

IE Domain Registry Limited

Policy Advisory Committee

Minutes from the October 25th 2016 Meeting



Identifiably Irish

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Ireland's Domain Registry

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Minutes of the Meeting held on October 25th 2016

Meeting Location: Annesley Suite, O'Callaghan Alexander Hotel, Dublin 2

Meeting Time: Called to order at 10:37am by the PAC Chairman.

Members present:

Chair	Alfie Shaw
Association of Patent & Trademark Attorneys in Ireland	Judy McCullough
Department of Communications, Energy & Natural Resources	Brendan Whelan
Department of Jobs, Enterprise & Innovation	James Kelly
Internet Service Providers Association of Ireland	Fred Logue
Irish Computer Society	Kevin Thomas
.ie Accredited Registrar (Blacknight Solutions)	Roger Brennan and Niamh Fitzpatrick
.ie Accredited Registrar (Hosting Ireland)	Jonathan Bate
.ie Accredited Registrar (Irish Domains)	Conor Moran
.ie Accredited Registrar (Register 365)	Kelly Salter
Small Firms Association	Linda Barry
IE Domain Registry (IEDR)	Jimmy Joyce

IEDR Representatives:

David Curtin
Oonagh McCutcheon

PAC Secretariat:

Sarah Keegan

1. Apologies - Members not present:

- Richard Browne - Department of Communications, Energy & Natural Resources
- Paula Maguire – Enterprise Ireland (pre-arranged)
- Brian Nisbet – HEAnet (pre-arranged)
- Michele Neylon – Blacknight Solutions (alternates arranged)
- Joan Mulvihill – Irish Internet Association (pre-arranged)
- Joe Kane – Law Society

2. Minutes from the July 5th 2016 PAC meeting

It was confirmed that the Minutes from the July 5th 2016 meeting were published online within the agreed timeframe, and that no further comment was received in relation to their content.

3. Policy change – to allow IDNs (fadas on the vowels) in .ie domain names

The action points from the July 5th PAC meeting were summarised, and it was confirmed that the IEDR had: -

- Created educational content relating to the release of IDNs, and distributed this to the relevant bodies. This content was also made available on the iedr.ie website;
- Launched Sunrise for IDNs on August 23rd 2016, and that two valid applications were received;
- Implemented the Punycode converter on iedr.ie as previously agreed;
- Provided a list of accredited .ie Registrars promoting the IDN release on the relevant pages on the iedr.ie website.

It was further noted that the secondary registration phase, Landrush, had also launched on October 18th, and will finish on November 16th 2016 when the General Availability stage of release will open on November 17th 2016. Further updates will be provided at the next PAC meeting.

4. Policy change – to allow Secondary market / aftermarket in .ie domains

A summary of the action points from the last meeting was provided, along with the relevant updates, as follows: -

Public Consultation

The IEDR confirmed that a Public Consultation was launched on July 18th 2016, which ran for 30 days. No new objections to the policy change were received during the Consultation period.

Policy Change Progression

In the absence of any new objections being raised during the Public Consultation process, the Development Group reviewing this policy change and the wider PAC provided their formal recommendation to the IEDR Board of Directors to proceed with the implementation of this policy change.

The IEDR Board of Directors considered the recommendation, in line with the 10-step Policy Development Process, and similarly provided their approval for the implementation of the Secondary Market.

Launch Date

The IEDR confirmed that Secondary Market operations are expected to launch on November 19th 2016, once the required technical updates have been implemented.

Systems

It was further noted that IEDR had provided a comprehensive information pack to all accredited Registrars in July, including the expected new commands to be introduced into the API system. Following the end of the 30-day consultation, in mid-August, IEDR provided a 90-day formal notice to Registrars of the pending system changes. IEDR clarified that Registrars who did not intend to offer the Secondary Market service to its customers, would not be impacted by the changes to the API system.

One accredited .ie Registrar on the PAC thanked the IEDR for the materials provided 90 days out, and requested that for future releases / changes to the IEDR API systems, that the full Protocol Specification Document (with line-by-line code changes) be available at the time of the 90-days' notice being issued.

This is due to the fact that even minor API changes require planning and scheduling of the technical development work by the Registrars to their own systems. It was noted that smaller Registrars may not have in-house technical development staff, and that they would likely need time to engage outside contractors to prepare these changes.

One Registrar asked that IEDR allow the previous and new versions of the API to co-exist for a reasonable time frame, as even updating the API specification number from 1.6 to 1.7 within Registrar systems would require some technical changes.

The IEDR acknowledged these requests.

5. Policy change – to remove restrictions on Geographical .ie domain names

The progression of this policy change to date was summarised for the PAC, and it was noted that consensus was found at the last PAC meeting that:

- the County & City Manager's Association (CCMA) and Place Names Commission had been given sufficient time to raise any objections that they held to the removal of the Geographic rule;
- the 90-day countdown period should be set for Local Authorities and Government Bodies to register any remaining, available .ie domains corresponding to geographic place names in the island of Ireland that they required.

