



Proxy & Privacy Services Accreditation Issues PDP WG

Items for Review

Items for Review

- Policy Development Process
- WG Charter
- GNSO WG Guidelines

GNSO Policy Development Process

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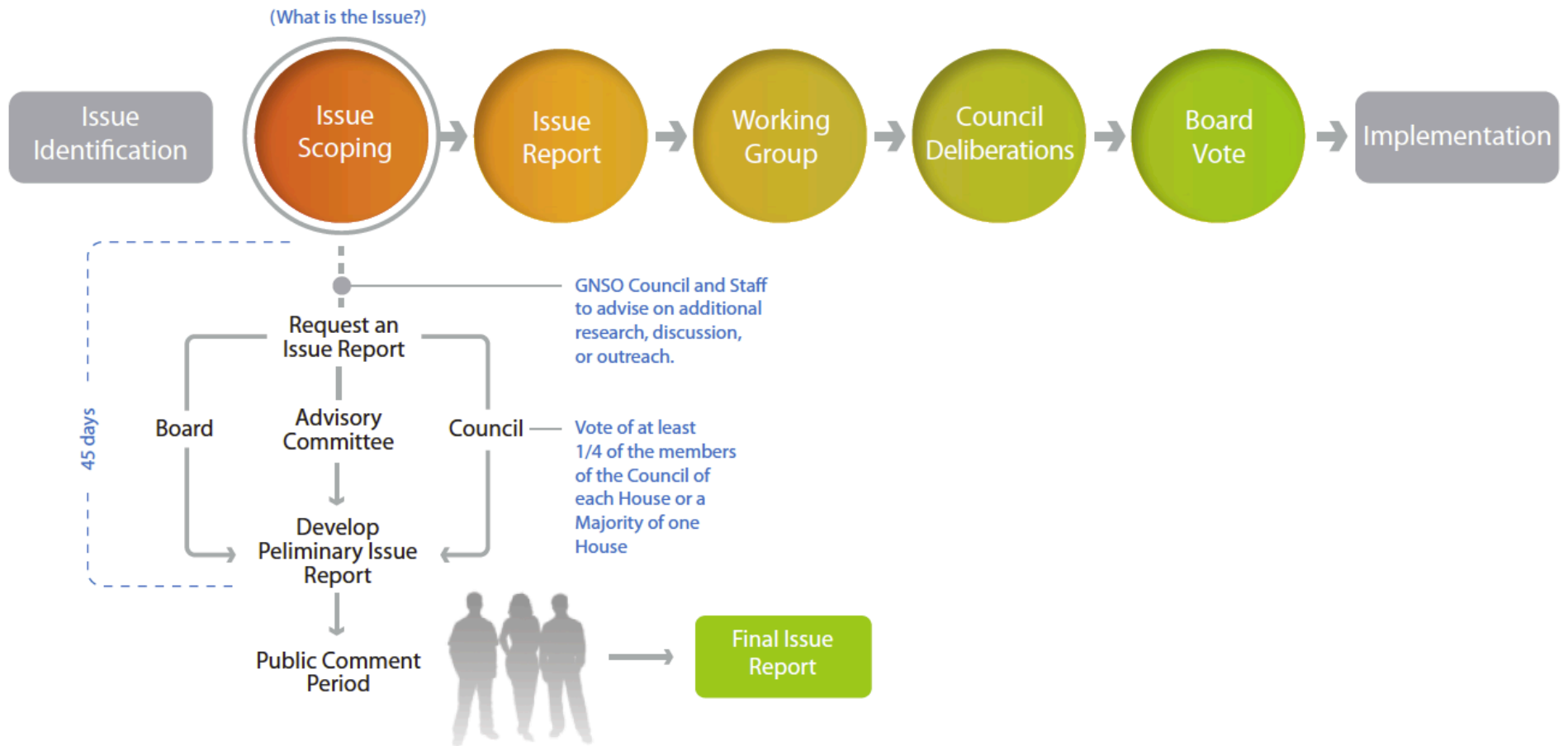
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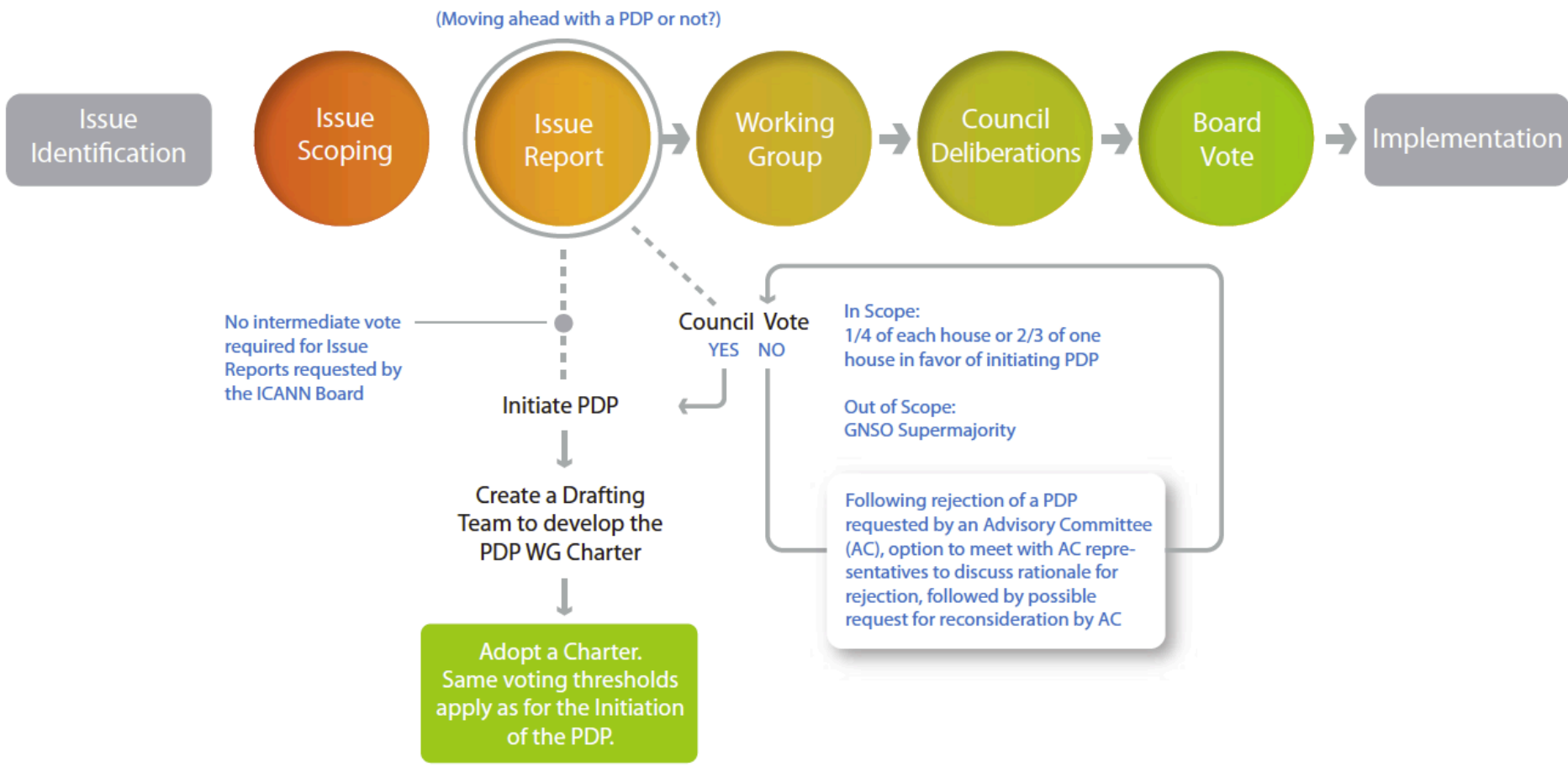


