

IRT Responses: Privacy/Proxy Operational Questions

1. The ICANN organization is considering adopting an ongoing accreditation process similar to the registrar process for obtaining accreditation (applications would be accepted on a rolling basis). Please confirm this approach is consistent with the intent of the PDP WG.

100% Yes

2. If your answer to the question above is "no," please explain your answer, including an explanation of what the intent of the PDP WG was.

The WG considered that the implementation process might also look at alternative processes to effectively bind unaffiliated providers to the structural framework, such as certification of providers.

3. If your answer to question 1 is "yes," do you believe it would be consistent with the intent of the PDP WG for the ICANN organization to have an exclusive initial application window (with possible eligibility restrictions) for the receipt and processing of the expected initial influx of accreditation applications prior to the launch of the ongoing application period and prior to when policy enforcement begins?

Yes	11	84.6%
No	2	15.4%

4. If your answer to Question 3 is "no," please explain your answer, including what the intent of the PDP WG was.

I don't recall anything from the PDP WG discussions anticipating an exclusive initial application window with eligibility restrictions. That said, to accommodate likely demand around initial launch of accreditation program, it seems reasonable to begin with registrar-affiliated services before moving on to unaffiliated services.

During the deliberations of the WG, no determination was made regarding application windows. There should however be a sufficient time period between the availability of the application process and the beginning of enforcement for purely practical reasons.

Not sure what "exclusive" is but need a time period to onboard all providers before enforcement begins.

Re Question 3, not sure what "exclusive" is, but need a period to onboard all providers before compliance/enforcement begins.

I'm not sure what 'exclusive' means in this case, but there needs to be a time period to onboard providers before policy enforcement begins.

5. Please explain or provide any comments related to Question 3, with regard to any possible restrictions on eligibility for an initial accreditation application window.

A Data Escrow Agreement should be in place between the P/P Provider and its intended Data Escrow Provider. A dedicated Abuse/Administrative Contact should be provided to ICANN much like how registrars provide it and have it listed publicly in RADAR.

See response to previous question.

I think restrictions in such a phase are not welcome as we are not able to quantify the amount of privacy providers.

None. All potential applicants should be treated equal

Only restrictions are what are already in the policy.

Restrictions should be limited to what is already in the policy

6. Do you believe it would be consistent and/or within the intent of the PDP WG for the ICANN organization to adopt a tiered screening process, whereby applicants for accreditation that are Affiliated (as defined in the 2013 RAA) with an existing contracted party (registrar, registry operator, and/or accredited privacy and/or proxy service provider) would have different criteria than an entity that is unknown to the ICANN organization?

Yes 7 53.8%

No 6 46.2%

7. Please elaborate on your answer to the above.

A lot of registrars already provide P/P Services to their clients. In order to minimise disruption to the current operational processes, a "fast-track" application should be allowed for those specific registrars, or applicants affiliated with a registrar who already provides P/P Services.

no except to the extent that if ICANN already has the screening info in hand from the affiliated registrar, that should speed up the process / not require that the same info be resubmitted.

Unless the Final Report indicates that separate criteria should be used for accredited v. non-accredited registrars or unknown organizations, I don't think the PDP WG intended for criteria to be different.

Regarding #6 my answer is really "maybe". I do not believe that it was the WGs intent that a tiered screen process should be used. However I don't believe I would object to using one.....

The distinction between registrar-affiliated and unaffiliated P/P service providers was raised consistently within the PDP WG, and suggests that slight deviations in screening processes as between affiliated versus unaffiliated providers may be warranted. This should be discussed in greater detail by the IRT.

If correct current auditted Registrars already have a track record with ICANN compliance and you actually want to fast track these privacy providers as fast as possible.

ICANN accredited registrars already meet many of the obligations of the proposed accreditation process.

Therefore, the criteria that are already part of the pre-existing agreements would be duplication and should therefore be avoided.

The same basic criteria would apply but as the WG report notes, there could be differences for non-affiliated providers. For example affiliated providers can rely in some circumstances on customer data validation carried out by affiliated registrars; non-affiliated providers cannot (see recommendation 5 of the report)

Applicants tied to an existing contracted party should go through an expedited process to prevent duplication of effort.

There shouldnt be tiers but the burden of proof would be seemingly easier for those that are already affiliated.

There should not be different criteria or tiers.

There should not be different criteria for non-affiliated P/P providers. The burden of proof seemingly would be easier for affiliated providers.

8. In the spirit of transparency, does the IRT agree that the existence of the application to become an accredited Privacy and/or Proxy Service provider should be made public prior to that applicant's approval, as was done for gTLD applications (but is not currently done for registrars)?

Yes 6 46.2%

No 7 53.8%

9. In the spirit of transparency, does the IRT agree that certain agreed-upon content of the application to become an accredited Privacy and/or Proxy Service Provider should be made public prior to that applicant's approval, as was done for gTLD applications (but is not currently done for registrars)?

Yes 5 38.5%

No 8 61.5%

10. Do you believe it would be within the intent of the PDP WG for the term of accreditation to be time-limited (so that agreements would have to be renewed or terminated at the conclusion of the term of the contract)?

Yes 9 69.2%

No 4 30.8%

11. Please elaborate on your answer above.

The contract should be automatically renewable at the end of its lifespan as it currently is with Registrars and Registries. This keeps conformity with processes across ICANN. In order to ensure compliance with the future P/P Provider policies, a yearly self-declared certification process should be put in place like with the Registries and Registrars. P/P Providers who do not complete this should be flagged for contractual review.

Just like the RAA.

It is important to the long-term health of the accreditation ecosystem to periodically audit the accreditation requirements, update the accreditation terms if necessary, and have all accredited providers renew under updated terms or otherwise periodically renew to ensure ongoing adherence to the accreditation terms.

We do the same for the RAA.

The accreditation program is intended to bring unaffiliated parties under the same umbrella that registrars are already under. Hence obligations and disclosure levels should be modeled on registrar processes, not registry processes. The accreditation should auto-renew unless terminated for breach.

12. When conducting background checks of applicants, should the ICANN organization specifically screen the applying entity and key decision-making individuals for a history of cybersquatting litigation or arbitration decisions indicating a history of cybersquatting or similar offenses, utilizing the same or similar criteria in the New gTLD Applicant Guidebook Module 1, <https://newgtlds.icann.org/en/applicants/agb/intro-04jun12-en.pdf>?

Yes 7 53.8%

No 6 46.2%

13. Are there any other areas that you believe the PDP WG intended the ICANN organization to emphasize in the evaluation criteria of prospective privacy and proxy service providers?

I believe the intent was to follow a process as similar as possible to the registrar accreditation process. I don't recall this being discussed with any specificity in the PDP WG. It would be helpful to discuss this in greater detail within the IRT.

No

None.

Answer to #12 is in principle but would need to review the specific criteria.