IE Domain Registry CLG

Policy Advisory Committee – PAC #23

Minutes from the 20 February 2020 Meeting

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Minutes of the PAC #23 Meeting held on 20 February 2020

Meeting Location: Florin & Guinea Suites, Westin Hotel, Westmoreland Street, Dublin 2.
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)
CyberSafe Ireland
Department of Business, Enterprise and Innovation (DBEI)
Department of Communications, Climate Action & Environment (DCCAE)
HEAnet
.ie Accredited Registrar (Blacknight)
.ie Accredited Registrar (FCR Media)
Internet Service Providers Association Ireland (ISPAI) – Alternate attended
Irish Computer Society (ICS)
Irish Reporting & Information Security Service (IRISS)
IE Domain Registry CLG (IEDR)
Small Firms Association – Alternate attended
PAC Secretariat

1. Memberships Matters

1.(a) Apologies – Members not present

- .ie Accredited Registrar (Register Group) – pre-arranged
- .ie Accredited Registrar (MarkMonitor) – pre-arranged
- Enterprise Ireland
- Law Society of Ireland – pre-arranged

2. Minutes from the 5 December 2019 PAC #22 meeting

The Chair confirmed that the Minutes from the PAC #22 meeting were published online at http://www.iedr.ie/policy-development-process/ following the 10-day comment period. It was noted that no requests for edits were made during the PAC member comment period. Accordingly, the minutes will be digitally signed by the Chair.

3. Update on the policy change request to modify .ie WHOIS Policy with respect to mandating use of the abuse contact

Background:

The PAC was reminded that this policy change request relates to altering the operation of the abuse contact field which appears on the .ie WHOIS service. Specifically, this policy change request would mandate that all Registrars provide an abuse contact email address. This abuse contact email address would appear on the .ie WHOIS for all domains under their management to enable the general Public to submit reports of online abuse to the Registrar. Furthermore, the policy change request would alter how abuse is defined within the .ie Policy (to remove anti-social behaviour from scope).

It was noted that:-
- the PAC had previously established broad consensus for this policy change request at the PAC#20 meeting
- a 30-day consultation process was held with the impacted Stakeholders, the Registrar channel, in accordance with the .ie policy development process, in order to ensure that feedback from the broader Registrar channel was taken into consideration during the policy development process
- feedback received during the consultation process was favourable to the proposed policy change
- the PAC had previously considered many of the suggestions and comments received during the consultation, and that the Committee had no objection to the use of an email address or URL in the abuse contact field, nor to abuse contact field being editable by Registrars

The PAC was reminded that it had issued a recommendation for the implementation of the policy change request to the IEDR Board of Directors at the PAC#22 meeting.

Updates:

The IEDR Board of Directors approved policy change request in December 2019.

IEDR is now working on implementation-related matters and will:
- contact all Registrars within 2 weeks, giving notice of the planned implementation date for this policy change
- publish the updated .ie WHOIS Policy on website at least 30-days before implementation

It is expected that the policy change proposal will be formally concluded at the PAC #24 meeting.

4. NEW – Policy change request relating to the handling of reserved/blocked .ie domain names

Background:

The Secretariat confirmed that the formal policy change request was being submitted for PAC review, as the Committee had identified an appropriate policy response for handling reserved / blocked names at the PAC #22 meeting.

The PAC was reminded that a dedicated Discovery Group had previously been established to review this matter as the Committee had:

❖ acknowledged the need for enhanced determinism, consistency and clarity regarding reserved/blocked 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. Thurles.ie).
❖ discussed broadly how this should be updated within .ie Policy

The PAC was reminded that the Discovery Group had:
   • assessed a number of policy mechanisms in use within other namespaces for handling reserved/blocked names
   • had established consensus for a potential policy response
   • had outlined its findings at the PAC #22 meeting, at which time the wider PAC membership also found consensus for the proposed policy response

Proposed Policy Response:

The Secretariat reminded that PAC that the preferred policy response would include the following elements:-

   • Avoid the need to introduce a dedicated Reserved Name Policy
   • Address reserved/blocked names in the "availability" provisions within .ie Registration & Naming Policy
   • Publish a non-exhaustive list of reserved/blocked names (those names blocked on security grounds would not be publicly available)
   • Publishing user-friendly materials, such as leaflets, with guidance on why/how such names are handled
   • Introducing a defined, transparent procedure for facilitating requests to "apply" for reserved names (available to those with a legitimate, overriding interest in the name)
   • Use of labels such "blocked", "reserved", similar to those used by EURid (.eu) to distinguish the applicable grounds for blocking / reserving names
   • .ie domains intended for potential future commercial use by the Registry would be treated as normal registrations, rather than as reserved/blocked names. In line with standard practice, these names will show IE Domain Registry as the domain holder on WHOIS

Updates:

With the submission of the formal policy change request, the Secretariat confirmed that the Discovery Group would now transition into a Working Group. The Working Group will continue its discussions, in line with the .ie policy development process.

Next Steps:

The Secretariat will work on drafting:-
- Policy edits arising from the proposed policy response - including "label" definitions for "reserved" and "blocked"
- User-friendly materials, including leaflets

The Working Group will continue its discussions via the mailing list and via conference call.
Further updates will be provided at the PAC #24 meeting.

5. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Background:

It was noted that the topic had previously been raised for discussion in a bid to establish whether a policy response was needed to tackle potential online abuse in the .ie namespace, and if so, what that appropriate policy response would entail.

Discussions on the topic to date were summarised. It was noted that the Committee had identified a number of "guiding principles" for a possible policy approach, one of which included distinguishing between abuses that are criminal or technical in nature.