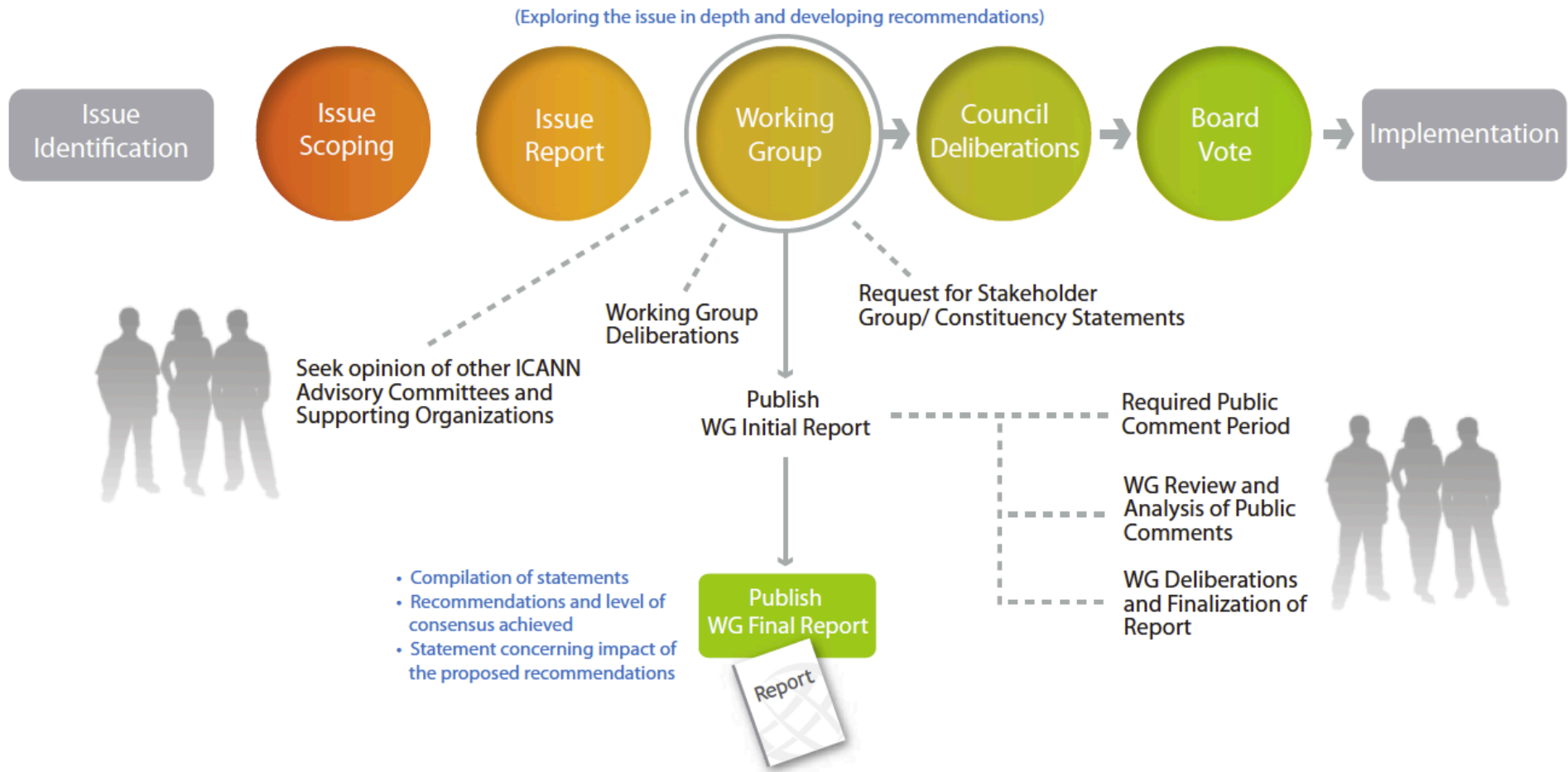
- As part of GNSO Improvements: GNSO Council tasked to develop ‘a new GNSO policy development process that incorporates a working group approach and makes it more effective and responsive to ICANN’s policy development needs’
- Revised PDP Adopted by the ICANN Board in December 2011
- Revised PDP rules now applicable to all ongoing and new PDPs

