

## PPSAI Working Group

### Review and Analysis for Question 1

#### Sub-team 2 for Section 1.3.3

The below information is a summary of the public comments received, Nos. 1-39, in response to Question 1: Should registrants of domain names associated with commercial activities and which are used for online financial transactions be prohibited from using, or continuing to use, privacy and proxy services? If so, why, and if not, why not?

Eleven (11) of the responses received were in support of prohibiting domain names associated with commercial activities and which are used for online financial transactions from using privacy and proxy services. Included in one of the affirmative responses is a commenter that believes privacy proxy services should be available to commercial entities, but not for domain names used for online financial transactions.

Specific comments and suggestions within the affirmative responses that should be noted by the Working Group, and considered for discussion, are as follows:

- The task is not to define what constitutes commercial activity itself, but to identify a subset of practices for which it is reasonable to insist on transparency;
- Identify existing provider policies that ban some commercial usages as a best practice for service providers at a minimum;
- Develop an illustrative framework mechanism for how complaints that a particular domain name is being used to carry out online financial transactions for commercial purposes should be submitted, processed, evaluated, and acted upon;
- PP services should be available for commercial entities, but not for domain names used for online financial transactions;
- Websites clearly offering counterfeit goods for sale should not be able to benefit from PP services on the basis of long-standing European and other International laws;
- Should domain names simply running advertisements be disallowed use of domain privacy; and,
- Would government services, health online professional services, security/para-military institutions, companies on stock exchanges be excluded?

Twenty-seven (27) of the responses received were not in support of prohibiting domain names associated with commercial activities and which are used for online financial transactions from using, or continuing to use, privacy and proxy services.

Specific comments and suggestions within the negative responses that should be noted by the Working Group, and considered for discussion, are as follows:

- Registrars and/or privacy proxy providers should not be contractually required by ICANN to categorize the use of an Internet service or to determine how a registrant may or may not use their website;
- It is not practical, operationally feasible, or reasonable to restrict privacy and proxy services to websites involved in commercial transactions;
- Providers should not have to evaluate eligibility based on use;
- Hopelessly broad definition of commercial transactions in initial report;
- The proposed definition could be expended to include other types of activity such as running ads or posting affiliate links;
- It is for individual countries to pass laws, and this is appropriate government regulation;
- A distinction must be made in order to prevent the exclusion of registrants from utilizing PP services who are in need of such services due to their at risk status, such as Kickstarter or IndieGoGo;
- What about small business owners? If I sell my books from my own website that also hosts my blog, do I have to disclose my home address; and,
- Mandatory WHOIS publication would collide with national legislations on several points, as the required data can differ.

One (1) response, No. 29, was not included as an affirmative or negative response as a determination could not be made based upon the statement: If the site with no transactions supports commercial activity at another site it should be treated the same.

Three (3) additional negative responses related to Question 1 were identified in the responses to Question 2.

Based upon review of the first 39 responses to Question 1, a majority of the community responses are not in favor of prohibiting use of privacy/proxy services for domain names associated with commercial activities, and which are used for online financial transactions.