

Policy Advisory Committee

7 February 2018 Meeting - PAC#14

Policy Advisory Committee - Agenda

1. **Apologies (absentees)**
2. **Minutes of the Meeting of PAC#13 (13 Nov 2017)**
3. **Review of action points from 13 November 2017**
(relating to matters not otherwise appearing on the Agenda)
 - 3.1 Request: WHOIS Policy & Acceptable Use Policy
 - 3.2 Request: Privacy Policy
 - 3.3 Proposal to alter the operation of the DNS check validation process
4. **Update on the policy change proposal**
To remove restrictions on .ie domains corresponding to TLDs
5. **Update on the policy change**
To remove the 'claim to the name' requirement from the Registration & Naming Policy
6. **Update on the policy change**
To introduce Alternative Dispute Resolution Process (ADRP)
7. **Any Other Business**
 - 7.1 Industry related developments /relevant legislative changes to be outlined by PAC members
8. **Next meeting(s)**

3. Action Points & updates

from the 13 November 2017 meeting

3.1 Policy change - Request: WHOIS Policy & Acceptable Use Policy

Action Points:-

- IEDR to engage with the wider accredited .ie Registrar channel in relation to establishing an appropriate timetable for the implementation of the proposed changes to the WHOIS output; to display the Billing Contact name, along with other functional and aesthetic changes.

Update:-

- Policy change request will be withdrawn by the proposer (IEDR).
- The change-request has been superseded by GDPR compliance requirements.
- IEDR is monitoring discussions at CENTR and ICANN for emerging best practice on WHOIS disclosures, and is consulting with the Office of the Data Protection Commissioner, and legal counsel.

WHOIS Changes

Proposal to include Billing Contact information in the WHOIS display

- It was proposed that to support secondary market operations, the Billing Contact nic-handle and name managing a dot IE registration should be included in the WHOIS display.
- This would direct interested buyers to the Registrar managing the domain to initiate sale discussions.
- There was strong consensus for the change, and it was suggested that this opportunity also be used to make other changes to the WHOIS display, including the removal of the legacy class and category system and the introduction of a Registrar Abuse Contact.

Current WHOIS Display

domain: iedr.ie
descr: IE Domain Registry Limited
descr: Body Corporate (Ltd,PLC,Company)
descr: Corporate Name
admin-c: IH4-IEDR
tech-c: ITS2-IEDR
registration: 16-March-1999
renewal: 01-January-2020
holder-type: NonBillable
locked: N
ren-status: Active
in-zone: 1
nserver: ns0.iedr.ie 77.72.74.133 2a01:4b0:0:6::5
nserver: ns2.iedr.ie 77.72.78.88 2a01:4b0:2:2::88
nserver: e.ns.ie
nserver: f.ns.ie
nserver: ns.heanet.ie
source: IEDR

person: IE Domain Registry Limited
nic-hdl: IH4-IEDR
source: IEDR

person: IEDR Technical Services
nic-hdl: ITS2-IEDR
source: IEDR

Proposed WHOIS Display

Domain: iedr.ie
Domain Holder: IE Domain Registry Limited

Administrative Contact:
Nic-Handle: IH4-IEDR
Name: IE Domain Registry Limited

Technical Contact:
Nic-Handle: ITS2-IEDR
Name: IEDR Technical Services

Billing Contact:
Nic-Handle: ABC123-IEDR
Person: IEDR
Registrar Abuse Contact: (email – if desired, telephone no. also)

Registration Date:
Renewal Date:
Holder-type:
Locked status:
Renewal status:
In-zone:
Nserver:
Nserver:
Nserver:
Nserver:
Nserver:
Nserver:
Source: IEDR

3. Action Points & updates

from the 13 November 2017 meeting

3.2 Policy change - Request: Privacy Policy

Action Points:-

- IEDR to provide clarification on data retention practices within the proposed policy edits, in due course.
- Registrars to provide feedback, and/or suggested edits, from their legal advisors and/or internal staff.

