

Privacy and Proxy Service Provider Accreditation Program IRT

PPAA definitions, PPAA amendment/negotiation process,
RAA synchronization

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IRT Meeting
15 August



Agenda

- ⦿ PPAA Issue 1: Definitions
- ⦿ PPAA Issue 3: Amendment/Negotiation Process
- ⦿ PPAA Issue 21: RAA Synchronization

PPAA Issue 1: Definitions

- ⦿ **Final Report** included definitions for many key terms, including “privacy service,” “proxy service,” and “publication.”
- ⦿ During process of drafting agreement, other defined terms were created and language was updated to reflect standard terms used in the industry
- ⦿ IRT feedback is sought on whether it is appropriate to update definitions to recognize these defined terms and industry terms of art

PPAA Issue 1: Definitions

- ⦿ **Differences between Final Report and PPAA draft noted in red:**
- ⦿ **Final Report:** Privacy service “means 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 privacy or proxy service provider** for display of the Registered Name Holder's contact information **in the Registration Data Service (WHOIS) or equivalent services.**”
- ⦿ **Proposed PPAA definition:** “Privacy Service” means a service by which a Registered Name is registered to a **Customer** as the Registered Name Holder, but for which alternative, reliable contact information is provided by a **Service Provider** for display in lieu of the Customer’s contact information **in the Registration Data Directory Service.**”

PPAA Issue 1: Definitions

- ⦿ **Differences between Final Report and PPAA draft noted in red:**
- ⦿ **Final Report:** Proxy Service “is a service through which a **Registered Name Holder** licenses use of a Registered Name to the **privacy or proxy customer** in order to provide the **privacy or proxy 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 customer's contact information.”
- ⦿ **PPAA:** “Proxy Service” means a service through which **a Service Provider, as a Registered Name Holder**, licenses use of a Registered Name to a **Customer** in order to provide the **Customer** use of such **Registered Name**, and the **Service Provider's** contact information is displayed in the **Registration Data Directory Service** rather than the Customer's contact information.

PPAA Issue 1: Definitions

- ⦿ **Differences between Final Report and PPAA draft noted in red:**
- ⦿ **Final Report:** Publication means **reveal** of a **person's (i.e. the licensee or beneficial owner of a registered domain name)** identity/contact details in the **WHOIS** system.
- ⦿ **PPAA:** “Publication” means the **reveal (i.e. displaying)** of a **Customer's** identity or contact information in the **Registration Data Directory Service** in place of the **Service Provider's** identity and contact information.

PPAA Issue 3: Amendment/Negotiation Process

- ⦿ **Background:** Draft PPAAv1 included identical amendment/negotiation provisions to 2013 RAA
- ⦿ **Initial IRT Feedback:** Amendment process may be too cumbersome considering this is a new agreement that may need more adjustments in the near term
- ⦿ **Follow-up Discussion:** Negotiation process is faster than Board-initiated amendments
- ⦿ **Suggested Edit From IRT:** Allow IRT to be reconvened to discuss amendments in near term

PPAA Issue 3: Amendment/Negotiation Process

○ Proposed updated definition of “working group”

“Working Group” means a standing working group comprised of representatives of the Service Providers and other interested parties appointed by the Generic Names Supporting Organization (the “GNSO”) for purposes of this Agreement ~~and other members of the community appointed from time to time by a majority of the Service Providers who elect to participate in the Working Group selection process~~; provided, that, if the ~~Generic Names Supporting Organization (the “GNSO”)~~ forms a stakeholder group for providers of the Services (the “Provider Stakeholder Group”), then following the date of the formation of the Provider Stakeholder Group, the Provider Stakeholder Group shall appoint the representatives making up the Working Group. The Working Group will serve as a working group to consult on amendments to the Service Provider Agreements (excluding bilateral amendments pursuant to Section 6.9).

PPAA Issue 3: Amendment/Negotiation Process

○ Proposed updated negotiation process (Sect 7.4.1):

7.4.1 If either the Chief Executive Officer of ICANN (“CEO”) or the Chairperson of the Working Group or, if it exists, the Provider Stakeholder Group (“Chair”) desires to discuss any revision(s) to this Agreement, the CEO or Chair, as applicable, shall provide written notice to the other person, which shall set forth in reasonable detail the proposed revisions to this Agreement (a “Negotiation Notice”). Notwithstanding the foregoing, neither the CEO nor the Chair may (i) propose revisions to this Agreement that modify any Consensus Policy then existing, (ii) propose revisions to this Agreement pursuant to this Section 7.4 on or before **[six months following Board approval of the Agreement DATE TO BE INSERTED]**, or (iii) propose revisions or submit a Negotiation Notice more than once during any twelve month period beginning on **[the 24 month anniversary of Board approval of the Agreement DATE TO BE INSERTED]**.

PPAA Issue 21: RAA Synchronization

- ⦿ **Final Report** included many recommendations that were intended to mirror RAA processes
- ⦿ **Issue:** If these processes/requirements are ever updated in the RAA, how should this impact the requirements/processes in the PPAA?
- ⦿ **Proposed Solution:** Include language in the PPAA allowing for synchronization of PPAA with any updates to relevant portions of the RAA (substance of PPAA provisions would be updated to mirror RAA, with ability to change references from “Registrar” to “Provider,” and similar changes)

PPAA Issue 21: RAA Synchronization

- ◎ **Draft PPAAv1** included language proposed to achieve this goal in Specification 2. If IRT confirms this course, additional sections to be sync'ed will be identified, discussed with IRT and relevant PPAA language incorporated to accomplish this goal.

If a provision in this Specification that appears in analogous form in the WHOIS Accuracy Program of the Registrar Accreditation Agreement is revised pursuant to Section 6 of the 2013 Registrar Accreditation Agreement, or any successor to such provision in any successor Registrar Accreditation Agreement, then **this Specification shall be deemed automatically and without any further action from ICANN or Provider to be amended to conform to such revision, except to the extent necessary to refer to Provider rather than Registrar and such other non-substantive modifications as determined by ICANN.**

PPAA Issue 21: RAA Synchronization

- ⊙ **Sections to Synchronize, per Final Report:**
 - Definitions (including definition of law enforcement authority);
 - Contactability, Section 3.12 PPAA
 - Customer Data Accuracy Specification
 - Abuse contact? (Section 3.13)—Section is similar to RAA but not identical

- ⊙ **Many other sections modeled on RAA and could also be synchronized**

IRT Action Items/Upcoming Meetings

- ⦿ IRT requested to provide any additional input on these topics by **21 August**.
- ⦿ **Please continue reviewing PPAA draft.** Send additional topics that you would like to discuss to the list.
- ⦿ **22 Aug Topics:** LEA framework, data retention, IP framework, ICANN reporting requirements, PPAA “business dealings” section
- ⦿ **29 August:** Data escrow, RDDS labeling
- ⦿ Additional upcoming topics: Applicant Guide v2, Fees, Transfers, De-Accreditation Process, Second Review of Draft Policy Document
- ⦿ **Any other topics? Please suggest on list.**

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