

IE Domain Registry CLG

Policy Advisory Committee – PAC #20

Minutes from the 4 July 2019 Meeting



IE Domain Registry

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Minutes of the PAC #20 Meeting held on 4 July 2019

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

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

Members and representatives present:

Chair
Department of Business, Enterprise and Innovation (DBEI)
Enterprise Ireland
HEAnet
.ie Accredited Registrar (Blacknight)
.ie Accredited Registrar (FCR Media)
.ie Accredited Registrar (MarkMonitor)
Internet Service Providers Association Ireland (ISPAI)
Irish Computer Society (ICS)
IE Domain Registry (IEDR)
PAC Secretariat

1. (a) Apologies – Members not present

- Association of Patent and Trade Mark Attorneys (APTMA)
- ie Accredited Registrar (Register 365) – pre-arranged
- Small Firms Association - pre-arranged
- Department of Communications, Climate Action & Environment (DCCAIE)
- Law Society

1. (b) New Representatives

The Chair welcomed the new representatives from the Irish Computer Society, Enterprise Ireland, and MarkMonitor and thanked them for volunteering their time and sharing their expertise with the PAC.

1. (c) Updates to the PAC Terms of Reference

The PAC were reminded of the previously proposed edits to the PAC Terms of Reference. These edits 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 representative can serve on the PAC (provided that the representative eligible organisation retains its eligibility status)

It was confirmed that the Secretariat had raised the recommended edits with the IEDR Board of Directors, and it had received the Board's approval for the changes at its last meeting in April 2019.

The Secretariat reminded the PAC that consensus had previously been found for further potential edits to the list of eligible organisations which participate on the PAC and which is included within the Schedule of the Terms of Reference. The related action item was to invite the previously identified organisations to participate on the PAC. The Secretariat confirmed that these invites had been issued, that it was awaiting responses, and that it would keep the PAC updated on this matter.

Following a suggestion from an accredited .ie Registrar representative at the PAC#19 meeting, it was confirmed that content had been added to the relevant PAC-related webpage on www.iedr.ie calling for interested organisations to express their interest in joining the PAC by contacting the Secretariat. It was noted that IEDR had recently undertaken a significant re-design of its website, and that further changes to enhance the layout of PAC-related content will happen in the next phase of changes. The Secretariat will notify the membership when these website changes have been implemented.

2. Minutes from the 28 March 2019 PAC #19 meeting

It was confirmed that the Minutes from the PAC #19 meeting were published online following the 10-day comment period. The Chair formally acknowledged that the Minutes provided an accurate representation of discussions at the PAC#19 meeting.

3. 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).

The Secretariat confirmed that the 30-day Sunrise phase launched as expected on 8 May 2019 and that one application was received. As there was only one application, there was no need for any auctions to be held. It was noted that post.ie was successfully registered in that phase.

It was further noted that the provisional Landrush phase launch date that had previously been communicated had been brought forward following consultation with the accredited .ie Registrar representatives on the PAC. This launch date alteration was possible due to the reduced administrative work arising from the Sunrise release – the absence of any contested applications meant that the dedicated timeframe set aside for the expected, additional administrative work was no longer needed.

The Secretariat advised the PAC that the 30-day Landrush phase had launched on 24 June 2019 and that one application had been received to date. The PAC was also informed that the previously

communicated, provisional launch date for the General Availability phase had also been revised to 9 September 2019. The PAC was reminded that this phase may not be necessary if all three domains are registered by the completion of the Landrush phase.

The 10-steps of the .ie Policy Development Process were briefly summarised, and it was confirmed that the PAC Secretariat will submit a policy change conclusion form relating to this policy change request at the PAC #21 meeting.

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

The Secretariat outlined the action items from the last meeting, which related to:

- IEDR engaging with the ADR Service Provider, NetNeutrals EU, regarding final implementation considerations and contracting.
- IEDR proceeding with implementation:
 - Reverting to the PAC Working Group regarding potential changes/issues if they arise
 - Liaising with Registrars regarding the implementation date and operational considerations
 - Designing awareness-building and educational content
 - Promoting the introduction of the ADR with a “Public Service style” notice

The Secretariat confirmed that extensive work had been undertaken since the last PAC meeting and that the ADR Process had launched on 1 July 2019, with one dispute submitted.