Updates:-

- Policy change request will be withdrawn by the proposer (IEDR).
- The change-request has been superseded by GDPR compliance requirements.

3. Action Points & updates

from the 13 November 2017 meeting

3.3 Policy change – to alter the operation of the DNS check validation process

(for new registration, modification and registrant transfer tickets)

Action Points:-

- The 30-day consultation with the Registrar channel was to conclude on **9 December 2017**

Updates:-

- 6 submissions were received
- All were in favour of the change
- IEDR is working to update its internal systems to support this change
- Implementation is expected in Q1 2018. Normal minimum notice periods will apply.

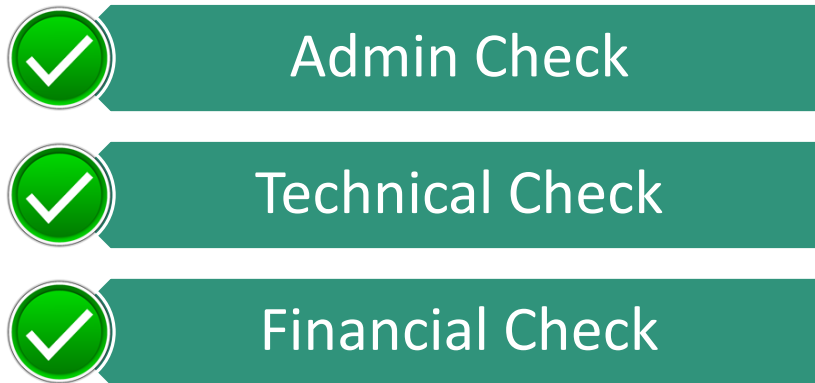
3.3 Proposal to alter the operation of the DNS check validation process

To ensure that a FAIL result on the technical check does not delay the completion of a request

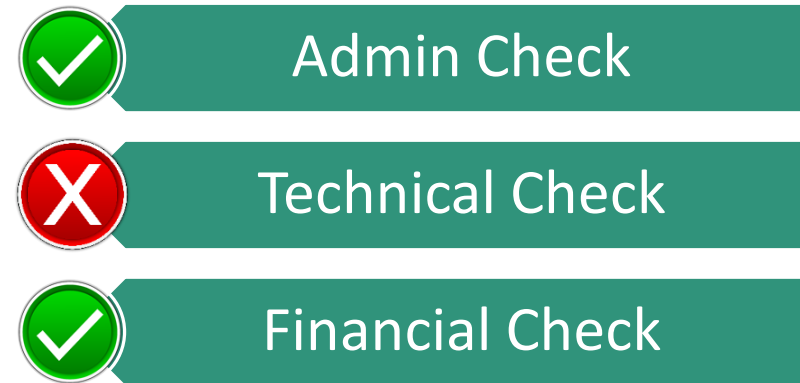
What is being proposed?

- The triple-pass check would continue to run.
- A **FAIL** result on the technical check would not delay the completion of the request, provided that the admin and financial checks are successful.

Checks that requests must pass currently:-



Checks that requests must pass after proposed change:-



- Email notifications would continue to issue to the relevant contact(s) to notify them of the DNS configuration failure, but the need to correct the DNS would not delay the completion of the request.
- IEDR is in favour of this change to enhance the customer experience. We will monitor the impact of the change and if there is a deterioration in the quality of the zone, we may need to re-visit the DNS check process.

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

To ensure that a FAIL result on the technical check does not delay the completion of a request

Background on the *current* process:-

Ticket requests (e.g. new registration, modification, billing transfer and registrant transfer) are subject to a **triple-pass check** before they are completed (i.e. before the change takes effect in the dot ie zone).