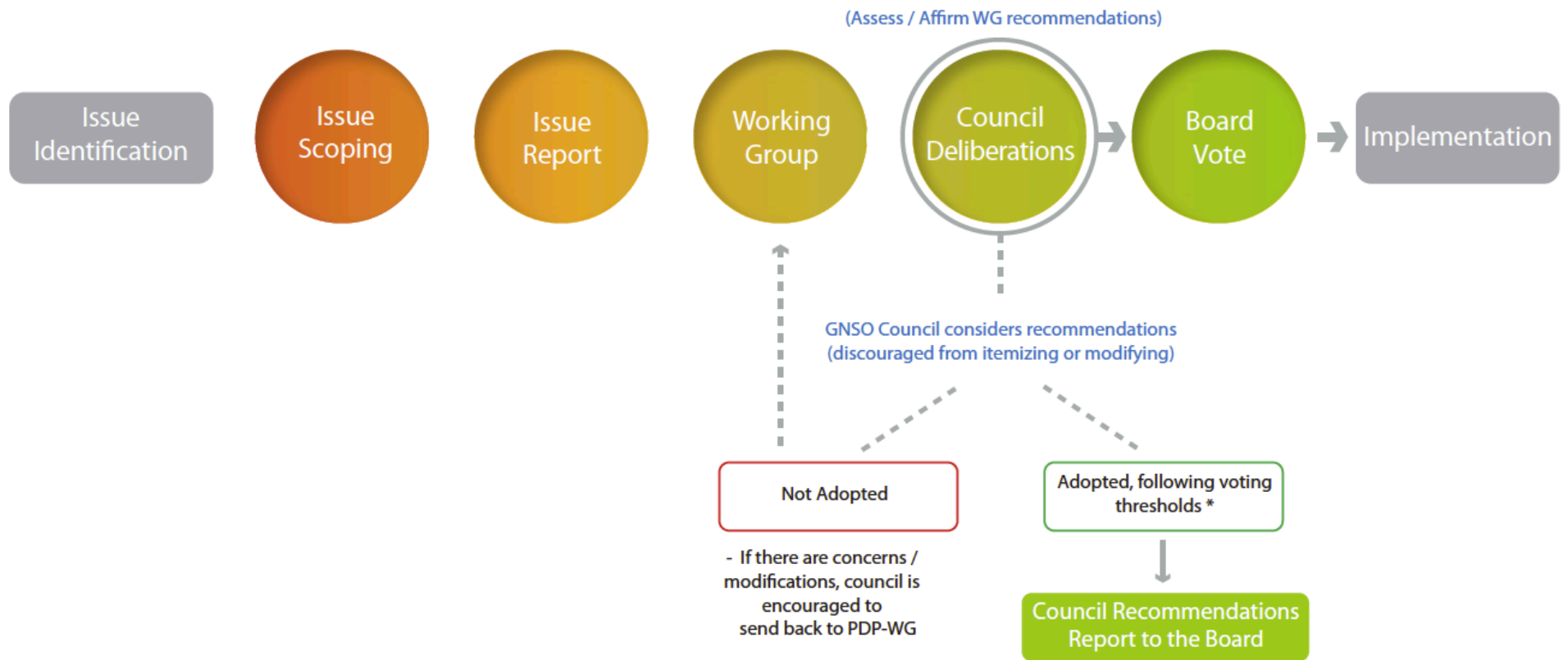












* For voting thresholds, refer to Article X, Section 3(9) of the ICANN bylaws.



