**RECOMMENDATION 2**

Per the EPDP Team Charter, the EPDP Team is committed to considering a system for Standardized Access to non-public Registration Data once the gating questions in the charter have been answered. This will include addressing questions such as:

• What are the legitimate purposes for third parties to access registration data?

• What are the eligibility criteria for access to non-public Registration data?

• Do those parties/groups consist of different types of third-party requestors?

• What data elements should each user/party have access to?

In this context, amongst others, disclosure in the course of intellectual property infringement and DNS abuse cases will be considered.

***Disclaimer:*** *This overview has been developed to facilitate the EPDP Team’s consideration of the concerns expressed and possible updates to the recommendations. However, this does not replace the EPDP Team’s obligation to review all input received in full and to indicate if any concerns in this overview have inadvertently been mischaracterized.*

**Noted Concerns**

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| **Concern** | **Corresponding PCRT Comment #** | **Further Discussion Required?** |
| The current system under the Temp Spec does not allow for sufficient or reliable access such that this work can continue to be as effective. Work to replace this with a scalable access model should begin without delay. | 2, SSAC | Yes/No |
| Standardisation needs to be considered as NOT a single standard for access to all non-public data by all legitimate requests, but different standards for access with different privilege levels to different data elements by differentiated legitimate requests. | 3, Internet Society India Chennai | Yes/No |
| Minor language tweaks needed to make language more explicit | 4, GOVERNMENT OF INDIA | Yes/No |
| We support disclosure of Registration Data in the course of investigation of DNS and legal abuse. We do not find it necessary to call out specific types of legal abuse. We further note that a “system” for Standardized Access need not be a technical system but could also be a procedure. Finally, data that is distributed must be limited data that there was a legal basis to collect and that the distribution is not, itself, a legal basis. | 5, Tucows | Yes/No |
| “Standardized Access to nonpublic Registration Data” be replaced with the term, “Lawful disclosure of personal and sensitive registration data to third parties with legitimate interests.” | 5, 16  (NCSG, Domain Name Rights Coalition) | Yes/No |
| Failure to provide adequate access for all the stakeholders who have a role in preserving the stability, security and resilience, including intellectual property rightsholders, cybersecurity firms and other organizations that mitigate DNS abuse as well as law enforcement agencies runs the risk of undermining that security and furthering distrust of the Internet ecosystem.  [Now that the EPDP team’s gating questions have been sufficiently addressed, strongly supports a recommendation that the EPDP Team contribute to ICANN Org’s development of a standardized, or “unified,” system for access to non-public registration data.]  [Proposes edits to this recommendation to ensure that the protection of intellectual property rights is expressly recognized as a legitimate interest under GDPR and therefore understood to be within scope of the final policy. The term “legitimate” implies that the interest is bolstered by recognition of a legal right, which in the case of intellectual property is the reason for its very existence.]  [As stated elsewhere, brand abuse is increasingly an enabling mechanism for cyber abuse. It should be clear that consumers can be harmed when what seems to be a branded pharmaceutical good is actually a low-quality counterfeit, but many are not aware that fake branded digital goods may actually contain malware or connect to phishing sites which are used to harvest credentials or drop malicious payloads.]  At a bare minimum the team should commit to a time certain to complete this work, and no consensus policy superseding the Temporary Specification should be adopted without it. | 6, 7, 8, 11, 12, 13, 14, 15, 17, 18  (Disney, BC, DomainTools, INTA, MarkMonitor, MPAA, Microsoft, VAP, IPC | Yes/No |
| The EPDP WG needs to state clearly in the report that it will not have the time to really consider this charter subject before it completes its final report. Between now and the final report due date, the EPDP WG has to consider public comments, measure consensus levels, and more, and likely will not break new ground. | 9, iThreat Security Group | Yes/No |
| Registrars or registry operators should put in place a data disclosure process, which allows any third party that can evidence a legitimate right to a domain name to obtain the complete Whois data of a domain name. The definition of "reasonable access" is vague and may be subject to interpretation.  A lot of ccTLD registry operators such as EURid have already put in place procedures where a third party that wants to obtain the complete Whois data of a domain name have to submit a form duly completed, signed and stamped together with evidences of its legitimate right to the concerned domain name (e.g. trademark certificate, BRC...) to the registry operators. Such procedures are compliant with the GDPR | 19, Steve Gobin | Yes/No |
| With six months of GDPR experience behind us, it is obvious that ICANN needs to turn its concerted attention to addressing the need for a unified/standardized system for reasonable access to non-public registrant data. Failure to provide a solution is harming a range of legitimate causes. We see no compelling reason why work on a unified/standardized system for reasonable access to non-public registrant data cannot commence immediately in parallel with the EPDP effort. | 20, WIPO | Yes/No |
| Delete recommendation. The EPDP working group needs to answer the gating questions before addressing and making any "recommendations" about "access" to non-public Registration Data. | 21, John Poole | Yes/No |
| Delete recommendation. Disclosure of registration data to 3rd parties is not a "purpose" for its collection. | 22, Blacknight | Yes/No |
| Delete recommendation. It is not a recommendation. As such, it should be removed. We welcome the opportunity to explore this topic further after the EPDP has concluded. | 23, GoDaddy | Yes/No |