

IE Domain Registry CLG

Policy Advisory Committee – PAC #15

Minutes from the 17 April 2018 Meeting



IE Domain Registry

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Minutes of the Meeting held on 17 April 2018

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

Meeting Time: Called to order at 11:05am by the PAC Chairman.

Members present:

Chair	Alfie Shaw
Department of Communications, Climate Action & Environment	Niamh Burns
Department of Business, Enterprise and Innovation	Jill Colquhoun
HEAnet	Brian Nisbet
Irish Computer Society	Kevin Thomas
.ie Accredited Registrar (Blacknight Solutions)	Michele Neylon
.ie Accredited Registrar (Irish Domains)	Conor Moran
.ie Accredited Registrar (Hosting Ireland)	Jonathan Bate
IE Domain Registry (IEDR)	Jimmy Joyce

IEDR Representatives:

David Curtin
Oonagh McCutcheon

PAC Secretariat:

Sarah Keegan

1. Apologies - Members not present:-

- Judy McCullagh – Association of Patent and Trade Mark Attorneys (APTMA) – pre-arranged
- Jim Barry – Enterprise Ireland
- Kelly Salter / Kirstine Harris - .ie Accredited Registrar (Register 365) – pre-arranged
- Fred Logue – Internet Service Providers Association of Ireland (ISPAI) – pre-arranged
- Joe Kane – Law Society
- Linda Barry – Small Firms Association (SFA) – pre-arranged

2. Minutes from the 7 February 2018 PAC #14 meeting

It was confirmed that the Minutes from the 7 February 2018 PAC meeting were published online and that members had no further comments regarding their content.

The PAC Chair formally signed the Minutes.

3. Review of action points arising from the PAC #14 meeting

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

The action item from the last meeting was summarised, and it was noted that IEDR would update its technical systems to support the altered DNS check process operations.

IEDR confirmed that a solution had been designed, but implementation was deferred given the higher priority work on GDPR preparations. IEDR further commented that a temporary workaround process could be implemented. This would ensure that any DNS records that fail the DNS check technical check would not delay the completion of a ticket request.

It was confirmed that IEDR had engaged with the proposal submitter regarding this matter, that it had been agreed that the workaround would not be availed of at this time, and that the implementation of the change will await the completion of the required technical updates.

The IEDR advised the PAC that it expects these technical changes to be finalised and ready for implementation in Q3 2018.

4. Update on the policy change – to remove the ‘claim to the name’ requirement from the Registration & Naming Policy

The action items from the last PAC meeting were summarised, which related to:-

- IEDR and PAC Stakeholders were expected to continue awareness-building efforts
- IEDR and PAC Stakeholders were expected to manage the issues identified to date, particularly those raised during the Public Consultation
- The Working Group reviewing this policy change proposal was expected to finalise word-crafting of the revisions to the ‘Guidelines’ of the Registration & Naming Policy
- Implementation of the policy change was expected on 21 March 2018

4.1. Work Stream 1 – Awareness-building

The IEDR outlined the promotional and awareness-building efforts that have been undertaken to support the policy change proposal to date.

The PAC were reminded of the three distinct communications phases:-

- phase one publicised the Public Consultation
- phase two raised awareness of the policy change prior to its implementation
- phase three will promote the policy change after its implementation

It was noted that IEDR had circulated a white-labelled marketing toolkit to support phase 2 of the communications plan, and that this included the following promotional material for PAC stakeholders and accredited .ie Registrars:-

- Informational flyers
- Animation videos
- Website banners (for digital ads)
- Sample content for social media, stakeholder websites, articles etc.

The PAC were also reminded of the marketing messages used, which focused on the “final-call” to register, the new “FastPass” registration process for returning, existing .ie Registrants, and the new “easier and faster” registration process.

It was noted that the policy change had received strong media interest, with coverage in the national press, and in sponsored content with parties such as the Small Firms Association, Eolas magazine, Retail Excellence Ireland, and the Public Sector Times, amongst others.

The IEDR also noted that in the run-up to phase three, the IEDR launched an informational radio campaign on Newstalk and Today FM, published notices in national press, including the Irish Times, Sunday Business Post, and the Irish Independent, and sponsored social media advertisements.

