

GNSO PRIVACY & PROXY SERVICES ACCREDITATION ISSUES POLICY DEVELOPMENT PROCESS WORKING GROUP

DEFINITIONS, SUMMARY OF RELEVANT WORK & REFERENCE LIST

Table of Contents

I. KEY DEFINITIONS	2
II. SUMMARY OF PRIOR RELEVANT WORK	4
III. NPL'S STUDY ON PRIVACY & PROXY SERVICE ABUSE (SEPTEMBER 2013).....	6
IV. THE EXPERT WORKING GROUP (EWG) STATUS REPORT (NOVEMBER 2013)	8
V. THE 2013 REGISTRAR ACCREDITATION AGREEMENT (RAA).....	10
VI. WHOIS POLICY REVIEW TEAM RECOMMENDATIONS	14
VII. LINKS TO ADDITIONAL MATERIALS	16

I. KEY DEFINITIONS

(a) Privacy and Proxy Services (from the Working Definitions Document developed for the GNSO Council in February 2009)

Proxy and Privacy services provide anonymity and privacy protection for a domain name user. Though the terms are colloquially used interchangeably, there is a difference:

Privacy services hide customer details from going into WHOIS. Privacy service providers, which may include registrars and resellers, may offer alternate contact information and mail forwarding services while not actually shielding the domain name registrant's identity. By shielding the user in these ways, these services are promoted as a means of protecting personal privacy, free speech and human rights and avoiding personal data misuse.

Proxy services protect users' privacy by having a third-party register the name. The third-party is most often the proxy service itself. The third-party allows the user to access and use the domain name through a separate agreement or some other arrangement directly with the user. Proxy service providers may include web design, law, and marketing firms; web hosts, registrar subsidiaries, resellers and individuals.

NOTES:

1. *As further described in the Terms of Reference for the Privacy & Proxy Abuse Study, in relation to Proxy Services, it is the third-party's contact information that is published in Whois, and the third-party licenses the use of the registered domain to the user.*
2. *The Whois Policy Review Team used the following definitions:*
 - *Privacy Service: a service that provides the Registrant Name and a subset of other information (possibly null set) but consistent across ICANN.*
 - *Proxy Service: a relationship in which the registrant is acting on behalf of another. The WHOIS data is that of the agent and the agent alone obtains all rights and assumes all responsibility for the domain name and its manner of use.*

(b) Illegal or Harmful Communication (from the Terms of Reference for the Whois Privacy & Proxy Abuse Study)

"Illegal or harmful communication" refers to online activities (e.g., email messages, web transactions, file downloads) that violate criminal or civil law or which harm their targets (e.g., email/download recipients, website visitors). These activities include unsolicited commercial bulk email (spam), online intellectual property or identity theft, email harassment or stalking, phishing websites, online malware dissemination, and cybersquatting. Further examples include DoS attacks, DNS cache poisoning, pirated software (warez) distribution sites, money laundering email (mules scams), advanced fee fraud email (411 scams), and online sale of counterfeit merchandise or pharmaceuticals.

(c) Commercial Purpose (from the Working Definitions Document developed for the GNSO Council in February 2009)

Related to a bona fide business use. In the Internet context, the bona fide use or bona fide intent to use the domain name or any content, software, materials, graphics or other information thereon, to permit Internet users to access one or more host computers through the DNS: to legally exchange goods, services, or property of any kind in the ordinary course of trade or business; or to facilitate (i) the legal exchange of goods, services, information, or property of any kind; or, (ii) the ordinary course of legal trade or business.

(d) Law Enforcement (from the Whois Policy Review Team Final Report)

Any entity charged or otherwise mandated by governments with enforcing or ensuring observance of or obedience to the law; an organized body of people officially maintained or employed to keep order, prevent or detect crime and enforce the law.

(e) WHOIS Data (from the Whois Policy Review Team Final Report, based on SSAC work)

The information that registrants provide when registering a domain name and that registrars or registries collect (registrant name, address, telephone; administrative and billing contacts; etc.). Some of this information is made available to the public.