The three stages that form the triple-pass check are outlined below:-

- The **admin check** determines that the applicable administrative requirements have been met (e.g. supporting information has been provided to show compliance with registration rules for new applications, or a valid authcode has been provided for billing contact / registrant transfers).
- The **technical check** determines that the DNS records provided in a request are configured in accordance with RFC protocols 1034 & 1035.
- The **financial check** determines that the required fee, if applicable, has been paid (via deposit account/credit card).

If a request **fails** any **one** of these checks, the request cannot complete, until the **three** checks successfully pass.

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4. Policy change – TLD names

from the 13 November 2017 meeting

Policy change – to remove restrictions on .ie domains corresponding to TLDs

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

Action Point:-

- IEDR to discuss the release of the 14 domains (currently reserved to the IEDR) with its Board of Directors.
- It is proposed that the 11 additional (non-TLD) domains could potentially be made available for release at the same time as those corresponding to the 3 TLD extensions, using the *phased release* mechanism (Sunrise, Landrush and General Availability).

Update:-

- IEDR raised the matter with its Board of Directors, which has confirmed that it is agreeable to proceed to Step 9 of the PDP, upon receipt of the recommendation from the PAC.
- Target release of these names is Q3-Q4 2018.

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5. Policy change – claim to the name

Action Items arising from the 13 November 2017 meeting

Policy change – to remove the claim to the name requirement from the Registration & Naming Policy

Action Points:-

- Secretariat was to provide the PAC's formal recommendation for the implementation of the policy change to the IEDR Board of Directors, and to seek its approval.
- IEDR was to continue awareness-building efforts, and to establish an implementation date, provided that the IEDR Board were favourable to the change.
- The Working Group was to finalise word-crafting of the revisions to the 'Guidelines' of the Registration & Naming Policy.

Updates:-

- IEDR Board has approved the policy change by 14th Nov'17 (paving the way for a 17th March go-live, if required)
- Awareness-building has continued with marketing collateral / toolkit availability
- Working Group has finalised word-crafting of 'Guideline' revisions within the PPPRG

5. Policy change – claim to the name

Marketing & promotion - Communications & Awareness building

Phase 1 of communications completed - Public Consultation (28 Aug '17 – 30 Sept '17)

Phase 2 of communications is on-going – Awareness-building (Nov'17 – March'18)

- Registrars - awareness building for existing registrants and current customers (*final call* to ring-fence your name)
- IEDR - toolkit for Registrars and PAC Mothership Stakeholders was sent, and included:-
 - Informational Flyers
 - Short animation videos (x2)
 - Skyscraper banners (for digital ads)
 - Sample content for social media, stakeholder websites, articles etc.
- IEDR website with marketing toolkit – FAQ, informational flyers, home page carousel, timetable etc.
- All – awareness-building by stakeholders (to ring-fence your online-identity, name)

Phase 3 of communications is being planned

- Public Service type comms by IEDR - is expected to happen just prior to implementation (w/c 5 Mar and 12 Mar)
- Tour de Table....

iedr IRELAND'S DOMAIN REGISTRY

Our Policies are changing in 2018

Final Call - Get your dot ie domain now, before its gone!

The Public Consultation process has ended. The Public have voted to remove the need to show a claim to the name when registering a dot ie domain name.

This means that anyone with a real connection to Ireland will be able to register any available dot ie domain they want.

Its important that you protect any available names you need, as registering a dot ie domain is the only way to ensure that no one else gets it.

What does this mean for you?

Applying now, you must show:	Applying after the change, you must show:
<input checked="" type="checkbox"/> Connection to the island of Ireland	<input checked="" type="checkbox"/> Connection to the island of Ireland
<input checked="" type="checkbox"/> Prove your identity	<input checked="" type="checkbox"/> Prove your identity
<input checked="" type="checkbox"/> Claim to the name	<input checked="" type="checkbox"/> Claim to the name

What isn't changing?

