

IE Domain Registry CLG

Policy Advisory Committee – PAC #14

Minutes from the 7 February 2018 Meeting



Identifiably Irish

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Ireland's Domain Registry

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Minutes of the Meeting held on 13 November 2017

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

Meeting Time: Called to order at 11:03am by the PAC Chairman.

Members present:

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|---|-----------------------|
| Chair | Alfie Shaw |
| Association of Patent & Trade Mark Attorneys (APTMA) | Judy McCullagh |
| Department of Communications, Climate Action & Environment | Niamh Burns |
| Department of Business, Enterprise and Innovation | Jill Colquhoun |
| HEAnet | Brian Nisbet |
| .ie Accredited Registrar (Blacknight Solutions) | Michele Neylon |
| .ie Accredited Registrar (Irish Domains) | Conor Moran |
| .ie Accredited Registrar (Register 365) | Kelly Salter |
| Internet Service Providers Association of Ireland (ISPAI) | Fred Logue |
| Small Firms Association (SFA) | Linda Barry |
| IE Domain Registry (IEDR) | Jimmy Joyce |

IEDR Representatives:

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|--------------------------|
| David Curtin |
| Oonagh McCutcheon |

PAC Secretariat:

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|---------------------|
| Sarah Keegan |
|---------------------|

1. Apologies - Members not present:-

- Jim Barry – Enterprise Ireland: pre-arranged
- Jonathan Bate – .ie accredited Registrar (Hosting Ireland): pre-arranged
- Kevin Thomas – Irish Computer Society: pre-arranged
- Joe Kane – Law Society

2. Minutes from the 13 November 2017 PAC #13 meeting

It was confirmed that the Minutes from the 13 November 2017 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 from the 13 November 2017 PAC #13 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, which involved the inclusion of the billing contact name and an abuse contact field, amongst other aesthetic changes, to the WHOIS output.

The policy change proposer, IEDR, requested that the proposal be withdrawn at this time, on the grounds that it is undertaking a wider review of its WHOIS output in advance of the introduction of the EU General Data Protection Regulation (GDPR).

The IEDR added that it has engaged with the Office of the Data Protection Commissioner (ODPC) on GDPR compliance matters and was monitoring international discussions at ICANN-level with regard to the future of the WHOIS for generic top-level domains, to determine if there is any emerging best practice. The IEDR further advised the PAC that it is engaging in related discussions and workshops at the Council for European National Top-Level Domain Registries (CENTR), and reviewing the matter with its legal counsel.

There was discussion on the potential impact of the GDPR on the dot ie WHOIS output, along with the value and benefits of the WHOIS changes considered under this policy change proposal. The IEDR assured the PAC that the efforts made to review this proposal to date, and the feedback received during consultation period with the Registrar channel, would be carried forward for consideration during the review of the WHOIS for GDPR compliance. The PAC welcomed this, and acknowledged the removal of the policy change proposal at this time.

3.2. Policy Change Request: Privacy Policy

The policy change proposal was briefly summarised, along with the action items from the last meeting. The policy change proposer, IEDR, commented that the changes proposed within these policy edits at the time of their submission were reflective of the pre-GDPR provisions, and that the policy now required further revision in advance of the introduction of the GDPR in May 2018. Therefore, it was proposed that the change request be withdrawn at this time.

The IEDR confirmed that it is reviewing its Privacy Policy with its legal counsel, and is engaging with the Office of the Data Protection Commissioner and European ccTLD operators at CENTR regarding this matter.

There was brief discussion on the Data Controller-Data Processor roles under the GDPR, and the accredited .ie Registrar representatives on the PAC requested that the edits to the Privacy Policy for GDPR compliance be circulated as soon as possible, so that they could review these provisions with their own legal counsels.

The IEDR confirmed that it will circulate the revisions to the Privacy Policy at least 60-days prior to the GDPR implementation date (25 May 2018). The accredited .ie Registrar representatives on the PAC welcomed this commitment, and the PAC acknowledged the removal of the policy change proposal.

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 confirmed that the consultation process with the wider Registrar channel had concluded in December 2017 and that no objections were raised to the proposed change. Some accredited .ie Registrar representatives on the PAC noted that this was a particularly welcome development, which would enhance the domain registration and modification process.

The IEDR advised the PAC that it was undertaking the technical preparations required to support the change, which it expects to be finalised and ready for implementation later in Q1 2018.

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 the policy change proposal had been largely superseded by the release of (the majority of) two-letter domains which correspond to ccTLD extensions.