(f) WHOIS Protocol (from the Whois Policy Review Team Final Report, based on SSAC work)

The elements of a (standard) communications exchange – queries and responses - that make access to WHOIS Data possible. For example, the WHOIS protocol (RFC 3912) and HTTP (RFC 2616 and its updates) are commonly used to provide public access to WHOIS Data.

(g) WHOIS Service (from the Whois Policy Review Team Final Report, based on SSAC work)

The service(s) offered by registries and registrars to provide access to all or a subset of WHOIS Data.

II. SUMMARY OF PRIOR RELEVANT WORK

(a) ICANN Study On Prevalence of Domain Names Registered Using a Privacy or Proxy Service Among the Top Five gTLDs (September 2010)

Executive Summary:

Registered name holders have the option to limit the amount of personal information that is made available to the public through Whois queries of registrar domain name databases. To do so, they generally use a privacy or proxy registration service when registering their domain name. The main objective of this study was to establish baseline information to inform the community on the prevalence of the use of privacy and proxy services when registering domain names. The preliminary results from the initial coding of a random sample of two thousand four hundred domain names registered under the top 5 gTLDs reveal that anywhere from approximately 15 to 25 percent are likely to have been registered using a privacy or proxy service.

(b) NORC Registrant Identification Study (May 2013)

Sample Findings Relevant to Privacy & Proxy Services:

- Privacy/Proxy services were used to register 20 percent of the sampled domain (320 domains out of 1,600 domains sampled). ICANN's September 14, 2010 *Study on the Prevalence of Domain Names Registered using a Privacy or Proxy Service among the Top 5 gTLDs* concluded that approximately 18 percent (± 2.0 percent) of domains in the top five gTLDs are likely registered using a privacy or proxy service. Thus, the privacy/proxy rate found by the WHOIS Registrant Identification Study is statistically equivalent to the previous estimate. Data for the previous study was collected in the 2008-2009 time period, whereas the WHOIS Registrant Identification Study collected data in early 2012. Thus, there is no evidence to suggest that the usage of privacy and proxy services has changed over time.
- Of the 320 domain registrants coded as Privacy/Proxy service providers, only 20 were determined to be privacy service providers. In other words, about 6 percent of domain registrants using a privacy or proxy service used a privacy service. ICANN's September 14, 2010 Privacy/Proxy Prevalence Study found a slightly larger percentage; approximately 9 percent of domain registrants using a proxy or privacy service used a privacy service. The difference between the percentages (3 percent) is not statistically significant at the 95 percent significance level.
- Comparisons of the privacy and proxy services classifications between the two studies revealed apparent changes in the services offered by some providers. Four privacy/proxy service providers, which were determined to provide only proxy services

in the current WHOIS Registrant Identification Study, were determined to provide both privacy and proxy services in the previous Privacy/Proxy Prevalence Study. There are 15 domains in the WHOIS Registrant Identification Study sample registered using one of these four service providers (4.7 percent of the 320 percent domain registered using a privacy or proxy service used a privacy service). While this may help to explain why the percentage of domains registered using a privacy service is slightly smaller in the current study, we do not have evidence to conclude that there is shrinkage of privacy service registration.

- Domain names registered using a Privacy/Proxy service were
 - More likely to be parked— 30.7 ± 5.0 percent, as compared to the entire sample's 20.5 percent.
 - More likely to be used for some kind of potentially commercial activity— 64.6 ± 5.2 percent, as compared to the entire sample's 56.6 percent.
 - More likely to be registered with a WHOIS address in the U.S.— 74.3 ± 4.8 percent, as compared to the entire sample's 56.9 percent.
 - More likely to have a user/registrant relationship of a customer privacy/proxy service— 92.8 ± 2.8 percent, as compared to the entire sample's 20.4 percent.
 - More likely to be used by an entity with an unclear business structure— 71.4 ± 4.9 percent, as compared to the entire sample's 65.7 percent.