The IEDR remarked that the launch day saw record registration numbers, with notably high registrations from businesses and individuals. The IEDR expressed its thanks to the PAC Stakeholders for their efforts in raising awareness amongst their memberships throughout the various phases of the communications plan.

For phase 3, IEDR advised that it will:-

- continue to raise awareness of the .ie brand, including the “identifiably Irish” and traceability messaging
- will support two co-funded marketing campaigns, one of which is already underway
- will continue to release other useful content, including updates to the e-Book

It was remarked that the importance of ensuring SMEs were suitably informed of the change had been raised during initial discussions on the policy change proposal. It was noted that the Small Firms Association had remarked, after implementation of the policy change, that they felt it had been appropriately communicated to SMEs.

4.2. Work Stream 2 – Revisions to the Guidelines of the Registration & Naming Policy

The IEDR confirmed that the changes to the Guidelines of the Registration & Naming Policy had been finalised following further engagement with the Working Group reviewing this policy change proposal, and that this had resulted in a significant reduction in the length of the Guidelines content.

It was also noted that the Registration and Naming Policy had been further edited to remove references to the claim requirement, in addition to references to policy changes that have been implemented since the Registration and Naming Policy framework document draft was first released in September 2016.

IEDR confirmed that the revised Registration and Naming Policy is available on its website at <https://www.iedr.ie/about-the-iedr/our-policies/>. It was also noted that helpful materials had been designed for Registrar staff which clearly summarised the revised registration guidelines, document requirements and “FastPass” registration process.

4.3. Implementation

It was noted that the policy change also required minimal edits to the accredited .ie Registrar Agreement, and Registrant Terms and Conditions, and that these were completed in advance of the policy change implementation, in addition to plain-English changes to the IEDR website, www.iedr.ie.

The launch day registration statistics were discussed. The IEDR confirmed that, during implementation of the policy change, it had been mindful of the potential issues identified during initial discussions, and particularly those highlighted during the Public Consultation process. These included the potential for Cyber-squatting, brand infringement, a rise in domain disputes, and awareness gaps (i.e. “I wasn’t told about the change...”) to occur.

IEDR confirmed that in the period since implementation, there had been no rise in the number of domain disputes, nor had there been any notable instances of cybersquatting or brand infringement. IEDR also remarked that where potential brand infringement was suspected, IEDR reverted to the proposed Registrant to directly confirm acceptance of selected, specific terms within the Registrant Terms and Conditions, i.e. to confirm that the domain had not been registered in bad faith etc.

There was brief discussion on the role of IEDR in mitigating instances of potential disputes or brand infringement. IEDR confirmed that it will continue to monitor registrations for the issues outlined above for the immediate future, but that it will re-visit the matter in due course.

Further discussion followed on the potential for price reductions in the wholesale cost of .ie domain names to Registrars. The IEDR confirmed that it had not yet experienced any significant reduction in operational costs, or a substantial, sustained rise in registration numbers / economies of scale, to warrant / facilitate such a price reduction for Registrars.

IEDR advised that it does re-invest profits in the .ie namespace through a number of focussed schemes, including the co-funded marketing programme and the volume growth rebate scheme for strong-performing Registrar portfolios, with the rationale for this being that those who are contributing positively to the growth of the namespace should be rewarded for their efforts.

The Chair acknowledged that the implementation had been particularly successful, and thanked the PAC for its efforts. It is expected that the policy conclusion template for this policy change will be presented to the PAC Chair for sign-off at the next PAC meeting.

5. Update on the policy change request – to introduce an Alternative Dispute Resolution (ADR) Process to the dot ie namespace

The action items from the last meeting were summarised, which related to:-

- Working Group to continue its review of the proposed policy change, in particular, the design and scope of the process
- PAC Secretariat to continue feasibility checks with other potential mediation / service providers

It was confirmed that the efforts to prepare for the implementation of the claim removal, in addition to the preparations for the upcoming enforcement of the EU General Data Protection Regulation, had resource intensive, and that there had been no engagement amongst the Working Group reviewing this policy change proposal since the last PAC meeting.

