IE Domain Registry CLG

Policy Advisory Committee – PAC #22

Minutes from the 5 December 2019 Meeting

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Minutes of the PAC #22 Meeting held on 5 December 2019

Meeting Location: Pegasus 1 & 2 Suites, Spencer Hotel, Dublin 1.
Meeting Time: Called to order at 11:00am by the PAC Chair.
Members and representatives present:

Chair
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)
.ie Accredited Registrar (MarkMonitor)
.ie Accredited Registrar (Register Group)
Irish Computer Society (ICS)
Law Society of Ireland
Small Firms Association
IE Domain Registry CLG (IEDR)
PAC Secretariat

1. Memberships Matters

1.(a) Apologies – Members not present

- Association of Patent and Trade Mark Attorneys (APTMA) – pre-arranged
- Enterprise Ireland
- Irish Reporting & Information Security Service (IRISS)
- Internet Service Providers Association Ireland (ISPAI) – pre-arranged

1. (b) Membership Updates

The Chair welcomed the new representative from the Law Society of Ireland, and thanked them for their time, and sharing their expertise with the Committee.

2. Minutes from the 12 September 2019 PAC #21 meeting

The Chair confirmed that the Minutes from the PAC #21 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 there was broad consensus amongst the PAC for this policy change request at the PAC#20 meeting. The PAC was also reminded that there was agreement for a consultation process to be held with the impacted Stakeholders, the Registrar channel, in accordance with the .ie policy development process. This will ensure that feedback from the broader Registrar channel is collected and taken into consideration during the policy development process.

Updates:

The Secretariat confirmed that:-

- a 30-day consultation process was held with the accredited .ie Registrar channel. This ran from 2 September 2019 to 1 October 2019
- 7 responses were received, all of which were highly favourable to the proposed change

Summary of feedback received:

- 4 Registrars suggested permitting either an email address or a URL in the WHOIS abuse contact field
  - Proposed to mitigate potential spam, and to enable the submission of reports via Registrar ticketing systems (to ensure such reports are received into the most appropriate channel)

- 1 Registrar suggested that the abuse contact information should be editable by Registrars

- 1 Registrar suggested that Registrar's may not act on receipt of reports of abuse, querying the role of Registrars in handling reports of abuse

- 1 Registrar commented that IEDR should verify the abuse contact email address at setup
  - (and the potential for subsequent, periodic monitoring of abuse report responses)

- 1 Registrar commented that the WHOIS should include a feature enabling Registrant contact (web form)

The feedback received during the consultation process was discussed by the PAC. It was agreed that many of the suggestions and comments received during the consultation feedback had previously been considered by the Committee.

The PAC noted that it had no objection to the:-
- use of an email address or URL in the abuse contact field
- abuse contact field being editable by Registrars

The PAC reaffirmed its intention not to seek to mandate specific action by Registrars on receipt of reports of abuse:-
- in order to allow Registrars to set their own business practices (as there are over 130 accredited .ie Registrars, each with different operational setups etc.).
- as accredited .ie Registrars are responsible, reputable and professional entities, and would therefore be likely to act against online abuse regardless

Similarly, for the same reasons, it was agreed not to validate abuse contact email addresses at setup, or periodically thereafter. It was noted that this matter could be re-visited at a later time, should a genuine need arise to mandate Registrar abuse notification action, and/or abuse contact email address validation etc.

The PAC agreed that there was consensus for the proposed policy change and that it wished to issue a formal recommendation to the IEDR Board of Directors to implement the change.

Next Steps:

- The Secretariat confirmed that it would issue the PAC's formal recommendation to the IEDR Board of Directors
- IEDR confirmed that it would work on implementation matters in due course, provided the IEDR Board of Directors provides its approval for the policy change request

4. 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 PAC 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 have outlined the roles of content publishers and hosting providers, in the context of being the most appropriate and effective parties to act on concerns of alleged online abuse, as these parties have the ability to remove / stop the abusive material / activity. It has also been remarked that domain suspension at a Registry-level would only impede access to the alleged abusive content, and would not result in its removal from the internet (as the content would remain accessible to those with knowledge of its IP address).