The Secretariat outlined the extensive efforts undertaken to finalise the introduction of the ADR Process. It was noted that IEDR had finalised contracting with the ADR Service Provider, Net Neutrals EU, and that it had continued working with Net Neutrals to setup the online dispute platform.

It was confirmed that the IEDR had also worked with the:-

- PAC Working Group to finalise word-crafting for the “Definitions” within the ADR Policy
- Registrar channel regarding the necessary, minimal changes to the Registrant Terms and Conditions, required to support the release

The Secretariat noted that a press release had issued in May, announcing a two month-countdown to the launch of the ADR Process. It was also confirmed that user-friendly, awareness-building and informational materials had been designed, and circulated to the PAC and Registrar channel ahead of the release. These materials included the plain-English Policy, an FAQ, and illustrative process flows.

The Chair and Secretariat expressed their sincere thanks to all members, particularly those on the dedicated Working Group, for their hard work in reviewing this policy change. In particular, it was acknowledged that the Working Group members had dedicated significant periods of time and effort to engaging on a number of lengthy conference calls.

The Secretariat confirmed that the ADR Service Provider, Net Neutrals EU, will continuously monitor the process operation to identify potential enhancements / friction. The Secretariat also welcomed feedback from the membership regarding the ADR operations.

It was also confirmed that the PAC Secretariat will submit a policy change conclusion form relating to this policy change request at the PAC #21 meeting. This will give the PAC the opportunity to reflect on, and learn from, the successes and challenges faced when reviewing this policy change request, and will formally conclude the policy development process. Further updates on this will be provided at the PAC #21 meeting.

5. New – to modify .ie Policy with respect to mandating the use of the abuse contact field

A new policy change request was submitted and presented to the PAC by an accredited .ie Registrar representative, Blacknight Solutions. It was confirmed that this proposal related to altering the operation of the abuse contact field which appears on the .ie WHOIS service.

The proposal was detailed for the PAC. It was noted that the abuse contact field is typically populated by Registrars with an email address where reports of online abuse can be sent by internet users. These reports alert Registrars to potential abusive activity on domains under their management, enabling them to investigate the matter and take action, if necessary/appropriate.

It was noted that some Registrars have failed to populate the abuse contact field for their domain portfolios, and that use of the field should be mandatory in order to promote responsible behaviour amongst Registrars.

There was broad consensus amongst the PAC for this change. It was agreed that a consultation process should be held with the impacted Stakeholders, the Registrar channel, in accordance with the .ie policy development process. This will ensure that feedback from the broader Registrar channel is taken into consideration during the policy development process.

There was brief discussion on whether there was a need to mandate that specific action be taken by Registrars on receipt of such abuse notifications. Discussion followed, and it was noted that this would not be appropriate given the variety of business models in use amongst Registrars. It was also noted that the precedent standard within the industry typically followed a “light-touch” approach, offering guidelines on suggested actions, rather than mandating specific actions within contractual agreements.

It was further acknowledged that Registrars are likely to act responsibly when alerted to potential online abuse taking place on domains under their management. This is because failure to act can result in a number of negative implications for a Registrar business, including reputational damage, which can detrimentally impact its market performance, and liability considerations. IEDR confirmed that it did not wish to implement any new obligations requiring Registrars to take specific, defined actions, as part of this policy change proposal.

The Secretariat confirmed that it would work with the proposal submitter to launch the consultation period with the broader Registrar channel and keep the PAC updated on how this matter progresses.

6. Discussion to gauge interest in participation on a Discovery Group regarding the handling of reserved/restricted names

The Secretariat outlined the objectives previously identified by the PAC with regard to the handling of reserved/restricted names. It was noted that, as part of the on-going discussion on handling reserved/restricted names, the PAC has:-

- ❖ acknowledged the need for enhanced determinism, consistency and clarity regarding reserved / restricted names
 - Some names have historically appeared as self-registered to IEDR, to ensure they are unavailable for registration (avoid confusion e.g.uk.ie).
 - Other names appeared as available for registration when they weren't (geographical place names e.g. ThurlesTown.ie).
- ❖ discussed broadly how this should be updated within policy

The Secretariat confirmed that it had undertaken analysis of policy mechanisms in place within other namespaces regarding the handling reserved/restricted names, and that it had identified a number of potential, suitable policy responses to address the points raised within PAC discussions.