With respect to criminal abuse, there had been some discussion regarding the potential introduction of a cooperative arrangement between IEDR and local law enforcement agencies (similar to that in effect between the UK ccTLD Registry and law enforcement agencies in the UK). This arrangement would facilitate the suspension of .ie domains where local law enforcement agencies confirmed that a .ie domain was being used in connection with criminal activity.

There has been on-going robust discussion regarding whether a genuine need exists to support the implementation of such a cooperative arrangement. During discussions at PAC #22, it was suggested that the PAC would benefit from a discussion with representatives from the Gardaí regarding –

> ➢ what problems they are having with tackling online abuse (particularly with .ie names)
> ➢ which crimes they wish to tackle
> ➢ what frictions they're experiencing with "normal" channels for suspension/takedown

Presentation:
Representatives from the Garda National Cyber Crime Bureau (GNCCB) and Garda National Economic Crime Bureau (GNECB) kindly agreed to present on this matter and answer Committee member queries at the PAC #23 meeting.

The representatives discussed a range of topics, including:

- The internal organisation structure of the GNCCB
- The types of online abuse they investigate
- Existing liaison partnerships between the Gardaí and its EU partners, Government Agencies, Private Sector Bodies and academics.
- Existing legal mechanisms which facilitate and support action against online abuse
- Potential cooperative arrangement with .ie

Q&A

The GNCCB and GNECB representatives invited questions from the PAC membership.

There was discussion on the extent of abuse in the .ie namespace, and whether it indicated a real need to identify an appropriate policy response for the .ie namespace, particularly as there was no evident criminal abuse.

It was reiterated that criminal abuses, when they arise, can have life-altering impacts on victims, and that there is a responsibility on all internet stakeholders to collaboratively, proactively prevent and mitigate occurrence of these crimes to minimise the number of victims.

There were further questions and points raised relating to:
- the importance of due process, trust between the parties, and defined, single points of contact within LEAs
- the need for LEAs to first engage with HSPs regarding takedown action, before requesting suspension at a Registry-level under a potential cooperative arrangement
- the responsiveness of HSPs
- the speed with which removed websites which engage in criminal activities reappear online at new domain addresses after a takedown
- potential risks associated with voluntary personal data disclosures by data controllers under data protection legislation
- potential value of having a defined collaborative arrangement, even if only used for a limited number of requests, in order to avoid serious, life-impacting consequences for vulnerable internet users

Next Steps:

The Chair thanked the representatives from the GNCCB and GNECB for presenting on this topic, and acknowledged how valuable the session was for the membership.

The PAC will continue its discussions on identifying an appropriate policy response for handling online abuse at the PAC #24 meeting.

6. Any Other Business

a) Update on the IEDR's cessation of the Direct Registration Service

Background:

The Direct Registration Service has existed for those wishing to register a .ie domain without the help of an accredited .ie Registrar, and is sometimes described as the "Registrar of Last Resort" option. A 1-year registration / renewal fee under this service costs €62 ex. VAT (significantly more than that charged by accredited .ie Registrars). It should also be noted that IEDR does not provide any additional services to these Direct customers (e.g. hosting, email, web development).

The IEDR confirmed at the PAC#22 meeting that it was planning the cessation of the service due to a significant decline in the demand for Direct Registrations in recent years. It was noted that IEDR cannot grow its direct portfolio, given its self-imposed restrictions on marketing / promotion, and that there was no evidence that the Direct Registration service was needed, adding that it believed this was due to the modern .ie accredited Registrar landscape:-

- **Choice:** there are currently over 130 accredited .ie Registrars which provide a range of professional services, with varying fees and accessible platforms

- **Expertise:** there are a mix of national and international .ie Registrars, many of whom are ICANN accredited, with some offering specialist services, such as brand protection etc.

IEDR also noted at the PAC#22 meeting that its analysis had indicated there would be **no adverse issues /risks to consumers** from this service withdrawal. It also remarked that there is a growing trend for European ccTLD operators to cease offering Direct Registration services, e.g. ccTLD Registries in Sweden, UK and Finland have all either ceased, or have expressed their intention to cease, offering this Direct Registration service.

IEDR previously raised this matter with ComReg, given its position as an expert on the structure of markets. IEDR commented that ComReg had no objections in principle to the planned service cessation, and that it had given additional input for consideration regarding related implementation matters, which the Registry ensured was taken into consideration.

Policy implications:

With regard to the policy impact of this planned service cessation, references to the Direct Registration Service will be removed from the following policies:-
- Registration and Naming Policy
- Charity Policy
- Privacy Policy

PAC Recommendation:

At the PAC #22 meeting, the PAC issued its recommendation for the implementation of these policy changes to the IEDR Board of Directors.

Updates:

As agreed at the PAC#22 meeting, IEDR:-

- has contacted the impacted Registrants to alert them to the planned cessation of the Direct Registration service, and setting out their options, including the option to select a preferred Registrar as its billing agent within a reasonable, short timeframe
- is working on a transparent process to select a suitably qualified accredited .ie Registrar to manage the remaining portfolio

Further updates will be provided at the PAC#24 meeting.

b) Update on industry related developments/legislative changes (including NIS Directive) to be outlined by PAC members

It was agreed to carry this agenda item forward for discussion at the PAC#24 meeting.

7. Next Steps

PAC Secretariat will:-

- ❖ Work with the Discovery Group reviewing the handling of blocked/reserved names work stream on the next step action items:

  - ✓ Draft Policy edits arising from the proposed policy response
  - ✓ Review the draft procedure for requests to "apply to register" for reserved names
  - ✓ Draft user-friendly materials, including leaflets

IEDR will:-
- ➢ continue to work on the implementation of the policy change proposal to mandate use of the WHOIS abuse contact
- ➢ continue to work on the implementation of the planned cessation of the direct registration service

8. Next Meeting

The provisional date for the next PAC meeting has been set for 11 June 2020.