The remaining action required for the completion of this policy change proposal relates to the release of three reserved .ie domains which correspond to TLD extensions. In previous discussions, it had been agreed that these domains would be released using the standardised, phased release mechanism for the .ie namespace, which includes Sunrise, Landrush and General Availability phases.

It had also been proposed in previous meetings that the opportunity should be taken to release a number of other reserved .ie domains which are no longer required by the Registry. To this end, the IEDR had previously drafted a full list of the .ie domains it holds, along with a list of those that would be considered for release.

The full list of domains under consideration for release 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 |

As agreed at the last PAC meeting, the IEDR confirmed for the PAC that it had engaged with its Board of Directors regarding the release of these reserved domains, and that consideration had been given to the matter. The IEDR confirmed that its Board of Directors was agreeable to receive the formal recommendation for their release, in accordance with Step 9 of the 10-step Policy Development Process (PDP).

Accordingly, it was agreed that the PAC was in favour of progressing the policy change proposal, and that the Secretariat would pass the PAC's formal recommendation for the release to the IEDR Board of Directors, in line with Step 9 of the PDP. The IEDR remarked that the membership of its Board of Directors is currently undergoing changes with three new members due to join shortly.

Further updates will be provided in due course.

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:-

- IEDR and related Stakeholders continuing their promotional and awareness-building efforts
- Drafting revisions to the Guidelines of the Registration & Naming Policy
- Drafting revisions to the wider Registration & Naming Policy, to account for the removal of the claim requirement and reflect the completion of other policy changes since the last draft was published in March 2017)
- Drafting changes to the Registrar Agreement and Registrant Terms and Conditions

5.1. Work Stream 1 – Awareness-building

The IEDR reminded the PAC that it had undertaken promotional and awareness-building efforts under three distinct phases; phase one publicised the Public Consultation, phase two is raising awareness of the policy change before its implementation, and phase three will promote the policy change after its implementation.

It was also confirmed that the IEDR had created and circulated a dedicated, white-labelled (customisable) promotional toolkit for Registrars and PAC Mothership Stakeholders to assist with awareness-building efforts. This toolkit included:-

- Informational flyers
- Two short explanatory animation videos
- Skyscraper banners (for digital ads)
- Sample content for social media, stakeholder websites, articles etc.
- Hard copy material is also available, on request, for trade shows

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, and the Public Sector times, amongst others.

For phase three, the IEDR confirmed that it would undertake a public-service style radio announcement campaign on Newstalk and Today FM, and include notices in national press, including the Irish Times, Sunday Business Post, and the Irish Independent. PAC Stakeholders were also encouraged to continue raising awareness amongst their membership. Discussion followed on the rationale and benefits for selecting these media.

It was confirmed that the content marketing message would continue to focus on the policy change making it ‘faster and easier’ for those with real Irish connections to get a .ie domain. The IEDR further confirmed that it expected to undertake co-funded marketing efforts with some accredited .ie Registrars during phase three.

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

The PAC were reminded that this work stream would soon finalise word-crafting of the Guidelines of the Registration & Naming Policy. It was confirmed that the Working Group had engaged via the relevant mailing list to find consensus for the final edits to the revisions. During the word-crafting discussions, it was determined that:-

- Utility bills would not be accepted as a '1-item' proof to show the future registrant's compliance with the Registration & Naming Policy
- Organisations could not provide a social media URL as evidence of connection to Ireland
- Individuals who have no connection to Ireland (i.e. are not resident in the island of Ireland AND do not hold citizenship in Ireland) cannot register a .ie domain

It was noted that edits to the wider Registration & Naming Policy were required to remove references to the claim requirement and to other policy changes that have been implemented since the PPPRG format of the Registration & Naming Policy was published in March 2017. The Secretariat will finalise these edits and circulate the revised version to the PAC, in due course. It was further confirmed that the deletion of one sentence from the Registrant Terms and Conditions was required, along with the removal of portions of two sentences from the Registrar Agreement. A draft document illustrating these changes will be circulated to the PAC with the meeting Minutes.

5.3. Implementation

It was noted that following consultation with the accredited .ie Registrar representatives on the PAC that the policy change would be implemented on 21 March 2018. There was discussion on the required website changes for the Registry and Registrars as a result of the change, to ensure that the registration requirements were accurately and appropriately displayed. Further discussion also followed on whether smaller accredited .ie Registrars were aware of the change.

The IEDR confirmed that it had undertaken a Registrar-wide communication effort in September 2017, to ensure all Registrars were aware of the policy change. This involved issuing email communications to the entire Registrar channel. Those Registrars which had not opened the email were contacted by telephone to discuss the policy change. The IEDR remarked that this had led to increasing open-rates of relevant email communications since that time, indicating that the majority of Registrars are now aware of the change.