- **Relative percentage of Privacy/Proxy use among legal persons:** Based on our analysis of the WHOIS records and the web/FTP content retrieved from a random sample of 1,600 domains from the top five gTLDs, 15.1 percent (± 2.9 percent) of domains used by legal persons were registered using a privacy or proxy service.

- **Relative percentage of Privacy/Proxy use among domains with commercial use:** Based on our analysis of the WHOIS records and the web/FTP content retrieved from a random sample of 1,600 domains from the top five gTLDs, 22.9 percent (± 2.7 percent) of domains with potentially commercial activity were registered using a privacy or proxy service.

III. NPL'S Study on Privacy & Proxy Service Abuse (September 2013)

Extract from the Executive Summary:

The initial intention was to test the hypothesis:

"A significant percentage of the domain names used to conduct illegal or harmful Internet activities are registered via privacy or proxy services to obscure the perpetrator's identity".

We broadened the study because it was implicit that a "significant percentage" would be one that is measured – with high statistical confidence – to be substantially greater than the equivalent percentage for entirely lawful and harmless Internet activities. Hence we also sought to examine the related hypothesis:

"The percentage of domain names used to conduct illegal or harmful Internet activities that are registered via privacy or proxy services is significantly greater than the percentage of domain names used for lawful Internet activities that employ privacy or proxy services."

We wanted to consider what other methods might be chosen by those involved in criminal activity to obscure their identities, because in the event of changes to privacy and proxy services, it is likely that they will turn to these alternatives. Accordingly, we determined experimentally whether a significant percentage of the domain names we examined have been registered with incorrect Whois contact information – specifically whether or not we could reach the domain registrant using a phone number from the Whois information.

We split the work into a number of work packages:

- WP1 phishing
- WP2 money laundering
- WP3 unlicensed pharmacies
- WP4 typosquatting
- WP5 child sexual abuse image websites
- WP6 lawful and harmless websites
- WP7 domains appearing in email spam (SURBL domains)
- WP8 domains associated with malware (StopBadware domains)
- WP9 domains subject to the UDRP process

Our study mainly addresses the use of domain names that have been implicated in illegal or harmful activities. The study also examines (particularly in WP6) some samples of lawful and harmless domain names to establish a point of reference, but it is important to understand that the selection we have made is not necessarily representative of the overall usage of domain names for lawful and harmless reasons.

For the domain names where we had collected the Whois data we determined the proportion of these registrations that were using privacy or proxy services. If the domain was not using a privacy or proxy service we looked to see whether the Whois record contained a phone number for the domain registrant and if it did have a phone number we checked whether it passes some simple rules, so that we believe that it can be used to telephone the registrant.

We took a random sample of the domains which have these 'apparently valid' contact phone numbers and we attempted to ring up the domain registrants within this sample to have a short conversation with them, in their native language, to ascertain whether or not they acknowledged registering the domain.

Our study shows that it IS TRUE that:

"A significant percentage of the domain names used to conduct illegal or harmful Internet activities are registered via privacy or proxy services to obscure the perpetrator's identity".

Our study shows that it is PARTLY TRUE that:

"The percentage of domain names used to conduct illegal or harmful Internet activities that are registered via privacy or proxy services is significantly greater than the percentage of domain names used for lawful Internet activities that employ privacy or proxy services."

More helpfully, we can say:

"When domain names are registered with the intent of conducting illegal or harmful Internet activities then a range of different methods are used to avoid providing viable contact information – with a consistent outcome no matter which method is used. However, although many more domains registered for entirely lawful Internet activities have viable telephone contact information recorded within the Whois system, a great percentage of them do not."

