IE Domain Registry CLG

Policy Advisory Committee – PAC #19

Minutes from the 28 March 2019 Meeting

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Minutes of the PAC #19 Meeting held on 28 March 2019

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

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

Members and representatives present:

Chair
Association of Patent and Trade Mark Attorneys (APTMA)
Department of Communications, Climate Action & Environment (DCCAE)
HEAnet
Small Firms Association
.ie Accredited Registrar (Blacknight))
.ie Accredited Registrar (FCR Media)
.ie Accredited Registrar (Register 365)
Internet Service Providers Association Ireland (ISPAI)
IE Domain Registry (IEDR)
PAC Secretariat

1. Apologies – Members not present

- Department of Business, Enterprise and Innovation – pre-arranged
- Enterprise Ireland
- ie Accredited Registrar (Markmonitor) – pre-arranged
- Irish Computer Society (ICS)
- Law Society of Ireland

2. Membership Updates, Welcomes and Introductions

The new PAC Chair was introduced to the membership.

It was confirmed that the process for the accredited .ie Registrar channel to elect its representatives to the PAC had been completed, and that the following representatives had been elected:

- Blacknight Solutions (re-elected)
- FCR Media (newly elected)
- MarkMonitor (newly elected)
- Register 365 (Dada Group) (re-elected)

PAC members welcomed the newly elected and re-elected Registrar representative members, and briefly introduced themselves in a tour-de-table discussion.

3. Minutes from the 5 December 2018 PAC #18 meeting

It was confirmed that the Minutes from the 5 December 2018 PAC #18 meeting were published online following the inclusion of minor edits requested by the PAC during the 10-day comment period.

It was agreed that the Minutes provided an accurate representation of discussions at the PAC#18 meeting. The Chair then formally approved and signed the Minutes into the record.

4. Matters arising: PAC Terms of Reference

The proposed changes to the PAC Terms of Reference which were agreed at the PAC #18 meeting were summarised. These changes related to:-

- extending the membership term from 2 years to 4 years (to mitigate potential disruption to policy change discussions)
- clarifying that there is no limit on the number of consecutive terms that a member can serve on the PAC (provided that the member's eligible organisation retains this eligibility status)

It was also noted that additional minor edits were made to the Terms of Reference:-

- Removing references to fax numbers
- Correcting the company designation reference for IE Domain Registry CLG
- Correcting a minor spelling error

Discussion followed on the "Schedule" within the Terms of Reference which sets out the "Eligible Organisations" that participate at PAC. It was queried if the membership wished to propose inviting any additional organisations to participate on the Committee.

IEDR proposed issuing invites to a number of organisations involved in consumer protection, protection of children online, and cybersecurity. No objections were raised to this proposal. It was also agreed that the Secretariat would engage with the members not present at the PAC#19 meeting to determine if they wished to propose inviting any further organisations to participate on the PAC.

IEDR confirmed that the edits to the Terms of Reference would be raised for sign-off with the IEDR Board of Directors at its next meeting in April 2019.

It was agreed that the Secretariat will circulate a short-list of the proposed additions to the eligible organisations list on the PAC mailing list. It was also agreed that the Secretariat would handle the issuing of formal invitations to these organisations, where consensus for inviting these organisations had been established/confirmed with the membership.

An accredited .ie Registrar representative suggested that content be added to the relevant PAC-related webpages on www.iedr.ie, inviting organisations interested in joining the PAC to contact the Secretariat with an "expression of interest". This proposal was well received by the membership, and the IEDR confirmed that it would work to arrange this.

A related suggestion was made by another accredited .ie Registrar for the placement and layout of the PAC-related webpages on the www.iedr.ie website to be enhanced to promote visibility. The IEDR noted that it was in the process of refreshing its website, and would work to arrange this during the refresh process.

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

5.1. Action Items from the PAC #18 meeting:-

The PAC was reminded of the action items from the PAC#18 meeting. These action items were as follows:-

IEDR to engage with the preferred service operator:-
  ➢ regarding implementation considerations, final costings and contracting.

