

IE Domain Registry CLG trading as .IE

**Policy Advisory Committee – PAC #32
Minutes – 28 July 2022 Meeting**

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Minutes of the PAC #32 Meeting held on 28 July 2022

Meeting Location: Hybrid meeting:- on Zoom and in .IE Office in Dun Laoghaire for in-person attendees.

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

Members and representatives present:

Chair
CyberSafeKids
Department of Environment, Climate & Communications (DECC)
Department of Enterprise, Trade and Employment (DETE)
HEAnet
.ie Accredited Registrar (Blacknight)
.ie Accredited Registrar (Team.Blue)
.ie Accredited Registrar (MarkMonitor)
.ie Accredited Registrar (FCR Media)
Irish Reporting & Information Security Service (IRISS)
Small Firms Association (SFA)

1. Memberships Matters

Apologies – Members not present:

- Association of Patent and Trade Mark Attorneys (APTMA) – pre-arranged
- Enterprise Ireland – pre-arranged
- Law Society of Ireland – pre-arranged (& Mary Bleahane to help to identify a successor).
- Internet Service Providers Association Ireland (ISPAI) – pre-arranged
- Irish Computer Society (ICS)
- IE Domain Registry CLG t/a .IE – pre arranged

The Chair welcomed attendees who were deputising for their absent colleagues (SFA and Team.Blue).

2. Minutes from the PAC #31 meeting

The Chair confirmed that the Minutes from the 28 May 2022 PAC #31 meeting will be published online following the meeting (available here <http://www.iedr.ie/policy-development-process/>). Accordingly, the minutes will be digitally signed by the Chair.

The Chair reminded the PAC that the draft Minutes of today's meeting will be circulated to the membership following the meeting.

3. Matters arising

Matters arising, not otherwise included on the agenda, include:-

3.1 Domain Alert System, to protect products of geographical origin and reputation

The registrar representative from Blacknight summarised the existing EU protections provided to intellectual property rights holders in *wine, spirit drinks & products*, and explained that new regulations were proposing to involve [EU IPO](#) in extending these type of IP protections to *craft and industrial products* (e.g. Donegal Tweed). The latter is particularly relevant to top-level domain registries because of the proposal to prescribe a Domain name Information & Alert System (DIAS), as part of the range of protection measures. The registrar representative explained how this would be unworkable if it applied pre-registration, whereby all

registrars would be required to make judgements in advance of registering a domain name for a potential customer. Further difficulties were envisaged, whereby a third party may have registered the domain in good faith many years prior. Members were directed to Article 41 and Article 170(a) on the DIAS, in particular.

The registry reminded members about the .ie policy and processes to handle disputes currently. There is a formal dispute resolution process with WIPO, and an easier and faster alternative dispute resolution process, operated by Net Neutrals (ADRP). These are resource-light for both the registry and registrars, who are effectively observers, and implement the verdict of the WIPO or ADRP process.

The representative from DETE informed members that the Department was actively involved in discussions with government officials from other member states (MS). If it passes, there would be an obligation on Ireland to setup a competent authority and introduce compliance procedures. Consensus among MS appears to be some distance away. In the meantime, PAC members were encouraged to take part in the public consultation process initiated by DETE, and to send any supplementary comments by mid-August.

The Chair asked that reading materials be circulated to members of the committee, and that the matter be included on the Agenda for further discussion at the next meeting.

4. Handling of online abuse which uses the .ie namespace

4.1 Criminal abuse - illegality online – GNCCB update

Recapping on the current situation, the Registry confirmed that an agreement was reached with the Garda National Cyber Crime Bureau (GNCCB) on the Suspension Request Protocol document. There was a key engagement at a meeting on 10 March 2022 where a mutual understanding and due process was agreed upon. The GNCCB's agreement was confirmed by email on 17 May 2022.

The registry reported on the Action Items arising:-

- Publicity & communications - agreement had been reached with the GNCCB on the nature and extent of potential communications about the suspension request protocol.
- Regular forum for channel engagement - GNCCB has welcomed the opportunity to engage periodically with the wider Registrar channel, and agreed that the annual Registrar Day will be a good opportunity to do so.
- SPOCs - contact information for single points of contact (SPOCs) can now be formalised.
- Extension of the protocol to other Garda units.