IV. THE EXPERT WORKING GROUP (EWG) STATUS REPORT (November 2013)

RELEVANT EXCERPTS

From pp. 35- 37 of the EWG Status Report:

There are no standard processes employed by all of today's privacy and proxy service providers. However, there are several common needs, often supported to some degree:

- Relaying communication to today's privacy or proxy service customer – often done by auto-forwarding email sent to the admin/tech contact's email address. Relay is provided by many but not all providers.
- Revealing the identity of the licensee and direct contact detail for a proxy customer, in response to a complaint about the domain name. Processes, documentation, responsiveness, and actions taken vary, and often depend on established relationships between requestors and providers.
- Unmasking the identity of the licensee, making the name and contact details of the proxy service customer publicly available in the WHOIS.

When requestors can't contact a proxy service customer or get a resolution from the proxy service provider, they often turn to the registrar (which may or may not be affiliated with the proxy service provider).

To address both domain name registrant and stakeholder needs for more uniform and reliable Shield and Proxy Services which enable greater accountability, the EWG is considering recommending the following principles:

1. General

1.1 ICANN should accredit Shield (formerly Privacy) and Proxy service Providers

1.2 The accreditation program should continue the commitments under the 2013 RAA Specification

2. Principles for Accredited Shield (formerly Privacy) Services

2.1 Entities and natural persons may register domain names using accredited Shield services that do not disclose the registrants contact details unless the terms of service are violated

2.2 ICANN should require specific terms to be included in the terms of service, including, requiring the service provider to endeavor to provide notice in cases of expedited takedowns

2.3 Shield services should provide the registrar with accurate and reliable alternate contact details, including a forwarding email address

2.4 Shield services should be obligated to relay emails received by the forwarding email address

3. Principles for Accredited Proxy Services

3.1 It should be possible for entities and natural persons to register domain names using accredited proxy services that register domain names on a licensee's behalf

3.2 Proxy service providers should provide the registrar with their own name and contact details, including a unique forwarding email address

3.3 As the registered name holder, proxy service providers should assume all the usual registrant responsibilities for that domain name, including provision of accurate and reliable registration data

3.4 Proxy services should be obligated to relay emails received by the forwarding email address

3.5 Proxy services should be obligated to respond to reveal requests in a timely manner

The EWG may recommend Shield (privacy) and Proxy Services be required to relay all email received by the forwarding email address. The goal is to provide Shield/Proxy customers and RDS users who might want to contact them with a standard, always-available, near-real-time communication path.

In addition, the EWG is considering requiring proxy services respond to reveal requests in a timely manner (further details below). The goal is to provide users experiencing serious problems with proxy-registered domains with a standard, always-available, efficient process to seek effective problem resolution.

When analyzing these user needs, the EWG noted another shortfall in today's practices: the absence of a readily-available, efficient escalation method when communication fails. Many users jump quickly to reveal because they have no other recourse. The EWG is now considering a proposal to introduce an escalation process which might be less costly to all parties and reduce the number of problems that lead to more-costly and time-consuming reveal requests.

From Page 57 of the EWG Status Report:

In an effort to identify appropriate standards for Shield (privacy) and Proxy Providers, the EWG will commence research on the existing practices of current providers of such services, with respect to their relay, reveal, and unmask procedures, and the conditions applicable to them. Also, the EWG is interested in the level of verification or validation conducted by such providers, if any, on the data provided by their customers.

V. THE 2013 REGISTRAR ACCREDITATION AGREEMENT (RAA)

RELEVANT PROVISIONS:

3.4 Retention of Registered Name Holder and Registration Data.

3.4.1 For each Registered Name sponsored by Registrar within a gTLD, Registrar shall collect and securely maintain, in its own electronic database, as updated from time to time: ...

3.4.1.5 the name, postal address, e-mail address, and voice telephone number provided by the customer of any privacy service or licensee of any proxy registration service, in each case, offered or made available by Registrar or its Affiliates in connection with each registration. Effective on the date that ICANN fully implements a Proxy Accreditation Program established in accordance with Section 3.14, the obligations under this Section 3.4.1.5 will cease to apply as to any specific category of data (such as postal address) that is expressly required to be retained by another party in accordance with such Proxy Accreditation Program.