IEDR to proceed with implementation plans:
  ➢ Reverting to the Working Group regarding potential changes/issues
    (if they arise, finalising outstanding drafting matters)
  ➢ Liaising with Registrars regarding implementation date and operational considerations
    (awareness and educational content is required)
  ➢ Informing PAC of the implementation date
  ➢ Creating and issuing a plain-English "Public Service style" notice
    (regarding the planned introduction of the ADRP)

5.2. Updates on the action items from the PAC#18 meeting:-

It was confirmed that IEDR has been working with the preferred service operator to:-

  ➢ map the intended operation of the process within the operator's systems
  ➢ agree commercial contract terms and costings

The PAC was advised that a great deal of work had been done on this matter since the Committee last convened, and that there had been significant engagement with the preferred process operator. Specifically, it was confirmed that:-

  ➢ commercial costings and contract terms had been agreed
  ➢ contracts are due to be formally signed within 1-2 weeks
  ➢ a 60-day countdown to implementation will begin once contracts have been finalised

5.3. Next Steps:-

It was noted that focus will now turn to awareness-building efforts, promoting the introduction of the new service, and educating stakeholders on its operation. As part of this promotional effort, educational content will be made available to stakeholders, including "frequently asked questions" content, and other plain-English informational pieces about the ADRP.

It was confirmed that the Registry would issue a "Public service style" press release notice announcing the upcoming implementation of the service, and would add relevant content to the IEDR webpage, www.iedr.ie, in due course.

It was highlighted that a small number of work items are outstanding and that these will be finalised in the coming weeks prior to implementation.

These work items include:-

- ➢ Finalising the "Definitions" within the Alternative Dispute Resolution Policy text
- ➢ Modifying the Registrant Terms & Conditions to accommodate the introduction of the ADRP (edits will be minimal, at least 30-day notice will be given)

Further updates on this matter will be circulated to the membership on the PAC mailing list as they arise.

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

The PAC was reminded that the remaining action item arising from this policy change request related to the release of three .ie domains which correspond to TLD extensions – aero.ie, coop.ie, post.ie. It was previously determined by the PAC that these domains should be released using the precedent, phased release mechanism (Sunrise, Landrush and General Availability).

IEDR outlined the draft release timetable, noting that Landrush and General Availability phases may not be necessary if all three domains are registered during the Sunrise phase (for trademark holders).

Further updates on this release will be issued to the stakeholders in due course.

Separately, there was discussion on the .ie domains reserved to the Registry/restricted from registration. It was acknowledged that the policy change request relating to the removal of the restriction on .ie domains corresponding to TLDs had previously been conflated with discussion on the matter of these reserved names, specifically the potential release of certain reserved names, and the Registry's reservation practices.

It was agreed at the PAC#18 meeting that discussions on the reserved names/reservation practices would be:-

- ➢ considered separately to the policy change request relating to removing the TLD restriction
- ➢ re-visited at a future PAC meeting

The Secretariat confirmed that due to the particularly weighty meeting agenda for the PAC#19 meeting (due to housekeeping matters etc.), this matter was scheduled for discussion at the PAC#20 meeting, when a new policy change request will be submitted.

It was acknowledged that the process for handling reserved/restricted .ie domains can be time-consuming and frustrating (as responding to enquiries to register such names leads to additional administrative work for Registrars and the Registry), whilst the rejection of such applications similarly results in additional administrative work for all, and adversely impacts the user experience.

Therefore, it was agreed that a business reason exists for the review of this matter, and that a new policy change request would be submitted to address these matters. Specifically, this policy change request will outline the need for a defined process for the reservation of .ie domains by the Registry. (The Registry has typically reserved .ie domains for a number of reasons including self-registration for restricted names, potential future commercial use, marketing/policy/technical reasons, and to avoid

user confusion, such as ie.ie). Therefore, as part of the policy change request review, consideration may also be given to the potential release of certain .ie domains that are currently registered to the Registry (where the Registry no longer has any need, or marketing/policy/technical/consumer protection reasons, for renewing the registration).

7. New – to modify .ie Policy to support the takedown of .ie domains engaging in abusive activity

7.1. Discussion Rationale

IEDR advised that it proposed this item for discussion in light of increased awareness and concerns of online abuse amongst all internet users. The Registry commented that it was mindful of National and International focus on this matter; the EU has introduced a number of legislative and guideline-based strategies for combatting online abuse, and the Irish Government is also seeking to tackle abusive social media activity online through legislation measures). IEDR noted that there is a growing expectation for appropriate, effective and efficient abuse handling.

An accredited .ie Registrar representative highlighted the ongoing work of the "Domains and Jurisdiction" project which has been working for several years to address the handling of online abuse take down orders across jurisdictions. It was acknowledged that the domain industry is still working to determine an effective solution for online abuse, and that there is no clear remedy.

