issues you envisage)** The IEDR does not anticipate issues, as the proposed change will result in an enhanced, and more deterministic registration process for those with legitimate Irish connections, for IE Registrars and for the Registry. However, to reassure stakeholders there may be a need to consider the introduction of additional domain name dispute mechanisms, perhaps with independent mediators, and a process which is faster, less formal and more affordable than the existing formal IE Dispute Resolution Policy, which is managed by an independent third party (the World Intellectual Property Organisation - WIPO).
7	**Policy proposal grounds:** *please indicate the reasons for your proposal (what is wrong/missing/inadequate etc. with the status quo?)* The proposal has been submitted on the grounds that consumer behaviour has changed, from established businesses applying for domains, to new start-ups who are eager to get an online presence. As the legitimacy of claims based in the future cannot be verified, there is a need to ensure that those with legitimate Irish connections can still get the domain they want without undue delay / inconvenience or restriction. Furthermore, consumer expectations for immediate / fast results mean that in order to develop the namespace, there is a need to ensure that the registration process is enhanced to ensure it operates at optimal efficiency. The IEDR is also aware that a perception exists whereby some believe it is difficult to get a dot IE domain. As the IE namespace is reserved for those with Irish connections, the IEDR believes it is important to ensure that those who meet this criteria can register the IE domain they want, as quickly and simply as possible, to ensure a positive user experience for IE users.
8	**Policy term proposal:** Permanent
9	**Policy statement/text**: *Current Policy Text (if modification):* It is intended that all references to the claim to the name pre-condition within the IEDR Registration & Naming Policy will be removed. The most significant changes will result in the removal of claim references from the Policy Statement (Section 2), in addition to the: • deletion of detailed registration Guidelines on pages 15 to 19 inclusive (Sections 3.1.3.1 to 3.1.3.7), and insertion of revised Guidelines (see attached for illustration purposes). • deletion of Personal Domain Names guidelines (Section 3.1.2.2 (ix)) • deletion of references to "Registrant Classes" and "Domain Categories" (Appendix II)

Appendix III – References

- The informational flyer used to support the Public Consultation is available at:
  https://www.iedr.ie/uploads/Claim-Proposal-Public-Consultation-Flyer-August-2017-1.pdf

- The IEDR Registration & Naming Policy is available at:

  https://www.iedr.ie/about-the-iedr/our-policies/

- Information on the dot ie Policy Development Process is available at:

  https://www.iedr.ie/p30/policy-development/