3.6 Data Escrow. During the Term of this Agreement, on a schedule, under the terms, and in the format specified by ICANN, Registrar shall submit an electronic copy of the data described in Subsections 3.4.1.2 through 3.4.1.5 to ICANN or, at Registrar's election and at its expense, to a reputable escrow agent mutually approved by Registrar and ICANN, such approval also not to be unreasonably withheld by either party.

3.7 Business Dealings, including with Registered Name Holders

3.7.7.3 Any Registered Name Holder that intends to license use of a domain name to a third party is nonetheless the Registered Name Holder of record and is responsible for providing its own full contact information and for providing and updating accurate technical and administrative contact information adequate to facilitate timely resolution of any problems that arise in connection with the Registered Name. A Registered Name Holder licensing use of a Registered Name according to this provision shall accept liability for harm caused by wrongful use of the Registered Name, unless it discloses the current contact information provided by the licensee and the identity of the licensee within seven (7) days to a party providing the Registered Name Holder reasonable evidence of actionable harm.

3.12 Obligations Related to Provision of Registrar Services by Third Parties. ... In addition, Registrar must ensure that:

...

3.12.4 Its Resellers comply with any ICANN-adopted Specification or Policy that establishes a program for accreditation of individuals or entities who provide proxy and privacy registration services (a "Proxy Accreditation Program"). Among other features, the Proxy Accreditation Program may require that: (i) proxy and privacy registration services may only be provided in respect of domain name registrations by individuals or entities

Accredited by ICANN pursuant to such Proxy Accreditation Program; and (ii) Registrar shall prohibit Resellers from knowingly accepting registrations from any provider of proxy and privacy registration services that is not Accredited by ICANN pursuant the Proxy Accreditation Program. Until such time as the Proxy Accreditation Program is established, Registrar shall require Resellers to comply with the Specification on Privacy and Proxy Registrations attached hereto.

3.14 Obligations Related to Proxy and Privacy Services. Registrar agrees to comply with any ICANN-adopted Specification or Policy that establishes a Proxy Accreditation Program. Registrar also agrees to reasonably cooperate with ICANN in the development of such program. Until such time as the Proxy Accreditation Program is established, Registrar agrees to comply with the Specification on Privacy and Proxy Registrations attached hereto.

REGISTRAR INFORMATION SPECIFICATION

Registrar shall provide to ICANN the information specified below, which shall be maintained in accordance with Section 3.17 of the Agreement. With regard to information identified below, ICANN will hold such information pursuant to the disclosure requirements set forth in Section 3.15 of the Agreement.

...

23. Does the Registrar or any of its Affiliates offer any Privacy Service or Proxy Service (as such terms on defined in the Specification on Privacy and Proxy Registrations)? If yes, list the entities or individuals providing the Privacy Service or Proxy Service.

SPECIFICATION ON PRIVACY AND PROXY REGISTRATIONS

Until the earlier to occur of (i) January 1, 2017, and (ii) the date ICANN establishes and implements a Privacy and Proxy Accreditation Program as referenced in Section 3.14 of the Registrar Accreditation Agreement, Registrar agrees to comply, and to require its Affiliates and Resellers to comply, with the terms of this Specification, provided that ICANN and the Working Group may mutually agree to extend the term of this Specification. This Specification may not be modified by ICANN or Registrar.

1. Definitions. For the purposes of this Specification, the following definitions shall apply.
 - 1.1 "P/P Customer" means, regardless of the terminology used by the P/P Provider, the licensee, customer, beneficial user, beneficiary, or other recipient of Privacy Services and Proxy Services.
 - 1.2 "Privacy Service" is a service by which a Registered Name is registered to its beneficial user as the Registered Name Holder, but for which alternative, reliable contact information is provided by the P/P Provider for display of the

Registered Name Holder's contact information in the Registration Data Service (Whois) or equivalent services.

1.3 "Proxy Service" is a service through which a Registered Name Holder licenses use of a Registered Name to the P/P Customer in order to provide the P/P Customer use of the domain name, and the Registered Name Holder's contact information is displayed in the Registration Data Service (Whois) or equivalent services rather than the P/P Customer's contact information.