IEDR commented that the aim of this discussion was to form consensus for an abuse handling strategy which informs the action that should be taken in cases of clear, serious abuse (via a deterministic process), and to establish if there are instances where .ie domains should be (proactively) taken down by the Registry etc.

A request was made for statistical data of the incident rate of abuse in the .ie namespace. IEDR commented that volumes of reported cases are exceptionally low, and that there is no data available on the volume of unreported abusive activities at present.

The PAC acknowledged the self-regulated nature of the domain industry, and recognised the importance of an effective and efficient approach for abuse handling for the benefit of all stakeholders. The PAC welcomed discussion on this topic, and remarked that it represented good practice to conduct "health checks" on existing policies on an on-going basis to determine if enhancements are needed etc.

7.2. Examples of Online Abuse

The Registry briefly explained some examples of the different types of online abuse, including:-

- ➢ serious illegal activity, such as circulation of child abuse material,
- ➢ other illegal activities such as selling prohibited medicines and other items, and
- ➢ serious technical abuse, such as distributing malware, botnets, phishing and DNS hijacking etc.

7.3. Abuse Handling Practices

There was discussion on the abuse handling practices within the wider domain industry. IEDR outlined the practices used at .ie to handle instances of online abuse:-

- ❖ The Registry responds reactively to reports of abuse – following existing internal complaint handling levels/practices
- ❖ The Registrant is typically given opportunity to stop the offending action over 14-30 day period (to avoid further action being taken against the domain registration)
- ❖ Failure to address the issue results in takedown/suspension/deletion

The Registry also confirmed that the existing provisions within the .ie Registrant Terms and Conditions provide for domain registration takedown in certain circumstances (e.g. where DNS threatened, or where ordered by the World Intellectual Property Organisation, Court Order or Law Enforcement Agency).

It was noted that an "Abuse Contact" field is listed on the WHOIS lookup for .ie domains, and that this feature was not widely used due to the optional nature of the field. An accredited .ie Registrar proposed that this field be compulsory for all .ie domains so that there is a clear point of contact should a report of abusive activity arise.

It was commented that in the context of shifting expectations regarding online abuse handling, and in light of an increase in the volume of abusive instances (particularly with regard to fake webshops), EU ccTLD operators had begun to review their abuse handling practices.

Specifically, there had been a noted shift within the wider domain industry to:-

- ➢ proactively address serious abuse, and
- ➢ take urgent action where serious abuse is detected

It was remarked that some EU ccTLD operators were investing in technical resources to detect and/or predict potential abuse, whilst others were using alternative approaches; at least one was working to establish cooperative agreements with public authorities.

There was discussion on specific examples of abuse handling practices at EU ccTLD operators, such as EURid (.eu), which has taken down significant volumes of domains (partially due to abusive activities), and DNS Belgium (.be), which has introduced a cooperative take down agreement with a local public authority.

Separately, IEDR commented that some EU ccTLD operators have noted a correlation between abusive activities and incorrect registration contact data (which is typically prohibited under a Registry's Terms of Service). Therefore, some Registries have followed their processes for addressing incorrect contact data to identify and enable domain take downs in instances of abuse.

IEDR highlighted some significant challenges which arise from taking down a registration at the Registry-level (removing the domain from the published zone file), including:-

- ➢ The content remains available online (unless taken down by the Hosting Provider or Content Publisher)
- ➢ website owners can be innocent victims (and taking down the site may have unintended collateral damage on business websites/emails etc.)

7.4. Technical complexities associated with online abuse

Discussion turned to the role of channel partners in any takedown, and the level of automation (in the interest of speed and efficiency). There was discussion on the potential for Registrars to manually action takedowns, and on the technical facilities that could be used to automate this.

The technical protocol differences between the .ie namespace and the gTLD namespaces was explained. Specifically, it was noted that the technical protocol within the gTLD namespaces (EPP) enables Registrars to take down a domain at the Registry-level without Registry involvement. This feature is not available to Registrars in the .ie namespace for policy reasons (as the feature would impact the operation of the billing contact transfer process – detailed in the Registration and Naming Policy), and for API system operation reasons (as IEDR does not offer full EPP services).