6. Update on the 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. The PAC were reminded that the objective of this policy change proposal was to introduce an easier, faster and more affordable mechanism for disputing .ie domain registrations.

It was confirmed that the Working Group reviewing this policy change proposal had focused their efforts to date on:-

- Reviewing the ADR processes used by other ccTLD and gTLD operators
- Considering if a third party should / could manage elements of the process
- Considering if a mediation service should be offered with the process
- Undertaking a review of potential costs associated with offering a mediation service and Expert Panel decision

The Working Group confirmed that they had engaged in discussions via the relevant mailing list and held a conference call since the last PAC meeting. It was noted that there was emerging consensus for:-

- '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/>
- The continuing availability of the existing .ie Dispute Resolution Process (ieDRP), which is operated by an independent party, the World Intellectual Property Organisation (WIPO), for addressing intellectual property related disputes
- Mediation to be facilitated by a third party, and offered as an optional service
- Complainants to have a legitimate interest in the domain name which is the subject of the dispute

Further consensus was found to exist in favour of:-

- Refining the Regulatory Authority Protocol (RAP), by making a standardised template available on the IEDR website, to facilitate the submission of complaints from national Regulatory Authorities.
- IEDR continuing to avoid adjudicating on subjective breaches of the registration rules pertaining to domain name use

During discussions at the PAC meeting, the accredited .ie Registrar representatives remarked that consideration should be given to the availability of a tool for Registrars to remove from the .ie zone, those domains in their own portfolios which are subject to serious complaint (e.g. phishing). The Registrars further added that they wished to be included as a recipient on any complaint communications issued by the IEDR to registrants. The IEDR confirmed that it ensures Registrars are cc'd on all communications issued under the existing internal complaint handling process.

The Working Group confirmed that it had given consideration to the potential design and scope of the ADR, specifically to ensure that certain types of complaints could be effectively addressed, including instances where a web developer registers a .ie domain to themselves (rather than a client). There was brief discussion on the range of potential outcomes of a dispute under the ADR, e.g. transfer, suspension, parking etc., amongst other considerations. There was also discussion on a mechanism to allow the Complainant and the Registrant to engage with each other. As Registrant data cannot be shared with a Complainant, it may need to be facilitated by the IEDR or the ADR provider.

The Working Group confirmed that they had undertaken an initial feasibility check to ensure that the potential cost of the mediation and Expert Panel services would not be prohibitive. It was confirmed that initial costs quoted by one provider, which was in a position to facilitate both the mediation and Expert Decision services, were found to be substantially more affordable for SMEs than the costs associated with the existing ie Dispute Resolution Policy (DRP). It was also confirmed that the complexity and time required for case resolution could be significantly easier and faster than the timeframe associated with ieDRP resolutions.

It was acknowledged that further cost quotes are pending from a number of other providers, and that further updates would be circulated to the Working Group via the relevant mailing list and on future conference calls.

7. Any Other Business

7.1. Industry related developments / relevant legislative changes

Topics discussed included:

- **EU General Data Protection Regulation**

There was brief discussion on the GDPR. It was noted that this matter had been largely covered during earlier discussions.

- **NIS Directive**

There was brief discussion on the EU Directive on security of network and information systems (NIS Directive), and the reporting requirements associated with it.

The Department of Communications, Climate Action and Environment (DCCAE) confirmed that a series of meetings with potential 'Operators of Essential Services' (OES) had been held in 2018, and that the relevant legislation was pending, and would be released later in 2018.

- **E-Privacy Directive**

There was brief discussion on the European reform of ePrivacy legislation.

8. Next Steps

IEDR will:-

- Post-GDPR Impact Assessment – Complete WHOIS and Privacy Policy changes to ensure compliance with GDPR and circulate 60-days prior to GDPR introduction date.
- Continue preparing for the operational changes to the DNS check process, with a view to implementing this change in Q1 2018

PAC Secretariat will:-

- Provide the PAC's formal recommendation for the release of the three .ie domains that correspond to TLD extensions, and the release of the additional 11 reserved domains, in accordance with Step 9 of the PDP
- Finalise and circulate edits to the Registration and Naming Policy (PPPRG), to reflect the upcoming removal of the claim registration requirement
- Circulate the edits to the Registrar Agreement and Registrant Terms and Conditions, to reflect the upcoming removal of the claim registration requirement
- Obtain additional quotes from potential ADR providers, and circulate these to the ADR Working Group
- Establish and confirm a suitable date for the next ADR Working Group conference call and PAC meeting
- Draft and circulate the 2017 PAC Annual Report

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 mid-April 2018.