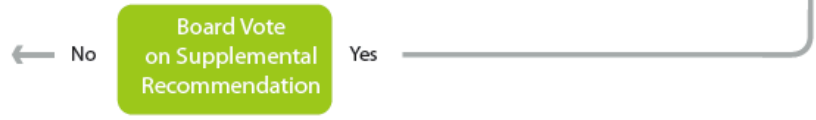
If the Board determines that the policy is not in the best interest of the ICANN community or ICANN, the Board can reject the GNSO Recommendation by a 2/3 vote of the Board (in case the PDP Recommendation was adopted by a GNSO Supermajority) or majority vote (in case the PDP recommendation was adopted by less than a GNSO Supermajority)

Board articulates the reasons for rejection and submits this Board Statement to the GNSO Council

GNSO Council to review statement by the Board and schedule meeting to discuss

Council shall meet to affirm or modify its recommendation and communicate that conclusion (the "Supplemental Recommendation") to the Board.

Board can reject Supplemental Recommendation if it determines that such policy is not in the interests of the ICANN Community or ICANN (by 2/3 of the Board in case of GNSO Supermajority Vote on Supplemental Recommendation or majority vote of the Board in case of less than GNSO Supermajority Vote).



Approval of PDP Recommendation



- Optional - Formation of Implementation Review Team to assist ICANN Staff in developing the implementation details for the policy.
- ICANN Staff should inform the GNSO of proposed implementation of a new GNSO recommended policy.
- Implementation must conform to GNSO recommendation

PDP WG Requirements

- Constituency / Stakeholder Group Statements
- Formally seek the opinion of other ICANN Advisory Committees and Supporting Organizations early on in the process
- Development of Initial Report & Public Comment
- Review of Comments
- Final Report

Further Reading

- Annex A of the ICANN Bylaws -
<http://www.icann.org/en/about/governance/bylaws#AnnexA>
- PDP Manual -
<http://gnso.icann.org/council/annex-2-pdp-manual-16dec11-en.pdf>
- PDP Overview -
<http://gnso.icann.org/en/basics/consensus-policy/pdp>

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WG Charter

WG Charter

- This RAA PDP Working Group (WG) is tasked to provide the GNSO Council with policy recommendations regarding the issues identified during the 2013 RAA negotiations, including recommendations made by law enforcement and GNSO working groups, that were not addressed during the 2013 RAA negotiations and otherwise suited for a PDP; specifically, issues relating to the accreditation of Privacy & Proxy Services.

WG Charter - Questions (1)

As part of its deliberations on the matter, the RAA PDP WG should, at a minimum, consider those issues detailed in the Staff Briefing Paper published on 16 September 2013. These are:

- What, if any, are the types of Standard Service Practices that should be adopted and published by ICANN-accredited privacy/proxy service providers?
- What, if any, are the baseline minimum standardized relay and reveal processes that should be adopted by ICANN-accredited privacy/proxy service providers?
- Should ICANN-accredited privacy/proxy service providers be required to reveal customer identities for this specific purpose?

WG Charter - Questions (2)

- Should ICANN-accredited privacy/proxy service providers be required to forward on to the customer all allegations they receive of illegal activities relating to specific domain names of the customer?
- What forms of malicious conduct (if any) and what evidentiary standard would be sufficient to trigger such disclosure? What safeguards must be put in place to ensure adequate protections for privacy and freedom of expression?
- What specific violations, if any, would be sufficient to trigger such publication? What safeguards or remedies should there be for cases where publication is found to have been unwarranted?