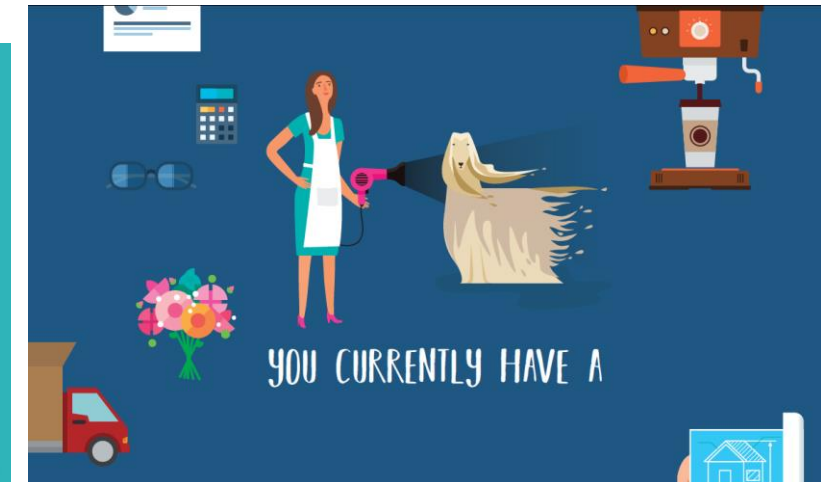
Dot ie will still be:

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

Why remove the claim?

- ✓ To make it faster and easier for those with real Irish connections to
- ✓ To grow dot.ie, especially with Irish Small Office/Home Office/Micro
- ✓ To remove the 'claim' requirement, as applicants can't prove future up businesses who want a web presence before setting up a physic
- ✓ To remove restrictions on domains that reflect a person's name, nic
- ✓ We believe that now is the right time to remove the claim, so that th connections can get any available dot ie domain they want, without

Marketing & promotion - Communications & awareness-building



Policy Liberalisation

Register a Domain

Liberalisation – propos

As part of our policy development p

changes to the dot ie (.ie) registrati

Click on any of the links below to jump straight to the

- What's changing?
- Why is this being proposed?
- What isn't changing?
- What happens if someone takes my name?
- When is this change expected to happen?
- Looking for more information?
- Want to register a domain?

A4 digital ad

[www.iedr.ie/Final Call](http://www.iedr.ie/FinalCall)

5. Policy change – claim to the name

Connection to Ireland - Guidelines for showing evidence – Agreements, T&Cs

- Word-crafting of edits to the ‘Guidelines’ of the Registration & Naming Policy has been finalised
- The outstanding revisions to the Guidelines related to determining whether:-
 - **organisations (e.g. clubs, bands etc.) should prove their ‘Connection’ with social media URLs**
It was agreed that use of social media links will not be permitted due to the largely unverifiable nature of the content at such sites
 - **utility bills should be accepted as a ‘1-item’ proof**
It was agreed that these show evidence of connection only, not ID – therefore, they will not be accepted as a ‘1-item’ proof
 - **individuals who have no connection to Ireland (i.e. are not resident in the island of Ireland AND do not hold citizenship in Ireland) can register a .ie domain**
It was agreed that such parties will not be permitted to register a .ie domain
- PPPRG - final edits are being drafted - to remove claim references, update context (where necessary), and to include ‘Guideline’ revisions
- Registrar Agreement (s1 & s7.1) and T&C’s (s2). *(Normal notice periods will apply. DocuSign process to issue and sign).*

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6. Alternative Dispute Resolution (ADR) Policy