The matters for which emerging consensus had previously been established were briefly discussed, including:-

- 'Levels 1-3' of the complaint filtering proposal detailed in the supporting slides, which are available on the IEDR website at <https://www.iedr.ie/p30/policy-development/>
- Formalisation of the Regulatory Authority Protocol (RAP)

It was confirmed that the Working Group is expected to continue their discussions on a number of matters, including:

- ADR Design, Scope and Remedy considerations
- Expert Panel / Mediation to be facilitated by a third party, and offered as an optional service
- Complainants ought to have a legitimate interest in the domain name which is the subject of the dispute
- Recommendation for a process operator

The PAC Secretariat confirmed for the PAC that the initial feasibility review for a process operator had continued, and summarised the cost estimates received to date. It was also confirmed that the PAC

Secretariat was awaiting cost estimates from one further party, and that this would be circulated to the PAC in due course.

It was agreed that the Working Group will continue their discussions, and aim to provide clarifications on some of the outstanding matters, and make a recommendation on the service provider, at the next PAC meeting.

6. Policy changes arising from the introduction of the EU General Data Protection Regulation (GDPR)

The IEDR confirmed that it had engaged with the Office of the Data Protection Commissioner and its legal counsel regarding the upcoming enforcement of the GDPR. IEDR also commented that it had observed and participated in industry discussions to determine emerging best practice.

It was also noted that informative discussions on the topic of GDPR had taken place during a dedicated session on Registrar Day in December 2017.

The IEDR confirmed that an internal GDPR Task-Force had been established in July 2017 to coordinate IEDR's compliance preparations. As part of these preparations, a data-mapping exercise was undertaken to determine what Personal Data is processed by the IEDR, how it is stored, who it is accessible to, and how/why it is processed.

It was noted that a new Registrar Agreement had been drafted, in addition to the updated Registrant Terms and Conditions. IEDR confirmed that it is currently engaging with the accredited .ie Registrar representatives on the PAC regarding these matters. There was discussion on the impact of the GDPR on the suite of .ie policies.

It was confirmed that three policy changes were required, as follows.

6.1. Modification to the Privacy Policy

Under the policy change proposal, it was confirmed that provisions for the following changes had been included:-

- Enhanced data subject rights are included
- Data subject access requests have been provided for
- Clarification on the operation of analytics and cookies (including WebCrawler opt-out) is included
- Clarification on disclosure practices and location of processing is included
- Clarification on marketing communications (confirming that IEDR does not issue marketing communications to Registrants, where the domain is managed by an accredited .ie Registrar)
- A summary of data retention practices is included

There was general discussion on the policy, and suggestions for further improvement.

6.2. Introduction of a new Retention Policy

The provisions within the new Retention Policy for the .ie namespace were discussed. It was confirmed that:-

- supporting documentation provided to the Registry would be deleted within the **30 day** period after the completion of the related ticket request.
- Personal Data provided to the Registry will be retained for the **lifetime of the domain registration, plus an additional 2-year period**, for use in cases of potential legal disputes.
- for unsuccessful ticket requests, the supporting documentation and Personal Data will be deleted within **7 days** following the expiry / cancellation of a related request

Discussion followed on the proposed retention practices, and the accredited .ie Registrars on the PAC welcomed the proposed speedy removal of documentation from IEDR's systems.

The IEDR noted that the proposed, new retention policy would not impact its ability to operate a "Managed Registry" model for the .ie namespace. The value of this model was acknowledged during the ComReg consultation on its proposed regulatory framework for the .ie namespace, which followed changes to the Electronic Commerce Act 2000¹. IEDR noted that rigorous registration checks on connection to Ireland will be completed during the registration process.

There was further discussion on altering the layout of the policy provisions to enhance readability.

6.3. WHOIS Policy and Acceptable Use Policy

There was discussion on the proposed modifications to the WHOIS Policy and Acceptable Use Policy. It was agreed that, henceforth, this policy would be known only as "WHOIS Policy" to mitigate the potential for confusion to arise.