Policy Removal – 90-day notice timetable launched

Formal notice of the removal of this policy change was provided to the CCMA and Place Names Commission on September 21st 2016, clarifying that the policy will be removed with effect from **December 20th 2016**.

The IEDR confirmed that from this date, .ie domain applications which reflect geographic place names in the island of Ireland will be registered in accordance with our standard registration processes and policies (e.g. applications will be processed on a first come, first served basis, and proposed registrants will need to demonstrate their claim to the domain, connection to the island of Ireland, and proof of commercial / personal identity).

Marketing and Promotional Activities

Accredited .ie Registrars on the PAC noted that the go-live date of 20th December was not ideal from a marketing perspective, but that many geographic place names, likely to be in demand, have already been registered to Local Authorities / Government Bodies. As such, scope for marketing is limited in this regard.

IEDR confirmed that it expected interest from clubs, societies and resident's associations, but has no plans to engage in promotional activities for this policy change under its current marketing calendar. Some of the accredited .ie Registrars on the PAC did note that they may launch promotional campaigns for the policy change in early 2017.

6. Policy change – to remove restrictions on .ie domain names corresponding to TLDs.

The progression of this policy change to date was summarised.

It was noted that the policy change had been approved by the PAC at the February 25th 2016 meeting, and that many two letter domains corresponding to ccTLD extensions were already registered during the one and two letter domain release, which ran from November 2015 until May 2016.

However, since the February 25th 2016 PAC meeting, there was an outstanding matter relating to the design of a potential release mechanism for the domains which correspond to gTLD extensions, that have historically been restricted by the IEDR, and registered to them, but which it has agreed to release.

Proposals for a soft launch or an auction were briefly considered, however, it was agreed that the Development Group reviewing this matter required more time for their deliberations, and that the proposal would be carried over for discussion at the next meeting.

7. Policy change – to allow shortened versions of a person’s first name with regard to Personal Name Domain applications

The progression of this policy change to date was summarised. It was noted that there was full consensus for the policy change in principle at the time of its initial proposal at the December 16th 2015 PAC meeting.

The remaining action item was to choose a deterministic mechanism through which the policy change could be implemented. It was noted that further discussions on the matter were required.

The PAC Secretariat agreed to re-issue the research documentation on potential operational mechanisms to the Development Group reviewing this matter, who will continue their discussions and provide further updates at the next PAC meeting.

8. Policy Creation Request – To restrict the registration of .ie domains which include the term “architect” in accordance with Section 18 of the Building Control Act, 2007.

The policy creation request was outlined for the PAC. It was noted that this proposal was being raised in response to formal correspondence received from the Royal Institute of the Architects of Ireland (RIAI) proposing the introduction of this rule, on the basis of provisions within the Building Control Act 2007, which outlines the bodies permitted to classify themselves as “architects”.

The PAC deliberated on the matter at length. It was noted that it would not be appropriate to implement a restriction for every type of professional entity (such as lawyers, doctors etc.), as it is not within the IEDR’s remit to act as a regulatory body for enforcing such legislation. It was also noted that no other media would be required to implement similar restrictions.

Registration Requirements

It was commented that implementing this rule would add an additional complication to the .ie registration process, which already requires registrants to provide a level of information and documentation before they are granted the right to use a .ie domain. All proposed registrants must demonstrate their: -

- connection to the island of Ireland,
- claim to the domain,
- proof of commercial / personal identity.

Accordingly, it was felt that placing further restrictions on .ie registrations would place .ie at a significant disadvantage to other namespaces, such as the new gTLDs, which have no registration requirements at all.

The PAC further considered the difficulty of enforcing such a restriction, particularly in a deterministic manner. For example, software architects etc. would not be subject to this restriction, and this would lead to the potential for subjectivity being relied on during the registration review process, which is undesirable for all involved.

For these reasons, introducing a new policy restriction would not be in the interest of the namespace,

Dispute Resolution Process

Discussion centred on dispute resolution mechanisms as a means for handling concerns around particular domains containing the term “architect”.

It was noted that IEDR operates a formal dispute resolution process for .ie domains, which is handled by the World Intellectual Property Organisation (WIPO), as an independent arbiter of disputes between a Complainant and the Registrant.

Protocol Arrangements with Regulatory Bodies

IEDR noted that the terms and conditions provided for suspension and deletion of domains in certain situations. Furthermore, the IEDR noted that provisions are already established within the IEDR Registration & Naming Policies to take action against .ie registrations which are illegal (including deletion of such registrations, after due process is followed).

The IEDR also explained that protocol arrangements have been implemented with a number of regulatory bodies, such as the Office of Corporate Enforcement, and the Irish Medicines Board, who can report allegations of illegal activity relating to .ie domains. The IEDR then undertakes due process to either confirm or disprove the alleged illegal activity on the .ie registration. The objective is to ensure cessation of the illegal activity. If the steps are unsuccessful, the domain may be suspended and then deleted.

Accordingly, it was felt that these channels could be effective as a means to address any concerns the RIAI has around certain .ie domains containing the term “architect”.