1.4 "P/P Provider" or "Service Provider" is the provider of Privacy/Proxy Services, including Registrar and its Affiliates, as applicable.

2. Obligations of Registrar. For any Proxy Service or Privacy Service offered by the Registrar or its Affiliates, including any of Registrar's or its Affiliates' P/P services distributed through Resellers, and used in connection with Registered Names Sponsored by the Registrar, the Registrar and its Affiliates must require all P/P Providers to follow the requirements described in this Specification and to abide by the terms and procedures published pursuant to this Specification.

2.1 Disclosure of Service Terms. P/P Provider shall publish the terms and conditions of its service (including pricing), on its website and/or Registrar's website.

2.2 Abuse/Infringement Point of Contact. P/P Provider shall publish a point of contact for third parties wishing to report abuse or infringement of trademarks (or other rights).

2.3 Disclosure of Identity of P/P Provider. P/P Provider shall publish its business contact information on its website and/or Registrar's website.

2.4 Terms of service and description of procedures. The P/P Provider shall publish on its website and/or Registrar's website a copy of the P/P Provider service agreement and description of P/P Provider's procedures for handling the following:

2.4.1 The process or facilities to report abuse of a domain name registration managed by the P/P Provider;

2.4.2 The process or facilities to report infringement of trademarks or other rights of third parties;

2.4.3 The circumstances under which the P/P Provider will relay communications from third parties to the P/P Customer;

2.4.4 The circumstances under which the P/P Provider will terminate service to the P/P Customer;

2.4.5 The circumstances under which the P/P Provider will reveal and/or publish in the Registration Data Service (Whois) or equivalent service the P/P Customer's identity and/or contact data; and

2.4.6 A description of the support services offered by P/P Providers to P/P Customers, and how to access these services.

2.5 Escrow of P/P Customer Information. Registrar shall include P/P Customer contact information in its Registration Data Escrow deposits required by Section 3.6 of the Agreement. P/P Customer Information escrowed pursuant to this Section 2.5 of this Specification may only be accessed by ICANN in the event of the termination of the Agreement or in the event Registrar ceases business operations.

3. Exemptions. Registrar is under no obligation to comply with the requirements of this specification if it can be shown that:

- 3.1 Registered Name Holder employed the services of a P/P Provider that is not provided by Registrar, or any of its Affiliates;
- 3.2 Registered Name Holder licensed a Registered Name to another party (i.e., is acting as a Proxy Service) without Registrar's knowledge; or
- 3.3 Registered Name Holder has used P/P Provider contact data without subscribing to the service or accepting the P/P Provider terms and conditions.

VI. WHOIS POLICY REVIEW TEAM RECOMMENDATIONS

RELEVANT EXCERPTS FROM THE WHOIS POLICY REVIEW FINAL REPORT

From Chapter 8:

Privacy and proxy services have arisen to fill an ICANN policy vacuum. These services are clearly meeting a market demand, and it is equally clear that these services are complicating the WHOIS landscape ... The Review Team considers that with appropriate regulation and oversight, privacy and proxy services appear capable of addressing stakeholder needs.

Recommendation 10 - Data Access -- Privacy and Proxy Services

The Review Team recommends that ICANN should initiate processes to regulate and oversee privacy and proxy service providers.

ICANN should develop these processes in consultation with all interested stakeholders.

This work should take note of the studies of existing practices used by proxy/privacy service providers now taking place within the GNSO.

The Review Team considers that one possible approach to achieving this would be to establish, through the appropriate means, an accreditation system for all proxy/privacy service providers. As part of this process, ICANN should consider the merits (if any) of establishing or maintaining a distinction between privacy and proxy services.

The goal of this process should be to provide clear, consistent and enforceable requirements for the operation of these services consistent with national laws, and to strike an appropriate balance between stakeholders with competing but legitimate interests. At a minimum, this would include privacy, data protection, law enforcement, the industry around law enforcement and the human rights community.