The proposed changes to the WHOIS output on the IEDR website were summarised as follows:-

Where a Registrant is a **Natural Person** (i.e. non-legal person, private individual, non-commercial):

- Domain Holder, Admin Contact and Technical Contact names will not appear (just their NIC handle / account number)
- Default is opt-out (Domain name will be displayed with technical domain info.)
- Registrant will have the option of opting-in to the publication of the Domain Holder name

Where a Registrant is a **Legal Person** (i.e. Commercial entity, Government Body etc.):

- Domain Holder name will appear
- Admin Contact and Technical Contacts' personal names will not appear (just their NIC handle ref / account number)
- No opt-out permitted for these entities

There was discussion on how the opt-in feature for non-legal persons will operate, and whether Registrars will have the ability to control this on the IEDR Console and / or API.

¹ <https://www.comreg.ie/publication/response-to-consultation-regulation-of-the-ie-domain/>

IEDR confirmed that it was working to automate these features for Q3-Q4 2018. The opt-in feature will be manually operated by IEDR initially from 25 May 2018.

Discussion followed on the progression of WHOIS discussions within the domain industry, and the potential issues that may arise from the non-availability of WHOIS directory services, particularly the challenge in addressing domain “ownership” disputes.

6.4. Implementation

With regard to all three proposed policy changes, IEDR acknowledged that it will continue to monitor international discussions for emerging best practice. In light of the limited time frame available before the GDPR is enforced on 25 May 2018, it was requested that IEDR be permitted to work directly with the accredited .ie Registrar channel to complete and implement the three policy changes to ensure GDPR-compliance on these matters, which the PAC agreed to.

It was suggested that IEDR create plain-English educational content on the GDPR-related changes for the Registrar channel. IEDR commented that it has begun drafting these materials, and will issue them to the Registrar channel shortly.

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

The action item from the last meeting was summarised, which related to the PAC’s formal recommendation for the proposed policy change being provided to the IEDR Board of Directors, in accordance with the 10-step Policy Development Process (PDP).

IEDR confirmed that its Board of Directors will next meet on 27 April 2018, when the matter will be raised for discussion. IEDR confirmed that it will notify the PAC of updates on the outcome of this policy change proposal. It was further noted that should the Board of Directors approve the policy change request, the PAC will work to finalise preparations for the phased release of the relevant domains. The Release Mechanism will be the precedent Sunrise / Landrush / General Availability model as previously agreed by the PAC.

Further updates will be provided in due course.

8. Any Other Business

8.1. Industry related developments / relevant legislative changes

- **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 the Statutory Instrument to transpose the Directive was being drafted and that further updates would be provided to the Secretariat in due course.

- **Impact of “Brexit” on .eu registrations held by UK residents**

There was brief discussion on the impact of Brexit on .eu domain registrations, specifically the European Commission “Notice to Stakeholders on the withdrawal of the UK and rules on .eu domain names²”.

8.2 Annual Report

The Secretariat confirmed that the 2017 Annual Report had been drafted and would be circulated with the draft Minutes of the 17 April PAC meeting for review.

8.3. Policy Conclusion Templates

It was confirmed that policy conclusion templates had been drafted for the withdrawal of the previously considered policy change requests, which related to the 2016 “Fast-Track” requests to alter the WHOIS output to include the Billing Contact information, and to alter the provisions of the Privacy Policy.

It is anticipated that these templates will be presented to the Chair for sign-off at the next PAC meeting, along with the policy conclusion templates for the completion of the proposal to remove the claim requirement, and the GDPR-related policy changes.

9. Next Steps

IEDR will:-

- Engage with the Registrar channel to ensure GDPR-compliance with regard to the proposed GDPR-related policy changes (i.e. Privacy Policy, Retention Policy, and WHOIS Policy).
- Continue preparing for the operational changes to the DNS check process, with a view to implementing this change in Q3 2018
- Bring feedback from the Board of Directors to the next PAC meeting regarding the policy change proposal to remove the restriction on .ie domains corresponding to TLDs

² https://ec.europa.eu/info/sites/info/files/notice_to_stakeholders_brexit_eu_domain_names.pdf

PAC Secretariat will:-

- Circulate the Annual Report with the draft Minutes of the Meeting
- Engage with the ADR Working Group to progress discussions

10. Next Meeting

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