PAC Decision

After lengthy discussion, it was agreed that consensus did not exist for this policy creation proposal. The PAC Secretariat was asked to formally write to the RIAI to confirm the PAC’s decision, and to outline the mechanisms available to RIAI, through which any .ie domain registrations that they feel are illegal under the Building Control Act 2007, can be reviewed.

9. Any Other Business

i. Charity Policy

In relation to the action item from the last PAC meeting, it was confirmed that the wording on the relevant policy page on iedr.ie had been updated as requested (to clarify for consumers that, although Registrars may waive the registration fee when registering a .ie domain, that some Registrars may charge an administrative fee for their service).

ii. Industry related developments / relevant legislative changes

An update of the IANA functions Stewardship transition was outlined by members present, along with the enhanced ICANN accountability measures, which had been implemented as part of the transitioning process. It was noted in particular that this was a very significant development, as the US Department of Commerce would step back from its current role in relation to Internet naming and numbering.

iii. Fast Track Policy Change Request – WHOIS Policy & Acceptable Use Policy

The IEDR submitted a fast track change request to the PAC, requesting to update the IEDR WHOIS Policy & Acceptable Use Policy to include Billing Contact information (nic-handle and name).

It was noted that this proposal was being submitted on the grounds that this development would be important in the upcoming launch of Secondary Market operations, as it would allow interested buyers to engage with the Billing Contact (Registrar) currently managing a .ie domain registration, to see if the Registrant wished to sell. The modus operandi of the secondary market mechanism are that the Registrar managing the domain handles the Registrant Transfer process in Secondary Market operations.

The question of data privacy was discussed and clarified. It was agreed that the question of data privacy did not arise in the case of BillC disclosure. One suggestion called for the disclosure of the BillC name and information, rather than just the NIC (account number). IEDR indicated that it had no objection, provided there was consensus from the wider Registrar community. PAC consensus existed for this change in principle.

Another suggestion called for the disclosure of resellers' information, so that registrants can be better informed, and contact their reseller, rather than the ultimate Registrar in the event of queries arising. Further discussion centred on the creation of a new contact field for resellers.

However, it was noted that this would require some technical development, and suggested that the current technical contact field could be used for this purpose. It was proposed that the WHOIS could be edited to include the technical contact name, along with a visibility flag to determine whether the technical contact would be viewable on the WHOIS search.

There was further agreement that no changes to the level of information shown for registrants should be implemented (on data protection/data privacy grounds).

The PAC agreed that it held no objections to the proposals, and that the IEDR should consult with its wider Registrar channel through a poll, to ensure that they were equally in favour of the proposed changes. The PAC Secretariat will arrange this, and design a mock-up of the WHOIS to illustrate the proposed changes. This will be distributed to the PAC and accredited .ie Registrars.

iv. Fast Track Policy Change Request – Privacy Policy

The IEDR submitted a fast track change request to the PAC, requesting to update the IEDR Privacy Policy on the basis of legal advice received.

The changes involved were detailed for the PAC, and it was noted that the most prominent changes related to: -

- including a provision allowing Registrants to object to the processing of their data by IEDR, set out in the edits to Section 9.5,
- ensuring consistent use of definitions across IEDR policies.

IEDR pointed out that the consequences of objection to be listed on the WHOIS in this way, would result in the de-registration of a registrant's domain). This is because it is common international best practice for domain names to be listed on the TLD's WHOIS - for reasons best summarised as consumer protection and to facilitate law enforcement.

An accredited Registrar indicated that it required confirmation from its legal counsel in relation to all Data Privacy matters. The PAC Secretariat was asked to inform the wider Registrar channel about the proposals, and to ask if there are any objections to the proposed edits.

v. Irish Internet Association (IIA)

PAC members were notified that Joan Mulvihill, who previously represented the IIA on the PAC, had since left her role with the Association, and that the IIA was holding an Extraordinary General Meeting (EGM) on October 27th 2016 to discuss the future path of the IIA, and to define what special resolutions needed to be brought to the next AGM.

PAC members were invited to attend the EGM, or to provide their comments on the matter in advance directly to the IIA Chairman if they wished to do so.

10. Next Steps

- ❖ **PAC Secretariat** will arrange to:
 - re-issue research documentation on potential operational mechanisms to the PDN Development Group to prompt discussion;
 - formally contact the RIAI to confirm the PAC's rejection of the policy creation request, and to outline other potential mechanisms available to them;
 - engage with the PAC to determine the date of the next PAC meeting, which is expected to be held in January 2017;
 - design a WHOIS mock-up to illustrate proposed WHOIS changes;
- ❖ **IEDR** to engage with the accredited .ie Registrars regarding proposed changes to the WHOIS and Privacy Policies.
- ❖ **TLD Development Group** to continue their deliberations to determine how to release the domains corresponding to gTLDs that IEDR has agreed to release.
- ❖ **Personal Name Development Group** to continue their deliberations to determine which operational mechanism is most suitable to support the implementation of this policy change.

11. Next Meeting

PAC Secretariat will engage with wider PAC to set a date for the next meeting, expected to be held January 2017.