WG Charter - Questions (3)

- Should ICANN-accredited privacy/proxy service providers be required to conduct periodic checks to ensure accuracy of customer contact information; and if so, how?
- What are the contractual obligations (if any) that, if unfulfilled, would justify termination of customer access by ICANN-accredited privacy/proxy service providers?
- What rights and responsibilities should customers of privacy/proxy services have? What obligations should ICANN-accredited privacy/proxy service providers have in managing these rights and responsibilities? Clarify how transfers, renewals, and PEDNR policies should apply.

WG Charter - Questions (4)

- Should ICANN-accredited privacy/proxy service providers be required to label WHOIS entries to clearly show when a registration is made through a privacy/proxy service?
- Should full WHOIS contact details for ICANN-accredited privacy/proxy service providers be required? What measures should be taken to ensure contactability and responsiveness of the providers?
- Should ICANN-accredited privacy/proxy service providers be required to maintain dedicated points of contact for reporting abuse? If so, should the terms be consistent with the requirements applicable to registrars under Section 3.18 of the RAA?

WG Charter - Questions (5)

- What are the forms of malicious conduct (if any) that would be covered by a designated published point of contact at an ICANN-accredited privacy/proxy service provider?
- What circumstances, if any, would warrant access to registrant data by law enforcement agencies?
- What clear, workable, enforceable and standardized processes should be adopted by ICANN-accredited privacy/proxy services in order to regulate such access (if such access is warranted)?

WG Charter - Questions (6)

- Should ICANN-accredited privacy/proxy service providers distinguish between domain names used for commercial vs. personal purposes? Specifically, is the use of privacy/proxy services appropriate when a domain name is registered for commercial purposes? Should there be a difference in the data fields to be displayed if the domain name is registered/ used for a commercial purpose or by a commercial entity instead of to a natural person?
- Should the use of privacy/proxy services be restricted only to registrants who are private individuals using the domain name for non-commercial purposes?

WG Charter - Questions (7)

- What types of services should be covered, and what would be the forms of non-compliance that would trigger cancellation or suspension of registrations?
- Should ICANN distinguish between privacy and proxy services for the purpose of the accreditation process?

WG Charter - Additional Issues

- What are the effects of the privacy & proxy service specification contained in the 2013 RAA? Have these new requirements improved Whois quality, registrant contactability and service usability?
- What should be the contractual obligations of ICANN accredited registrars with regard to accredited privacy/proxy service providers? Should registrars be permitted to knowingly accept registrations where the registrant is using unaccredited service providers that are however bound to the same standards as accredited service providers?

WG Charter - recommendations

- The WG's final recommendations do not need to be limited to formal Consensus Policy recommendations; it may, for example, make recommendations more appropriately covered by a code of conduct or best practices, or through other mechanisms (e.g. as indicated in the GNSO PDP Manual.)
- The WG should also bear in mind that this PDP is expected to inform ICANN's proposed Action Plan to launch an accredited privacy/proxy program and further ICANN's ongoing efforts to implement recommendations made by the WHOIS Review Team.

Other information

- Decision-making methodology
- Problem / Issue escalation & resolution processes
- Staffing and organization
- See <https://community.icann.org/x/pCifAg>

GNSO Working Group Guidelines

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GNSO WG Guidelines

- The objective of the GNSO Working Group Guidelines is to assist Working Groups to optimize productivity and effectiveness
- The main elements of importance to Working Group members covered are:
 - First meeting of the Working Group
 - Working Group Member Roles and Responsibilities
 - Use of sub-teams, briefings and subject matter experts
 - Participation and Representativeness
 - Process integrity, Behavior and norms
 - Standard Methodology for Making Decisions
 - Appeal process
 - Communication and collaboration tools
 - Products & Output

Further Reading

- GNSO Working Group Guidelines Summary - <http://gns0.icann.org/council/summary-gns0-wg-guidelines-06apr11-en.pdf>
- GNSO Working Group Guidelines - <http://gns0.icann.org/council/annex-1-gns0-wg-guidelines-07apr11-en.pdf>

Questions

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Thank You