

# Policy Advisory Committee

## 29 August 2017 Meeting

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# Policy Advisory Committee - Agenda

**1. Apologies (absentees)**

**2. Minutes of the Meeting of 20 June 2017**

**3. Review of action points from 20 June 2017**

(relating to matters not otherwise appearing on the Agenda)

3.1 Fast Track Request: WHOIS Policy & Acceptable Use Policy

3.2 Fast Track Request: Privacy Policy

3.3 Proposal to alter the operation of the DNS check validation process

**4. Update on the policy change proposal**

To remove restrictions on .ie domains corresponding to TLDs

**5. Update on the policy change**

To remove the 'claim to the name' requirement from the Registration & Naming Policy

**6. New - policy change request**

To introduce Alternative Dispute Resolution Process (ADRP)

**7. Any Other Business**

7.1 Industry related developments /relevant legislative changes to be outlined by PAC members

7.2 Co-Funded Marketing Programme Operational Updates

**8. Next meeting(s)**

# 3. Action Points & updates

from the 20 June 2017 meeting

## 3.1 Policy change - Fast Track Request: WHOIS Policy & Acceptable Use Policy

Recap:

# WHOIS Changes

## Proposal to include Billing Contact information in the WHOIS display

- It was proposed that to support secondary market operations, the Billing Contact nic-handle and name managing a dot IE registration should be included in the WHOIS display.
- This would direct interested buyers to the Registrar managing the domain to initiate sale discussions.
- There was strong consensus for the change, and it was suggested that this opportunity also be used to make other changes to the WHOIS display, including the removal of the legacy class and category system and the introduction of a Registrar Abuse Contact.

## Current WHOIS Display

domain: iedr.ie  
descr: IE Domain Registry Limited  
descr: Body Corporate (Ltd,PLC,Company)  
descr: Corporate Name  
admin-c: IH4-IEDR  
tech-c: ITS2-IEDR  
registration: 16-March-1999  
renewal: 01-January-2020  
holder-type: NonBillable  
locked: N  
ren-status: Active  
in-zone: 1  
nserver: ns0.iedr.ie 77.72.74.133 2a01:4b0:0:6::5  
nserver: ns2.iedr.ie 77.72.78.88 2a01:4b0:2:2::88  
nserver: e.ns.ie  
nserver: f.ns.ie  
nserver: ns.heanet.ie  
source: IEDR  
  
person: IE Domain Registry Limited  
nic-hdl: IH4-IEDR  
source: IEDR  
  
person: IEDR Technical Services  
nic-hdl: ITS2-IEDR  
source: IEDR

## Proposed WHOIS Display

Domain: iedr.ie  
Domain Holder: IE Domain Registry Limited  
  
Administrative Contact:  
Nic-Handle: IH4-IEDR  
Name: IE Domain Registry Limited  
  
Technical Contact:  
Nic-Handle: ITS2-IEDR  
Name: IEDR Technical Services  
  
Billing Contact:  
Nic-Handle: ABC123-IEDR  
Person: IEDR  
Registrar Abuse Contact: (email – if desired, telephone no. also)  
  
Registration Date:  
Renewal Date:  
Holder-type:  
Locked status:  
Renewal status:  
In-zone:  
Nserver:  
Nserver:  
Nserver:  
Nserver:  
Nserver:  
Nserver:  
Source: IEDR

# 3. Action Points & updates

from the 20 June 2017 meeting

## 3.1 Policy change - Fast Track Request: WHOIS Policy & Acceptable Use Policy

### **Action Points:**

- IEDR to engage with the wider accredited .ie Registrar channel on the proposed edit to the WHOIS (to display the Billing Contact), along with other suggested changes, to determine if consensus exists for the changes
- IEDR to recommend that the proposal be reviewed by senior technical, legal and management staff within each Registrar organisation

### **Update:**

- IEDR has circulated proposals to the accredited .ie Registrar channel under two consultation phases, the second of which ended on 25 August 2017
- Strong consensus for the changes. Phasing is under discussion.