The next steps include Registrars nominating points of contact persons (or email address aliases). Plus preparing suitable communications for interested parties, to place on websites, twitter feeds etc. GNCCB will assist as needed with the drafting and approving, prior to initial release. We also have an opportunity to speak about the protocol in the context of Netcraft.

Accordingly, the Secretariat will arrange to engage with the other Garda units, including GNECB and CAB, that we would like to extend the protocol to, and having a working model in place will help with this. The member from CyberSafeKids offered to join in the engagement process, if that was considered helpful.

The annual .IE Registrar Day will take place in December 2022, and invitations will be issued to GNCCB & PAC Chair in due course.

4.2 Handling of technical abuse - Netcraft service

The .IE Chief Information Officer (CIO) updated the PAC on the latest metrics from Netcraft. They indicated that there has been an increase in attacks since the start of the year, specifically in domain attacks. It was noted that notifications may differ, if it is believed that the attacker may be in full control.

The .IE CIO reiterated that Netcraft is adding value by helping to keep the .ie namespace 'clean'. There have been 409 attacks in the year to July 2022.

The member from IRISS commented on its experience with the Netcraft notifications process and explained how IRISS focuses their responses on websites that are used for command and control or netbots. He observed that there was a noticeable increase in organisations & groups who were assisting those affected.

4.3 Consideration of new .IE anti-abuse policy?

The theme for this agenda item - is it time for the Registry to introduce a formal Anti-Abuse policy?

By way of recap, the registry referred to the discussion at PAC #31; this topic is on the International agenda. It's getting a lot of attention at ICANN and at EU level. At the moment the Registry does not have a formal policy in place. There are provisions made for this in the existing Registrar agreement, and Security issues are referred to in the Registration and Naming Policy. A PDP 'New Policy Template' has been drafted by the Registry with a view to creating a working group to consider the matter. At PAC #31 a Registrar representative requested that the creation of the working group should be deferred by a few months. They understand that they are other things happening imminently that may have an impact on this topic. The Chair agreed to defer this topic until PAC #32.

The registrar provided a brief update, indicating that some public announcements were expected, potentially before October, but this was subject to change. He advised that we wait to consider those developments (noting that there was not a particular problem in the .ie namespace that warranted urgent action). This will avoid undoing any PAC work might take place in the intervening period.

The Chair requested that some references to international benchmarks might be shared with members at future PAC meetings. It was noted that Spanhaus.org provided some data on 'worst website' namespaces. Problematic ones are those who give away free domains (like .tk) or are exceptionally cheap (like .icu and .cu).

5. NIS 2.0 update

5.1 Updates from the EU legislative process & Trilogue negotiations

The registry updated members on what has happened since the last PAC meeting. The final stage of Trilogue* negotiations took place on 12 May 2022 and on 17 June the EU Council published the latest version of the NIS2 text, in a four-column document**, which runs to 472 pages.

**the process whereby the Council, the Commission and the Parliament reach consensus on the final text.*

***the 4-column document, illustrates the drafts of the three trilogue negotiators with a 4th column showing the latest agreed text.*

Based on the registry's and CENTR's impact assessment work, the resulting high-impact (red) topics include:-

- Article 23 - dilutes "Verification", but KYC would introduce friction and be expensive,
- Public access to data about domain Contacts – via the Whois. This may conflict with GDPR. A registrar representative noted that there was no single database for .com domain holders - that the data is dispersed across thousands of Registrars.
- Data Access being mandated for 'legitimate access seekers' – no further elaboration on a definition. We will have to wait on an official response.
- NIS2 Articles specify that there should be no duplication re data collection from domain holders.

A Registrar representative reiterated that it was important to inform the wider registrar channel of the significant future burden likely to arise from regulatory compliance. An opinion was expressed that NIS2 will be worse than GDPR regulations.

The registry stated that another significant 'Red' item on the impact assessment grid relates to compliance with the cyber security requirements set out in the new regulations. Many firms within scope of NIS2 will be surprised that mere 'alignment' with say, existing ISO certifications may be insufficient for NIS2 cybersecurity purposes. This is because NIS2 is likely to continue to use the NIST framework which has a higher standard of required "evidence that controls are being applied consistently".

5.2 NIS 2 impact assessment and roadmap for Ireland

Member States will have 21 months to implement the directive once it has been brought through Parliament. At this point, they are still working through some processes so the most likely date will be September 2022. It comes into law 30 days after it is published in the Official Journal of the European Union which gives us a go-live date of c.July 2024. That is the rough timetable.