It was noted that the Secretariat would shortly prepare a discussion paper on the potential, appropriate policy responses, with a view to this being discussed with a discovery group via conference call. Feedback from this discussion would influence the policy change request.

The PAC representatives were asked to inform the Secretariat if they wished to participate in this group. It was confirmed that PAC representatives from Blacknight Solutions, HEAnet, FCR Media and MarkMonitor would participate. The Chair also expressed its interest in participating in this work stream. Further updates will be provided to the PAC in due course.

7. Guest Speaker presentation on online abuse with Q&A

The topic of online abuse had previously been raised as a discussion item at the PAC#19 meeting. The PAC acknowledged at that time that further background information on online abuse was required in order for the membership to be appropriately informed when reviewing and recommending a suitable policy response to address online abuse.

It was agreed that an industry expert would be invited to present on this matter at the PAC#20 meeting. Therefore, the Secretariat confirmed that it had invited a guest speaker from the .uk Registry, Nominet, to attend and present at the PAC#20 meeting. The Nominet online abuse handling model had previously been discussed and referred to at the PAC#19 meeting. The guest speaker has extensive knowledge of online abuse mitigation from a policy perspective, and is responsible for Nominet's .UK domain policies and government relations.

The Nominet guest speaker detailed the multi-faceted approaches the Registry takes in order to identify potential online abuse, and how it mitigates the impact of these activities. It was noted that Nominet's abuse handling strategy focuses on tackling criminal activity, and technical abuse, particularly phishing.

With regard to criminal activity, it was noted that Nominet relies on its Terms of Use which prohibit using a domain in connection with unlawful activity, and further relies on cooperative arrangements with UK National State and Law Enforcement Agencies, to suspend domains found to have engaged in online criminality.

The importance of undertaking significant, preparatory and educational work with participating State and Law Enforcement Agencies was highlighted, along with the need for these Agencies to certify that criminality has taken place (rather than identifying potential criminal activity), the need for standardised templates and the availability of a right of reply for impacted Registrants.

With regard to technical abuse, it was noted that Nominet implements a number of initiatives to identify potential online abuse, including its Domain Watch and Domain Health programmes.

Domain Watch is an algorithm (risk-based assessment) used at the point of application to identify domains that are likely to engage in abusive activity, escalating such registrations for additional, manual verification.

Domain Health is an informational webpage/platform used to notify Registrars about domains within their portfolios which are suspected of engaging in online abuse. It was noted that Registrar action is not mandated in this instance, and that guidelines which outline suggested actions are made available, along with tools enabling Registrars to suspend or take down an offending registration.

Following the presentation, a brief Q&A session was held, giving the membership the opportunity to ask additional questions. The Chair expressed sincere thanks on behalf of the PAC to the Nominet guest speaker for taking the time to attend the meeting, and for sharing their expertise with the membership, which undoubtedly helped the membership appreciate the multi-faceted impacts of online abuse handling.

This topic will be scheduled for further discussion at the PAC #21 meeting. Relevant information may also be shared via the PAC mailing list in the interim period.

8. Any Other Business

a) 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(b).

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

There was brief discussion on this matter. It was confirmed that IEDR had been designated an operator of essential services (OES) since the last PAC meeting.

IEDR confirmed that it had attended a town hall meeting for OES in May 2019 and that it had also met with the compliance function within the Department of Communications, Climate Action and Environment (DCCAE) regarding NIS implementation.

It was noted that the NIS implementation within the Internet Infrastructure sector was experiencing significant delays. IEDR confirmed that it will continue to engage with the DCCAE and provide further updates to the PAC at the next meeting.

9. Next Steps

IEDR will:-

- Proceed with the phased release (Sunrise, Landrush and General Availability) of the three .ie domains that correspond to TLD extensions (aero.ie, coop.ie)

PAC Secretariat will:-

- Draft the policy change conclusion forms for the policy change requests relating to:-
 - Removing the restriction on .ie domains that correspond to TLD extensions
 - Introducing an Alternative Dispute Resolution Policy
- Prepare a discussion paper on potential policy responses to address how to handle reserved/restricted domain names. This paper will be circulated to the relevant Discovery Group for discussion on a conference call, in the coming weeks

10. Next Meeting

The date for the next PAC meeting has been tentatively set for 12 September 2019, subject to the Secretariat checking the suitability of this date with non-attending members.