Therefore, it was noted that Registry-level action has historically been considered an option of last resort, particularly as it can result in unintended collateral damage where an innocent website owner has its domain suspended, and may have been unaware that its website had been compromised / is being used by a third party in connection with abusive activity.

The IEDR previously remarked that domain industry expectations are shifting from reliance on reactive abuse-handling mechanisms, to more proactive models.

In discussions to date, the PAC has distinguished online abuse into two categories, criminal abuse, and technical abuse. Furthermore, at the PAC#21 meeting, some potential guiding principles for an abuse-tackling approach were identified and discussed by the PAC. These include:-

- Consumer protection considerations
- Taking a responsible and transparent approach in handling abuse
- Assisting genuine victims *(especially SMEs)*
- The possibility of adopting a cooperative approach with Law Enforcement / Public Authorities / Registrars etc.
- The need to distinguish between criminal abuse and technical abuse

Updates:

Discussions on this matter to date were briefly summarised, as outlined in the supporting slide deck available at https://www.iedr.ie/policy-development-process/.

Criminal Abuse

There was extensive discussion on a potential criminal abuse-handling mechanism and the potential introduction of a future cooperative arrangement with law enforcement agencies as a means to tackle this matter.

IEDR confirmed that the Garda National Cyber Crime Bureau (GNCCB) had requested a meeting with the Registry regarding online abuse, following a recommendation amongst the GNCCB's European counterparts for all law enforcement agencies to establish relationships with local ccTLD operators.

IEDR advised that it had met with the GNCCB in September 2019 and that it had raised the PAC's discussions regarding online abuse. IEDR also remarked that it had raised the proposed, potential introduction of a cooperative arrangement with law enforcement agencies to tackle criminal abuse with the GNCCB to gauge its interest. The GNCCB provided two sample templates used in the .uk namespace as a suggested modus operandi for such an arrangement.

The Registry confirmed that:-
- it had drafted a template for .ie domain suspension requests which could be used as part of a potential cooperative arrangement,
- that this had been drafted solely for discussion/illustrative purposes
- the template was drafted in line with best-practice industry guidelines published by the Domains & Jurisdiction Program at the Internet & Jurisdiction Policy Network.

During extensive discussion on this matter, IEDR confirmed that it had clarified for the GNCCB that the matter of the potential introduction of a cooperative arrangement with law enforcement agencies was before the PAC and subject to further PAC stakeholder engagement.

Discussions on criminal abuse and the potential introduction of a cooperative arrangement also noted:-
- the importance of due process and education/training Law Enforcement Agencies as part of any potential cooperative arrangement,

- the potential for Law Enforcement Agencies to be required to engage with Hosting Providers regarding takedown **prior to** requesting a suspension with the Registry (i.e. Registry being the option of last resort), and
- the need to identify what types of criminal abuse might fall under the scope of such an arrangement (sliding scale).

There was robust discussion on whether there was a genuine need for such a cooperative arrangement in the .ie namespace, particularly in light of the limited evidence indicating a trend of online abuse occurrence.

Some members commented that further analysis was required to determine whether a genuine need for such an arrangement existed. These members further commented that:-
- existing legal channels are likely to be sufficient for addressing such issues (e.g. court orders)
- discussions on the potential cooperative arrangement should not be progressed further with GNCCB until such time as PAC discussions have come to a consensus on the matter

The IEDR reassured the PAC that it would await updates within PAC discussions before progressing discussions with GNCCB regarding the potential cooperative arrangement. There was full PAC consensus that IEDR would otherwise continue to cooperate with law enforcement queries as they arise.

Other members commented that it was important to act responsibly, to have a defined process in place, and be prepared to address potential issues of serious criminal abuse should they arise. The importance of determining whether the GNCCB feel there is a compelling need for this arrangement was further discussed, in addition to the need to establish what the drivers for this potential need are (e.g. limited GNCCB resources to tackle online abuse, high volumes of cases etc.).

