

# IE Domain Registry CLG trading as .IE

**Policy Advisory Committee – PAC #33  
Minutes – 10 November 2022 Meeting**

**Table of Contents**

1. **Memberships Matters ..... 3**

2. **Minutes from the PAC #32 meeting ..... 3**

3. **Matters arising ..... 3**

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

5. **NIS 2.0 update ..... 5**

6. **Any Other Business ..... 6**

7. **Next Meeting..... 6**

# Minutes of the PAC #33 Meeting held on 10 November 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)
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)
- IRISS – pre-arranged

The Chair welcomed attendees who were deputising for their absent colleagues.

## 2. Minutes from the PAC #32 meeting

The Chair confirmed that the Minutes from the 28 July 2022 PAC #32 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 representative from DETE recapped on the background to this issue, being that existing EU protections are provided to intellectual property rights holders in *wine, spirit drinks & products*. 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 issue 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. Members were directed to Article 41 and Article 170(a) on the DIAS, in particular.

The representative from DETE informed members that the Department was actively involved in discussions

with officials from EU institutions and other member states (MS). There was a strong emphasis on coordinating any changes with updates proposed within the Agri-file. The objective was to keep control and monitoring aspects as light as possible, and while the term “enforcement” had been removed, that spirit still remains in the discussions. DETE is consulting widely, including with PAC members on Articles 31 & 41 in particular. Noting that the demand for a DIAS is softening, she stated, however that it’s too early to conclude. Nevertheless, the EC Commission wants the matter over the line by year end, so further information will follow shortly.

The registrar representative from Blacknight commented on the cost benefit imbalance, referencing the trademark clearing house, and indicated that the proposed DIAS would be expensive and cumbersome if applied pre-registration. The registry gave the opinion that replicating existing dispute resolution processes might be wasteful and expensive, reminding 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 Chair noted the Action Item that the matter be included on the Agenda for further discussion at the next meeting.

### **3.2 Agorateka Portal**

The representative from DETE updated members on this matter. Considering the issues involved, it was agreed that no immediate action was required from the PAC at this time. If this changed, it will be introduced to the agenda.

## **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 – registry to reference this agreement in ongoing communications with Registrars and other key stakeholders.
- Regular forum for channel engagement - GNCCB was invited to present to the registrar channel at the forthcoming Registrar Day in December. PAC Chair will also attend.
- Extension of the protocol to other Garda units – registry and PAC members to explore ways of engaging with other Garda units.

### **4.2 Handling of technical abuse - Netcraft service**

The .IE Chief Information Officer (CIO) updated the PAC on the latest metrics from Netcraft, which illustrated the level of attacks since the start of the year (2,054), resulting in 440 takedowns. It was noted that notifications sent from Netcraft to Registrars may differ, if it is believed that the attacker may be in full control of the affected domain. The .IE CIO reiterated that Netcraft is adding value by helping the channel to keep the .ie namespace ‘clean’. The active participation of Registrars was a key success factor.

### **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?

Following a brief discussion, and considering the discussion at PAC #31, along with the data for Ireland on the Spanhaus.org website, it was proposed and agreed that formalising a new .ie policy for DNS Abuse was not necessary at this time and should be deferred.

The Chair noted that if circumstances changed, the matter could be brought back to the PAC for consideration.

## 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 had published the latest version of the NIS2 text, in a four-column document\*\*, which runs to 472 pages. The final stage was publication in the EU Official Journal, which was eagerly awaited.

*\*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 4<sup>th</sup> column showing the latest agreed text.*

Members were reminded that the high-impact (colour coded red) topics included:-

- Article 23 - introduces know your customer provisions (KYC) - introduces friction and is 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 provisions specify that there should be 'no duplication' re data collection from domain holders. This will involve cooperation agreement between channel partners, but also critically, national legislators.
- Cyber security requirements - existing ISO certifications may be insufficient for NIS2 cybersecurity purposes. The NIST framework has a higher standard of required "evidence that controls are being applied consistently"

In relation to the **Critical Entities resilience (CER) Directive**, the Registry's subject matter expert noted that there is thankfully some consistency across the regulations coming from NIS 2.0. 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 had previously confirmed that the Dept of Defense is the competent authority for CER. Both departments are cooperating on aspects of the regulatory requirements.

#### Updates on Action Items

The registry updated PAC members on the action items in progress.

- **Awareness** building – for now, PAC can "Just Inform" via Newsletter, Blogs, Webinars, YouTube clips
  - *Audience* - RAR channel, SMEs in the Supply Chains, TDs & policy makers,
  - *Messaging* :- KYC is costly; Start now on cyber defences, think about ISO alignment 1<sup>st</sup>;
- Share **Impact Assessment** document – cyber benefits, regulatory cost burden, need for eID,
- **Lobby** letter - to those transposing into national legislation – do's & dont's; ask for early clarifications
- **Engagement** - Channel needs a clear legal framework (esp. re conflicts with GDPR provisions)
- Cyberthreats – how to improve **current** resilience and incident response capacities of critical service

An awareness & information pack had been sent to the .IE Registrar channel containing helpful explanatory leaflets, an initial impact assessment grid, and a presentation deck from the NCSC.

NIS2 is included on the Agenda for the upcoming Registrar Day in December.

The registry noted that the real "trigger" for action is publication in the EU Official Journal – which is eagerly awaited. Hence, there was no action taken yet in relation to the lobby letter nor engagement beyond the registrar channel.

In the ensuing discussion, it was noted that the Transposition deadline for new legislation is c.21 months away, but **cyber threats** are here today, so there is an urgency for the affected entities to begin their work immediately.

## 5.2 NIS2 - 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 that the working group (WG) will focus on preparing an Impact Assessment document, and submit it as early as possible into the legislation drafting process. The need for cross-border coordination and cooperation to be explored, through engagement with CENTR, ECO and other groups who are also working on proposed solutions.

One of the Registrar representatives commented on the urgency to raise awareness amongst .IE Registrars. They are concerned that smaller Registrars aren't aware of what is coming. It was agreed to take immediate steps to address this matter.

## 6. Any Other Business

A Registrar representative raised an FYI issue - in relation to the topical issue of "abuse using the DNS". The Registrar stakeholder group and the Registry stakeholder group within ICANN have formally written to the ICANN CEO asking to open negotiations on the Registrar Accreditation Agreement and the separate Baseline Registry Accreditation Agreement. The rationale is that the current contracts don't go far enough and may not contain enough enforcement to handle DNS abuse. (See Blacknight blog).

There were no other matters raised under AOB.

## 7. Next Meeting

The provisional date for the next PAC #34 meeting has been set for Thursday 23<sup>rd</sup> February 2023.