# 3. Action Points & updates

from the 20 June 2017 meeting

## 3.2 Policy change - Fast Track Request: Privacy Policy

### **Action Points:**

- IEDR to document and provide clarification on data retention practices within the proposed policy edits, in due course

### **Update:**

- Updates to be provided to the PAC in due course, once the IEDR's internal GDPR task-force has finalised its compliance preparations

# 3. Action Points & updates

from the 20 June 2017 meeting

## 3.3 Policy change – to alter the operation of the DNS check validation process for new registration, modification and registrant transfer tickets

### **Action Points:**

- Working Group to engage with the accredited .ie Registrar channel regarding the policy change proposal to determine if any serious objections exist to its implementation

### **Update:**

- Communications on this policy change proposal have not yet issued, and are expected to issue in Q3, once a number of other consultations (relating to WHOIS edits, and the proposed claim removal) have ended

Updates will be provided to the PAC in due course

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# 4. Policy change – TLD names

## Policy change – to remove restrictions on .ie domains corresponding to TLDs

IDN	Two Letter	P&M / commercial		Tech / Legacy Policy	Miscellaneous	ENUM	
éire.ie	ns.ie	cctld.ie	ipv6day.ie	dnssec.ie	dennisjennings.ie	enum.ie	enum-registrar.ie
idn.ie		dnssecurity.ie	ipv6ready.ie	dnssecforum.ie	domainregistry2.ie	enumdomain.ie	enumregistrars.ie
tést.ie		domainnamesecurity.ie	irish.ie	dnssectaskforce.ie	zzzzz.ie	enum-domain.ie	enum-registrars.ie
		domainregistry.ie	irishlanguagedomains.ie	dnssectf.ie		enumdomainregistry.ie	enumregistrations.ie
		domain-registry.ie	irishnationaldomainregistry.ie	dnssecwg.ie		enumdomain-registry.ie	enumregistry.ie
		domainregistrytld.ie	irishregistrars.ie	ipv6.ie		enum-domainregistry.ie	enum-registry.ie
		domains.ie	irish-registrars.ie	whois.ie		enum-domain-registry.ie	enums.ie
		eire.ie	irishregistrations.ie			enumdomains.ie	enumtld.ie
		eireregistry.ie	irish-registrations.ie			enum-domains.ie	enum-tld.ie
		ieccctld.ie	irishregistry.ie			enumireland.ie	enumwhois.ie
		iedomainregistry.ie	irish-registry.ie			enum-ireland.ie	enum-whois.ie
		iedomains.ie	irishtld.ie			enumnic.ie	ienum.ie
		iedr.ie	irishwhois.ie			enum-nic.ie	myenum.ie
		i-e-d-r.ie	itsallinthename.ie			enumreg.ie	my-enum.ie
		iedrltd.ie	mise.ie			enum-reg.ie	registrarofenum.ie
		ienic.ie	nationaldomainregistry.ie			enumregistrar.ie	registrar-of-enum.ie
		ieregistrar.ie	nationalregistry.ie	Potential release			registryofenum.ie
		ie-registrar.ie	pdn.ie	allinthename.ie			registry-of-enum.ie
		ieregistrars.ie	registrarof.ie	allinthenames.ie			
		ie-registrars.ie	registry.ie	elliptic.ie			
		ieregistry.ie	registryof.ie	heis.ie			
		ie-registry.ie	subdomains.ie	pin.ie			
		ietld.ie	sub-domains.ie	porn.ie			
		iewhois.ie	tld.ie	school.ie			
		iezine.ie	uwhois.ie	sheis.ie			
		ie-zine.ie	whoisdot.ie	weare.ie			
		internic.ie	why.ie				
		inthename.ie					

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# 5. Policy change – claim to the name

from the 20 June 2017 meeting

## Policy change – to remove the claim to the name requirement from the Registration & Naming Policy

### **Action Points** - from the 20 June 2017 meeting:-

- IEDR to launch the Public Consultation, as agreed at the June 2017 PAC meeting
- Appropriate marketing material to be designed by IEDR and circulated to the PAC for sharing
- PAC Secretariat to engage with the Working Group to submit the proposal to implement an Alternative Dispute Resolution Policy as a separate policy change request

### **Updates:-**

- Public Consultation launched
- Marketing material created and shared
- New Policy Change Template for ADRP - for discussion in Agenda item 6

# 5. Communications & Awareness building

## Marketing & promotion

### Phase 1 of communications has launched - Public Consultation (28 Aug '17 – 30 Sept '17)

- Press Release – 28 Aug. 2017
- National Press – **Irish Times** 30 Aug. 2017, **Sunday Independent** 3 Sept. 2017
- Marketing Material for Registrars and PAC members – 28 Aug 2017
- Comments taken via a 10-question consultation question form on [www.iedr.ie/public-consultation](http://www.iedr.ie/public-consultation)
- Supporting informational flyer etc. available on [www.iedr.ie/liberalisation](http://www.iedr.ie/liberalisation)

### Planning is on-going for.....

- Phase 2 – Awareness building for existing registrants and current customers (last chance to ring-fence your name)
- Phase 3 – Public service type comms, especially by IEDR. To happen just before implementation (if approved)

# 5. Connection to Ireland

## Guidelines for showing evidence

- Further consideration still required, particularly for:-
  - **Organisations** (e.g. clubs, bands etc.)  
How should these bodies show their connection? e.g. VAT number, RBN number, register to individual, use social media links?
  - **Utility bills**  
Do these provide suitable evidence of a connection and proof of identity?
  - **Non-citizens / -residents of the island of Ireland**  
Should these parties be eligible to hold a .ie in any particular cases?
  