The DECC representative highlighted:-

1. The significant expansion of future regulatory workload, because so many new entities will fall into the scope for NIS2, so there's a significantly larger role for the regulator – being ex ante for “essential” entities and ex post for the “important” entities. Consideration on this topic has already begun.
2. At EU level – many points need to be fleshed out - for instance, will implementing Acts be required or just Guidelines? (The NIS Cooperation Group will commence some working groups in September). There's an expectation of having a clearer idea by mid-next year.
3. At national government levels – what approach to take re designation of ‘legitimate access seekers’? Officials from Dept & NCSC are considering these issues.
4. DECC is providing information to stakeholders & awareness-building with various slidedecks and presentations. DECC is encouraged by increased levels of engagement recently.

In terms of the Regulatory structures, in the autumn, DECC will prepare a proposal for Government setting out some of the challenges. There will be other technical measures for consideration within the Department and for Government (for instance, the C-SIRT and reporting flows). The expectation is to expect to begin to draft the transposing legislation early next year.

5.3 Next Steps

The Chair led a discussion on some Next Steps. There was consensus to wait for the final NIS 2 regulation to be released before moving too far.

It was agreed to set up a working group (WG) during, or before the next PAC meeting. An early priority will be to do an Impact Assessment document, and submit it as early as possible into the legislation drafting process. The Chair noted that some PC members are volunteering for the WG in the Zoom Chat.

An important factor is that it's not just a dot ie issue (it affects all the TLDs – so we need some cross-border coordination and cooperation on this (in due course, we can engage with CENTR, ECO and other groups etc who are also working on proposed solutions).

One of the Registrar representatives suggested that the first step is to raise awareness amongst .IE Registrars. They are concerned that smaller Registrars aren't aware of what is coming. The Registry noted that it has relationships with organisations such as Retail Excellence and could give their members access to a forum to build awareness about NIS2 cyber security expectations. Also noted that SFA is a member of the PAC, and its representative can liaise with the mothership, Ibec, which is very active on this subject.

6. Any Other Business

6.1 Critical Entities resilience (CER) Directive

In relation to the CER Directive, the Registry's subject matter expert noted that there is some consistency across the regulations coming from NIS 2.0. There may be further requirements for the domain sector coming from this CER, so it is positive to see consistency at European level before it hits the National Legislative forums. Potentially, entities may be subject to audit every three years.

CER envisages that there will be separate competent authorities for CER and NIS2. However, an equivalence regime is expected, to avoid duplication of effort. The DECC representative confirmed that the Dept of Defense is the competent authority for CER. Both departments are cooperating on aspects of the regulatory requirements, and this will intensify as the various texts are finally released.

6.2 Agorateka Portal

Representative from DETE explained that [EUIPO](#) aims to help citizens to find legally available digital content. Its an ongoing project since 2016. The portal links to [national](#) portals that themselves link to websites containing legal offers of online digital content (such as music, film, TV, eBooks, video games & sports events).

Some national portals have been set up. Also, some (eg Portugal) have a banner system, which notifies users if they are watching content on an illegal site. Ireland hasn't attempted this portal or banner yet, as additional resources will be required. Other objectives include a legal block on illegal pirate sites, which will be challenging.

A Registrar voiced some concern about a banner system, which may involve deep packet inspection. There was a query around the Ireland national portal and the omission of legal sites such as Netflix, YouTube, Disney+, Paramount+ etc. The representative from DETE will engage with the Agorateka team in Alicante and revert with clarifications on the process to include these legal sites.

6.3 Alternative Dispute Resolution process (ADRP)

The PAC's 10-step policy development process (PDP) allows for a post-implementation review of policy changes introduced by the PAC.

The registry informed PAC members about the ADRP cases completed since the new policy was introduced, following the PAC's PDP process (see slide). The Chair commented that it was useful to know that the 'easier & faster' dispute resolution process was used by complainants. It was also good to see that there were only 13 cases in the 2021 / 2022 timeframe.

7. Next Meeting

The provisional date for the next PAC #33 meeting has been set for Thursday 10th November 2022.

Enclosures

Text of Article 23 of NIS2

CI-GI reading materials - *Craft and industrial products (CI) - protections as geographical indicators (GI)*.