Objective is an easier and affordable process

Action Items:-

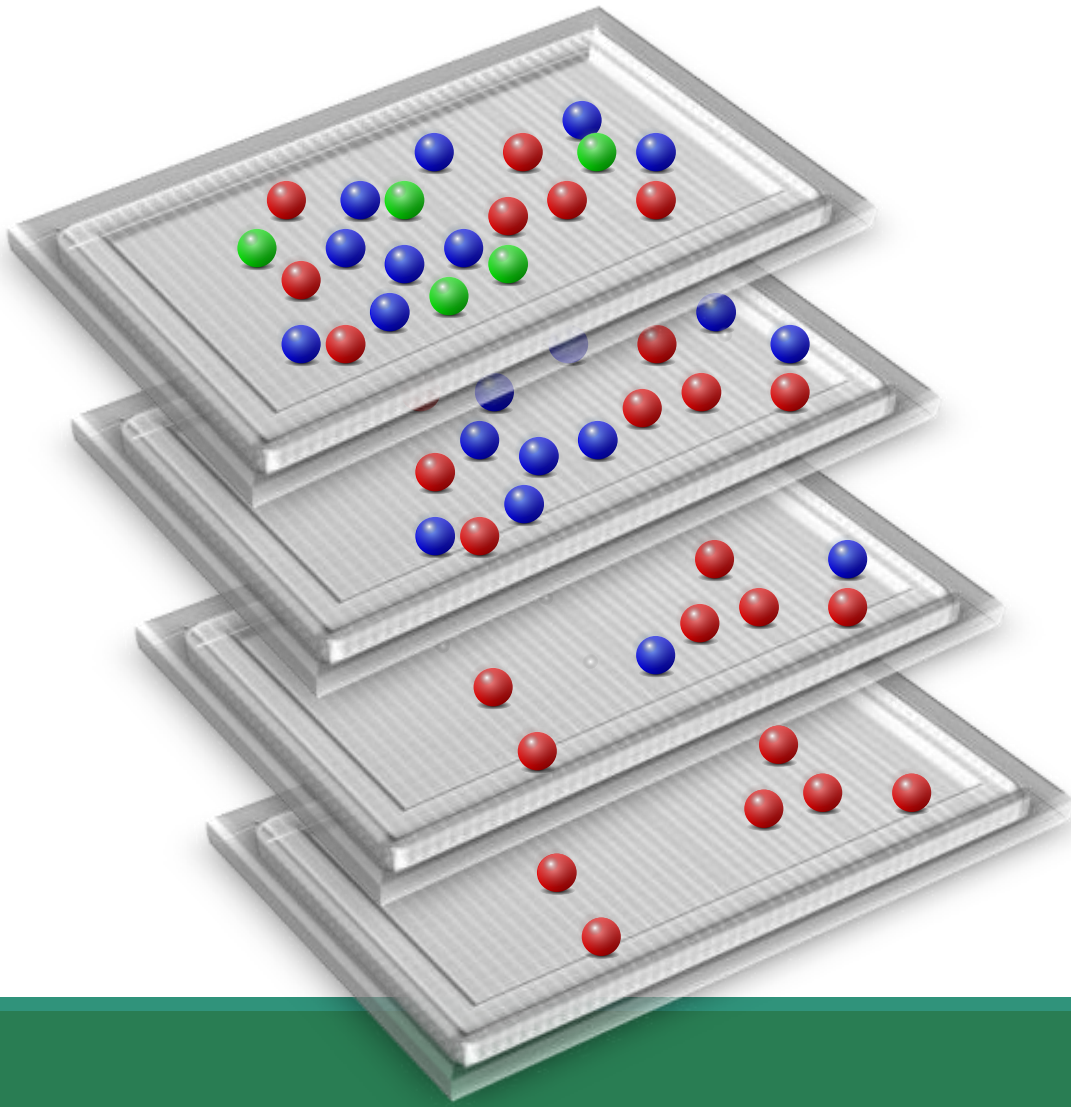
- As consensus-in-principle was found to exist for the proposal, a Working Group was to be formally established to further consider the proposal.