- Further word-crafting and discussion required
  
- Draft edits to the Registration & Naming Policy 'Guidelines' to be revised after further discussion with WG

# 5. Fast-Pass Registration Process Proposal

For returning customers – post implementation

## **Workstream deliberations - update:-**

- Proposal for full automation of new reg process operations was circulated to WG for discussion
- Feedback provided was mixed and challenging to harmonise
- IEDR reviewed the feedback with internal departments (including Technical)
- Concerns raised that some proposed automated approval process changes could:
  - have a potentially negative impact on .ie safety (straight-to-database)
  - not satisfy the objective of providing an easier registration process for end-users (returning customers)
- No consensus was found for the suggested automation of nReg process

## **Revert to initial proposal:-**

- At go-live, IEDR will continue the legacy, 'off-line fast-pass' process
- Existing registration name should be 'flagged' in the ticket remarks
- Applications will be accepted (from returning customers), without 'Connection' documentation
- Applications / mods are (largely) processed on day of receipt (except evenings / weekends – next working day), so this will still result in a positive and fast registration process
- Post go-live, IEDR will monitor the need for an automated (straight-to-database) 'fast-pass' process

# 5. Next Steps...

- Working Group – To continue discussions on the work streams
- Public Consultation:
  - PAC members to ensure their members are made aware of Public Consultation
  - PAC Secretariat to compile feedback received for WG review
  - WG to consider comments received and provide recommendations to PAC
- Continue awareness building
- Updates to be circulated via the relevant mailing lists next PAC meeting

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# 6. Alternative Dispute Resolution (ADR) Policy

'Appeals-lite process'

- **New** – Policy change template received
- Separate policy change proposal, distinct to claim removal
- Some consensus amongst PAC wg that an ADR should:
  - be introduced to the IE namespace
  - avoid handling complaints regarding website content (this is notoriously challenging, *in particular defamation & slander*)

## Next Steps:-

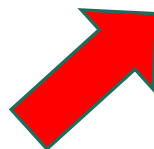
- Working Group to continue their discussions
  - Engage Law Society on the proposal
  - Consider if a third party should manage the process
  - Consider if a mediation service should be offered with the process

## .ie namespace – dealing with Complaints, Appeals and Disputes (in effect on 1 January 2017)

The working group will review industry best practices for:-

- Dispute Resolution,
- Protection of Intellectual Property Rights,
- Co-operation with Law Enforcement,
- Customer service and complaint handling,
- Appeals processes,
- Facilitation by professional Mediation / Expert services.

...and make recommendations on IEDR's current processes and procedures for Dispute Resolution



Category of potential dispute, appeal or complaint	What's the issue?	The dot ie policy, processes, procedures
A dot ie is:- <b>Infringing my Intellectual property rights (IPR)</b>	IP Infringement, passing off against protected rights, trademarks, patents	IE Dispute Resolution Policy & Procedure <b>(IE DRP)</b>
A dot ie has:- <b>Illegal content online (usually relating to products, services)</b>	Illegal medicines sale, online trading while insolvent, misuse of terms e.g "Architect"	IEDR Regulatory Authority Protocol <b>(IE RAP)</b>
A dot ie name is:- <b>Illegal use of restricted, protected terms</b>	Unauthorised use of the term "University" in breach of the Irish legislation	IEDR Terms and Conditions of Service with every registrant (also section 3.1.2.2. (viii) of the Registration and Naming Policy).
A dot ie name is being used for :- <b>Domain use abuse – Technical</b>	Phishing, pharming, willful distribution of malware, botnets, fast flux hosting, botnet command and control, distribution of child pornography	"Stability and resilience" contractual Terms and Conditions of Service with every registrant (also sections 3.1.2.4 and 5 of the Registration and Naming Policy).
A dot ie was achieved improperly:- <b>Registration abuse</b>	Allegations of improper, incorrect <b>rights to use</b> a .ie domain name – arising during, or abuse during, the new domain Registration process	Informal process currently. Complainants may email <a href="mailto:complaints@IEDR.ie">complaints@IEDR.ie</a>
A dot ie website /email is engaged in:- <b>Domain use abuse</b>	Breach of .ie terms of use, infringement of (non-protected) business names rights, passing off - allegations, complaints and appeals	IEDR does not intervene in disputes relating to domain abuse, per se.  However, IEDR acts as informal "mediator" between the complainant and the Registrant, to determine if a breach has taken place.