It was commented that a "phishing lock" feature is available in the .uk namespace, and is used by Registrars to take down domains suspected of engaging in illegal activities, such as selling fake/prohibited drugs. The Registrar representatives on the PAC commented that they would welcome the introduction of a takedown tool to enable Registrars to disable .ie domains suspected of engaging in abuse. The Registry confirmed that it was also willing to facilitate abusive registration takedowns.

It was remarked that Nominet's (which manages the .uk extension) abuse handling strategy is influenced by its cooperative arrangement with local law enforcement agencies. There was brief discussion on the potential introduction of such an agreement at .ie, in addition to the need for appropriate due diligence checks to ensure that Registry take downs are only done where other remediation options have been exhausted. There was some commentary amongst the accredited .ie Registrar representatives that the Registry ought to be seen as an avenue of last resort for takedowns.

7.5. Industry Expert Input

It was acknowledged that the broader membership may not be familiar with the technical intricacies of online abusive activities. Therefore, the Chair proposed that an industry expert should be invited to inform the PAC on this matter at the PAC#20 meeting. This would ensure that all members have an appropriate understanding of the multi-faceted, social, legal, technical, and cross-border issues/challenges, prior to making recommendations on a suitable strategy for abuse handling (and discussing any necessary policy changes). This proposal was well received by the membership, and it was agreed that the Secretariat would invite a suitable speaker to the PAC#20 meeting.

7.6. Next Steps

It was agreed that engagement on this matter should continue on the PAC mailing list in the interim period between the PAC#20 meeting. The PAC Secretariat will circulate information on the industry expert speaker and relevant materials ahead of the next PAC meeting.

8. Any Other Business

a) Policy change conclusion on the proposal to alter the operation of the DNS technical check

The PAC were reminded that this change had been implemented on the 28 November 2018 following the completion of the necessary technical developments within the .ie systems.

The implementation of this change ensured that there was no delay in the completion of ticket requests which included incorrect DNS (provided the ticket passed the Registry's internal administrative checks, and any required fees were paid).

The PAC acknowledged the implementation and completion of this change, and the Chair concluded this matter by signing the policy conclusion template into the meeting record, thanking those involved in the review process.

b) Industry related developments/relevant legislative changes to be outlined by PAC members

Due to time constraints, and in the absence of any significant/urgent related updates on this topic, members agreed to progress discussion to Agenda item 8(c).

c) EU Directive on security of network and information systems (NIS Directive)

There was brief discussion on this matter. The PAC representative from the Department of Communications, Climate Action and Environment commented that the consultation on reporting guidelines for Operators of Essential Services (OES) had recently concluded.

It was confirmed that the official designation process for OES is almost complete for five of the seven sectors, with official designation letters to issue in the coming weeks.

The Internet Infrastructure sector has experienced delays due to the gathering of necessary information but "Intent to Designate" letters will issue to entities in this sector in the coming weeks. It was also noted that a town hall meeting was expected to be held with all OES in May 2019.

There was brief discussion on the on-going consultation on the National Cyber Security Strategy and submissions were welcomed from the membership.

Following the meeting, the Department representative confirmed that the next edition of the reporting guidelines for OES would be the final version, and that no additional consultation will be held.

9. Next Steps

IEDR will:-
- ➤ Continue to work with the preferred process operator of the ADR:-
    - o on implementation matters (finalise contracts, set implementation date)
    - o circulate educational and promotional materials to stakeholders
    - o circulate edits to the Registrant Terms and Conditions to the Registrar channel, and add these to the IEDR website, at least 30 days before implementation
    - o finalise edits to the definitions of the ADR Policy text
- ➤ Proceed with the phased release (Sunrise, Landrush and General Availability) of the three .ie domains that correspond to TLD extensions (aero.ie, coop.ie, post.ie)
- ➤ Update content on the PAC-related webpage on www.iedr.ie to invite interested organisations to submit an "expression of interest" to join the PAC, and to review/enhance the placement and layout of this page
- ➤ Submit a policy change request for a reserve name policy for review at the PAC#20 meeting

PAC Secretariat will:-
- ➢ Ask the membership via the mailing list if it wishes to propose inviting any eligible organisations to join the PAC. Formal invites will be issued in due course, once consensus for the invites has been established.
- ➢ Invite an industry expert to speak about online abuse at the PAC#20 meeting

10. Next Meeting

The date for the next PAC meeting has been tentatively set for 4 July 2019, subject to the Secretariat checking the suitability of this date with non-attending members.