One member suggested awaiting legislation on this matter before designing any potential policy approach for abuse-handling at .ie. It was noted that this is not always an ideal approach, particularly when legislation might be subject to delayed implementation, such as the transposal of EU General Data Protection Regulation in Ireland, which was signed into law on 24 May 2018 (one day before its enforcement). There was emerging consensus that preparation for such legislation was appropriate.

It was also suggested that further consideration should be given to:-
- what helpful information the GNCCB might share with the Registry via a potential cooperative arrangement, e.g. information on types of evidence GNCCB require for investigations etc.
- drafting guidelines for law enforcement agencies, explaining what the Registry can/cannot do in response to reports of online abuse
- the proportionality of any potential response from the channel

The PAC commented that it would welcome a presentation from the GNCCB on this matter. It was agreed that the Secretariat would issue an invitation to the GNCCB accordingly. Due to time constraints, it was agreed to carry forward discussions and re-visit this matter at the PAC#23 meeting.

Technical Abuse

There was brief discussion on the matter of technical abuse, specifically:
- the potential introduction of a free, informational service for Registrars, notifying them if domains under their management are engaging in technical abuse

- the potential publication of guidelines outlining the recommended action to be taken by Registrars against .ie registrations engaging in technical abuse

Discussion followed on the [abuse detection system](#) which was recently introduced by the .eu namespace operator, EURid.

Next Steps:

The Chair acknowledged, and thanked the PAC for, the robust discussion on this topic, noting that it is a particularly challenging issue, one which the broader internet community is facing. It was agreed that:-
- the Secretariat would issue an invitation to the GNCCB to speak at a future PAC meeting
- further discussion on the matter would be scheduled at the PAC #23 meeting

5. Update on the Discovery Group reviewing the handling of blocked/reserved names work stream

Background:

The Secretariat outlined the objectives previously identified by the PAC with regard to the handling of blocked / reserved names. It was noted that, as part of the on-going discussion on handling these blocked / reserved names, the PAC has:-

❖ acknowledged the need for enhanced determinism, consistency and clarity regarding blocked / reserved 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

It was noted that a Discovery Group was setup to consider an appropriate policy response. It was confirmed that the Discovery Group had assessed number of policy mechanisms in use within other namespaces for handling blocked / reserved names. The Secretariat advised that the Discovery Group had considered these mechanisms at length, and had established broad, emerging consensus for a potential, appropriate policy response to address the handling of blocked/reserved names.

The Secretariat noted that the preferred approach would include the following elements:-
- Avoid the introduction of a dedicated Reserved Name Policy
- Address blocked / reserved names in the "availability" provisions within .ie Registration & Naming Policy
- Publish a non-exhaustive list of blocked / reserved 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 blocked / reserved names. In line with standard practice, these names will show IE Domain Registry as the domain holder on WHOIS

Updates:

The Secretariat confirmed that it had drafted, and that the Discovery Group is currently reviewing, the following materials:-
- Proposed Blocked / Reserved Name Lists
- Procedure for requests to "apply to register" reserved names

Next Steps:

The Discovery Group will continue its discussions via the mailing list and via conference call.

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

It is expected that a formal policy change request relating to this matter will be submitted to the PAC for consideration at the PAC#23 meeting.

6. New Fast-Track Request for policy changes arising from the planned cessation of the Direct Registration Service

Background:

The Direct Registration Service exists for those wishing to register a .ie domain without the help of an accredited .ie Registrar, and is considered 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 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.