## **.ie namespace – dealing with Complaints, Appeals and Disputes** (in effect on 1 January 2017)

Category of potential dispute, appeal or complaint	What's the issue?	How IEDR protects Irish businesses and people	The dot ie policy, processes, procedures	Who operates the process?	References
A dot ie is:- <b>Infringing my Intellectual property rights (IPR)</b>	IP Infringement, passing off against protected rights, trademarks, patents	IEDR has Pre-Registration checks:- applications must show a claim to the name, also. (FIXME – Claim is going away...) IEDR Rules, registrant signs-off Warranties & Indemnities in T&Cs	IE Dispute Resolution Policy & Procedure ( <b>IE DRP</b> )	World Intellectual Property Organisation (WIPO)	<a href="http://www.wipo.int/amc/en/domains/rules/ie.html">http://www.wipo.int/amc/en/domains/rules/ie.html</a>  <a href="https://www.iedr.ie/dispute-resolution/">https://www.iedr.ie/dispute-resolution/</a>
A dot ie has:- <b>Illegal content online (usually relating to products, services)</b>	Illegal medicines sale, online trading while insolvent, misuse of terms e.g “Architect”	IEDR has a Protocol in place with regulatory agencies in Ireland	IEDR Regulatory Authority Protocol ( <b>IE RAP</b> )	IEDR in cooperation with IE Registrars and Regulatory Agencies (ODCE, IMB, FSAI, RIAI, NTA et al)	—
A dot ie name is:- <b>Illegal use of restricted, protected terms</b>	Unauthorised use of the term “University” in breach of the Irish legislation	IEDR checks that Applications are only accepted from educational bodies recognised by Dept of Education. Post-reg powers include termination and suspension (powers within the Rules & Registrant Agreement)	IEDR Terms and Conditions of Service with every registrant (also section 3.1.2.2. (viii) of the Registration and Naming Policy).	IEDR Registration Services team.	<a href="https://www.iedr.ie/register-a-domain/document-requirements/">https://www.iedr.ie/register-a-domain/document-requirements/</a>
A dot ie name is being used for :- <b>Domain use abuse – Technical</b>	Phishing, pharming, willful distribution of malware, botnets, fast flux hosting, botnet command and control, distribution of child pornography	IEDR has Termination and suspension powers within the Registrant Agreement. Section 3(g)  Cooperation with Law Enforcement and compliance with Court Orders. (Informal process currently)	“Stability and resilience” contractual Terms and Conditions of Service with every registrant (also sections 3.1.2.4 and 5 of the Registration and Naming Policy).	IEDR technical team in association with industry security bodies, including IRISS, ISPAI, cCIRT, Garda Bureau of Fraud Investigation et al	<a href="https://www.iedr.ie/about-the-iedr/our-policies/">https://www.iedr.ie/about-the-iedr/our-policies/</a>  <a href="https://www.iedr.ie/registrant-terms-conditions/">https://www.iedr.ie/registrant-terms-conditions/</a>
A dot ie was achieved improperly:- <b>Registration abuse</b>	Allegations of improper, incorrect <b>rights to use</b> a .ie domain name – arising during, or abuse during, the new domain Registration process	IEDR has Pre-Registration checks:- applications must show a claim to the name, also.  (FIXME – Claim is going away...)	Informal process currently. Complainants may email <a href="mailto:complaints@IEDR.ie">complaints@IEDR.ie</a>	IEDR Registration Services team. Decisions may be appealed to the CEO. Implementation of decisions is in cooperation with IE Registrars.	Complainants may email <a href="mailto:complaints@IEDR.ie">complaints@IEDR.ie</a>
A dot ie website /email is engaged in:- <b>Domain use abuse</b>	Breach of .ie terms of use, infringement of (non-protected) business names rights, passing off - allegations, complaints and appeals	IEDR has Termination and suspension powers within the Registrant Agreement - in circumstances where there has been a clear breach of the IEDR terms and conditions of Service.	IEDR does not intervene in disputes relating to domain abuse, per se.  However, IEDR acts as informal “mediator” between the complainant and the Registrant, to determine if a breach has taken place.	IEDR, in cooperation with IE Registrars.	Complainants may email <a href="mailto:complaints@IEDR.ie">complaints@IEDR.ie</a>

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# Next Meeting...

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October						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
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13	14	15	16	17	18	19
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