ICANN could, for example, use a mix of incentives and graduated sanctions to encourage proxy/privacy service providers to become accredited, and to ensure that registrars do not knowingly accept registrations from unaccredited providers.

ICANN could develop a graduated and enforceable series of penalties for proxy/privacy service providers who violate the requirements, with a clear path to de-accreditation for repeat, serial or otherwise serious breaches.

In considering the process to regulate and oversee privacy/proxy service providers, consideration should be given to the following objectives:

- Clearly labeling WHOIS entries to indicate that registrations have been made by a privacy or proxy service;
- Providing full WHOIS contact details for the privacy/proxy service provider, which are contactable and responsive;

- Adopting agreed standardized relay and reveal processes and timeframes; (these should be clearly published, and pro-actively advised to potential users of these services so they can make informed choices based on their individual circumstances);
- Registrars should disclose their relationship with any proxy/privacy service provider;
- Maintaining dedicated abuse points of contact for each provider;
- Conducting periodic due diligence checks on customer contact information;
- Maintaining the privacy and integrity of registrations in the event that major problems arise with a privacy/proxy provider;
- Providing clear and unambiguous guidance on the rights and responsibilities of registered name holders, and how those should be managed in the privacy/proxy environment.

From Chapter 7, Section E:

Review Team members are in unanimous agreement that the status quo regarding proxy registrations is not sustainable, is not fair to legitimate participants in the domain name marketplace, frustrates valuable social goals such as law enforcement and the protection of intellectual property, and reflects poorly on ICANN's commitment to serve the public interest.

We are also in agreement that the goal should be to give accredited registrars strong incentives not to foster this undesirable status quo, and that such incentives should arise both from the terms of the ICANN contracts with registrars, and from principles of legal responsibility under national law. ICANN can control the first source of these incentives; its contractual provisions may influence, but cannot control the second, since neither of the parties most directly involved - the proxy service customers, and the law enforcement or other party seeking to identify them and hold them accountable - is under contract to ICANN.

We have reached consensus on all the recommendations set out below. We request that the next WHOIS Review Team reviews the privacy and proxy industry's progress in this regard, and in the event that it finds the WHOIS policy and its implementation unsatisfactory at that point, we trust that it will make recommendations for more concrete measures.

Ultimately, ICANN's WHOIS policy and implementation in the area of proxy and privacy services cannot be effective or successful without proactive ICANN compliance measures, e.g. to press registrars to cancel registrations of proxy services that do not fulfill their contractual obligations as set forth in the RAA. A well-resourced and credible compliance program is essential to reforming the unacceptable status quo in this area.

VII. LINKS TO ADDITIONAL MATERIALS

Staff Paper on Conclusion of the RAA Negotiations:

<http://gnso.icann.org/en/issues/raa/negotiations-conclusion-16sep13-en.pdf>

2013 Registrar Accreditation Agreement (as approved with Specifications):

<http://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm>

NPL Study on Whois Privacy & Proxy Abuse: <http://gnso.icann.org/en/issues/whois/pp-abuse-study-20sep13-en.pdf>

Expert Working Group (EWG) Status Report: <http://www.icann.org/en/groups/other/gtld-directory-services/status-update-11nov13-en.pdf>

Whois Policy Review Team Final Report: <http://www.icann.org/en/about/aoc-review/whois/final-report-11may12-en.pdf>

Community Recommendations for a Privacy & Proxy Accreditation Program (October 2012):

<http://toronto45.icann.org/meetings/toronto2012/presentation-privacy-proxy-summary-17oct12-en.pdf>

Background Information on Whois Studies: <http://gnso.icann.org/en/group-activities/other/whois/studies>

Privacy/Proxy Accreditation Program Workshop from ICANN45 in Toronto:

<http://toronto45.icann.org/node/34187>

GNSO Web Page for this PDP: <http://gnso.icann.org/en/group-activities/active/ppsa>

Wiki Page for this WG: <https://community.icann.org/x/9iCfAg>