Direct Registration Statistics:

Direct registrations

12 months to:-	2010	2011	2012	2013	2014	2015	2016	2017	2018	Sept 2019 YTD
New Regs - Direct	606	285	210	146	157	141	112	94	85	47
New Regs - Total	36,587	39,398	33,482	32,154	31,072	35,225	34,615	39,523	51,040	38,797
	1.7%	0.7%	0.6%	0.5%	0.5%	0.4%	0.3%	0.2%	0.2%	0.1%

At 31 December:-	2010	2011	2012	2013	2014	2015	2016	2017	2018	30-Sep-19
Direct Db	5,096	4,562	3,996	3,370	3,081	2,733	2,509	2,371	2,308	2,202
Total Db	154,918	174,777	184,377	187,269	198,191	210,839	221,871	237,412	262,140	277,471
	3.3%	2.6%	2.2%	1.8%	1.6%	1.3%	1.1%	1.0%	0.9%	0.8%

The Registry noted 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 noted 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 confirmed that it had also raised the matter with ComReg, given its position as an expert on the structure of markets. IEDR noted 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 will ensure are taken into consideration.

Policy implications

With regard to the policy impact of this planned service cessation, it is proposed to remove references to the Direct Registration Service from the following policies:-
- Registration and Naming Policy
- Charity Policy
- Privacy Policy

How will this service be withdrawn?

A number of options for implementation have been considered, including:-
- Advising Direct customers to select a Registrar to be its billing agent by a set date (giving an appropriate, lengthy notice period)
- Outsource the Direct Registration service (management) (Normal good governance rules will apply, tender process)

- Sell the portfolio to an existing accredited .ie Registrar (Normal good governance rules will apply, tender process)

PAC Recommendation

During discussions, the PAC confirmed it was supportive of the change, and emphasised the need to minimise disruption to the impacted Registrants.

Following discussions, there was consensus for the IEDR:-
- to contact the impacted Registrants to alert them to the planned cessation of the Direct Registration service, giving them the option to select a Registrar as its billing agent within a reasonable, short timeframe
- to sell the remaining portfolio to an existing accredited .ie Registrar

Further consideration will also be given to an appropriate timeframe for Registrants to move the management of their domains to a Registrar, and for the portfolio sale.

Next Steps:

The PAC recommendation for the policy change request will be issued to the IEDR Board of Directors for approval. IEDR will then begin preparatory work on the cessation of the Direct Registration service, provided the IEDR Board approves the related policy change. Further updates will be provided at the PAC#23 meeting.

7. Any Other Business

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

Due to time constraints, it was agreed to carry this agenda item forward for discussion at the PAC#23 meeting.

7.2. Updates on the operation of the Alternative Dispute Resolution (ADR) Process

The Secretariat confirmed that the Alternative Dispute Resolution Process was operating smoothly, and that:-
- seven potential complainants had engaged with the service
- three complainants had formally submitted ADR complaints (paying the required fee, proving they met the complaint submission criteria)
- two complainants had requested a decision
- one complaint was resolved via mediation

IEDR will continue to monitor the operation of the ADR Process and will provide updates to the PAC on this matter in due course.

8. Next Steps

PAC Secretariat will:-

- ❖ issue the PAC recommendation to the IEDR Board of Directors for the implementation of the policy change request to modify .ie WHOIS Policy with respect to mandating use of the abuse contact

- ❖ 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 proposed Blocked/Reserved Name Lists
  - ✓ Review the draft procedure for requests to "apply to register" for reserved names
  - ✓ Draft user-friendly materials, including leaflets

- ❖ the Secretariat would issue an invitation to the GNCCB to speak at a future PAC meeting regarding online abuse in the .ie namespace

- ❖ issue the PAC recommendation for the implementation of the fast-track policy change request arising from the planned cessation of the Direct Registration service

IEDR will:-

- ❖ contact Direct customers regarding the planned cessation of the Direct Registration service, giving them the option to move the management of their .ie domain(s) to an accredited .ie Registrar

- ❖ prepare for the sale of the remaining Direct customer portfolio to an accredited .ie Registrar (ensuring valid charity customers receive information on how to retain their free registration entitlement, and ensuring good governance practices etc.)

9. Next Meeting

The date for the next PAC meeting has been set for 20 February 2020.