Updates:-

- Working Group has been established.
- Engagement via conference call and mailing list since last PAC meeting.
- Efforts to date have focused on:-
 - Reviewing the ADR processes used by other ccTLD and gTLD operators
 - Considering if a third party should / could manage the process
 - Considering if a mediation service should be offered with the process
 - Considering alternatives /options for an ADR process (that are easier and more affordable than the IE DRP with [WIPO](#))
 - Considering if access to an ADRP should be limited eg to complainants with rights / interests
 - Undertaking a review of potential costs associated with offering a mediation service and Expert Decision

6. Alternative Dispute Resolution (ADR) Policy

➤ Emerging consensus for the proposed filtering in Levels 1-3 below. Further consideration required for Level 4



Level 1: IEDR can filter and deal with cases, such as :-

Technical abuse – malware, phishing, DNS hijacking or poisoning, botnet command and control, willful distribution of malware.....

Obvious criminality - distribution of material depicting child abuse, human trafficking

Court Order – including an instruction to suspend, delete a domain

Level 2: WIPO and Regulatory Authority protocol (RAP)

IP infringement:- complainant sends to WIPO directly

Regulatory body - notice of illegal activity - existing protocol (RAP)

Level 3: Registration abuse

Breach of t&c's during registration - incorrect supporting documentation

Level 4: complex cases – refer to Expert Panel, Courts

Legal matters:- defamation, slander, impersonation, passing-off

Registration issues:- bad faith registrations, non-rights IPR breach

'Ownership' issues:- Business disputes, family disagreements

6. Alternative Dispute Resolution (ADR) Policy

WG:- Further emerging consensus for:-

➤ **Formalisation of the Regulatory Authority Protocol (RAP)**

- Use of a single, standardised template (available for national Regulatory Authorities on the IEDR.ie website)

➤ **Subjective breaches of the rules could not be assessed / adjudicated-on by IEDR**

(and therefore ought to be escalated to a mediation service, an Independent Expert, referred to parties' legal advisors)

- e.g. defamation, slander, impersonation, passing-off, bad faith registrations, bad faith use/content etc.

➤ **ADR design**

- WG should be mindful of offering a mechanism for addressing certain instances, such as

- where a web designer registers a .ie domain to themselves (rather than their client),
- for disputes between business competitors,
- for disputing personal domain name registrations (e.g. MickMurphy.ie, where there may be multiple interested / disappointed parties).

6. Alternative Dispute Resolution (ADR) Policy

WG:- Scope considerations:-

It was proposed that **any** of the following criteria could be used to legitimately ***restrict the scope*** of the ADR:-

- the complainant should have **legitimate rights** or **interests** in the name ?
- the complainant should be **negatively impacted** by the registration ?
 - *(a complainant who is just “a concerned citizen” could be referred to relevant regulatory bodies).*
- the registrant should have **no legitimate rights** to the name ?
- the domain should have been registered, and/or subsequently used, in **bad faith** ?
- the domain should be **used** currently for the provision of **bona fide services** ?

6. Alternative Dispute Resolution (ADR) Policy

WG:- Other considerations:-

Potential Outcomes

- Outcome could be:- Suspension ? Deletion ? Transfer to the Complainant ? Parked forever (à la Nominet outcome)

Binding / non-binding decisions

- Results should be binding on the parties, otherwise ADRP is pointless (however, legal recourse permitted, if disagreement still exists)

Mediation:

- Should it be offered? If so, should it be provided internally by IEDR / external Mediation Service?
- If it can't be offered at a low-price point, should the ADR policy proposal deliberations be dis-continued?

Independent Expert:

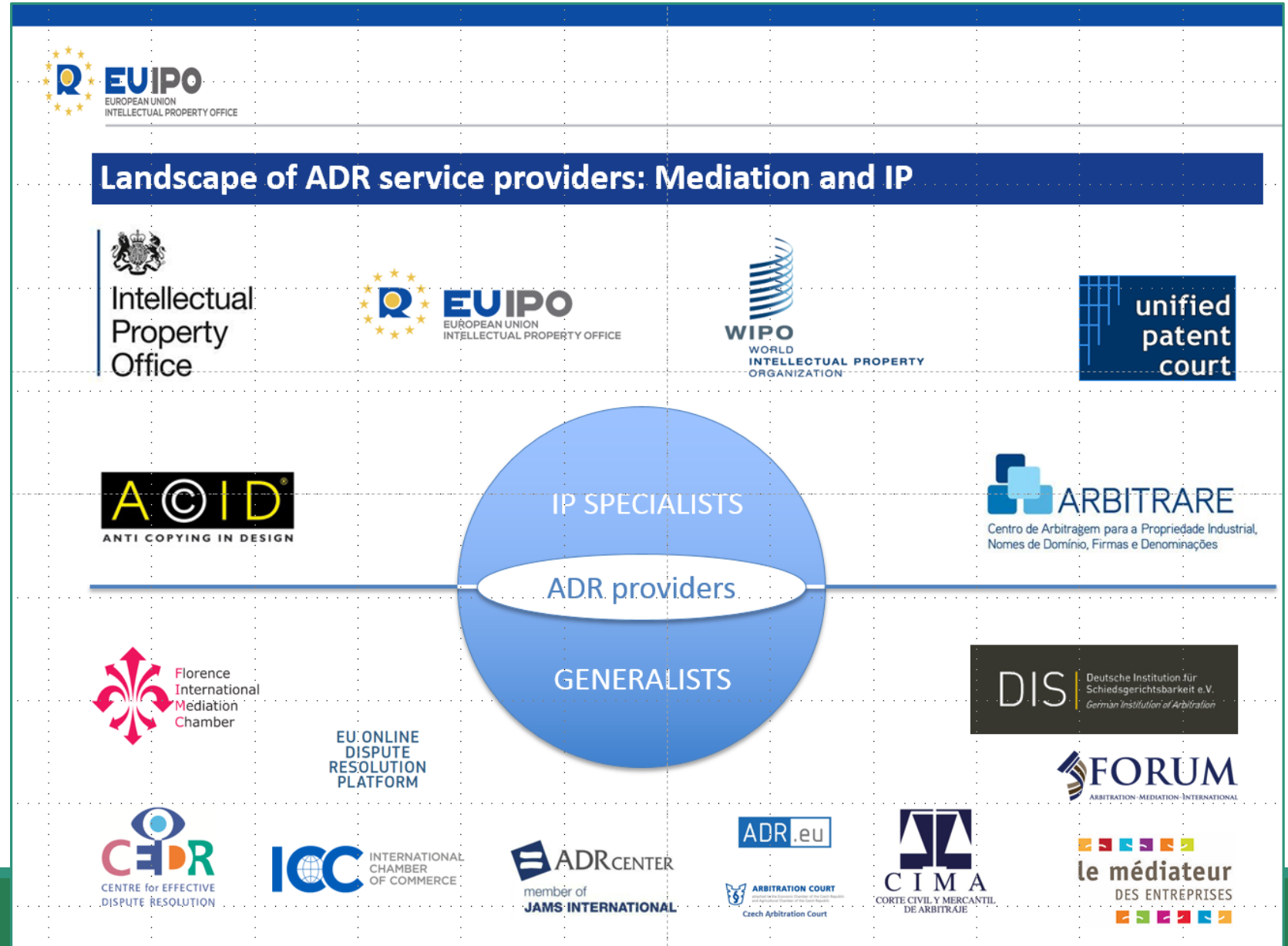
- Should an Expert Panel adjudicate on certain instances, such as bad faith reg., slander, defamation etc.?
- If it can't be offered at a low-price point, should the complainant just be referred to its legal advisors ?

6. Alternative Dispute Resolution (ADR) Policy

EU legislative changes following
Mediation Directive 2008/52/EC.

Legal Reform legislation allows
EUIPO to create a **Mediation Centre**
(art. 151, 170)

The Office (EUIPO) will evaluate the
feasibility of creating such a centre
to promote alternative dispute
resolution for all parties involved in
disputes pending before any of its
decision-making instances.”



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7. Any Other Business...

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Next Meeting... PAC#15

January

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October

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November

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