

Relevant Text From PDP Report	Specific Issue(s) for Implementation	Specific Question for IRT	IRT Feedback	Response/Proposed Resolution
<p>Final Report includes three de-accreditation principles, at p. 17. Principle 1 is that Customers should be notified prior to termination (30 days prior)</p>			<p>steve metalitz (chat): How wold ICANN be able to notify customers since by definition it does not know who they are or their contact points (except in case of privacy provider)?</p>	
			<p>steve metalitz: @Caitlin, in what proportion of involuntary termination cases does the registrar cooperate e.g. by providing a "gaining registrar designee"?</p>	<p>Response provided on IRT call--under 20% (estimated)</p>
			<p>Volker A. Greimann: @IIRC, ICANN is not bound by any such designation</p>	<p>Correct--ICANN will review nominated registrar to ensure there are no compliance issues and that Rr is accredited in all the relevant gTLDs</p>

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	Option 1: ICANN could require that Provider give customers notice as a floor (no ICANN-managed transfer process)		steve metalitz: How would ICANN know whether the provider gave the 30 days' notice?	That would be one of the questions we will have to figure out during process design. The Provider could potentially copy ICANN on the notice but there are likely other options, too.
			Theo Geurts: one of the practical issues we need to solve	
			Volker A. Greimann: I see huge problems with the protection of private data in case of involuntary de-accreditation.	
			Theo Geurts: There are a whole bunch of questions. What if you are dealing with a third party provider with names at multiple Rrs. How would we go about fixing that? If we are looking at the different business models, that is also an issue. Then if we look at the pool for Rrs taking over names, it's a very limited pool, it is a charity case. This could also apply when it comes to PP, so that's going to be an issue.	the Rr procedure, I have seen some instances where we did have a Rr who was unresponsive and all of the regs were privacy-protected. We had no idea how to contact customers. The risk of private data being exposed is that if the Customer can't be reached they also risk losing their domain name because the names may expire during that period.

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			<p>steve metalitz: How would option (1) work either if the provider being de-accredited is not affiliated with an accredited registrar, or if the provider to which the customer wants to switch is not affiliated?</p>	<p>We are going to have to think about this. Theo brought up a similar point--a Provider working with several different Rrs, what would happen? Based on previous IRT conversations, the Rr would need to treat as inaccurate WHOIS data</p>
			<p>Theo--we need to have some sort of process (if it is a PP with 250k names, for example) treating as an inaccuracy where Customers could lose names, etc. This would be silly if an accredited PP goes dark and then we have a huge mess and people losing names due to provider going dark. That would be a bad procedure.</p>	
			<p>Volker A. Greimann: Would a de-accreditation also require a domain transfer for affected customers?</p>	

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			<p>steve metalitz: Following up on earlier chat dialogue with Theo, would RDE data supplied by provider be available to ensure notification to cusomters that their provider is about to be de-accredited?</p>	<p>Right now, for registrars, ICANN does not have access until termination, so that would be something for IRT to consider. There could be other alternatives for PP.</p>
			<p>Theo--if we are talking about RDE deposits, if there are issues, wouldn't it be simpler to have something in place to check to make sure RDE deposit is completely functional?</p>	<p>That's a good suggestion. There are cases where RDE data looks OK but it is just "junk" or outdated data, and it's impossible to tell if it is really good data. ICANN has been requesting review of deposits to improve this and we expect this will continue with PP providers.</p>
	<p>Option 2: ICANN could develop a transfer process (but there are challenges associated with this approach)</p>			

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		Should ICANN begin with Option 1 or Option 2 in designing a process?	Volker-I see a couple of options with Option 2. The way that most affiliated services work is that the service is technically integrated into the Rr service; if you have a provider being de-accredited, the new provider may not have that integration. I see a lot of problems if you start decoupling Rr accred from PP accred. It's puzzling how to solve that so that the data is not suddenly free on the internet but we would have to figure out how to solve that problem.	
			Theo-Really high-level, I would leave the registrar at the steering wheel.	
			Lisa Villeneuve: Would a de-accreditation also require a domain transfer for affected customers? Volker: can you explain if by transfer you intend a change of registrant or change of registrar?	We think that in many cases it might--if there is not another Provider that offers service at the same registrar. Not always, but maybe

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			<p>Vicky Sheckler: forgive me for the ignorant question, but if the p/p is about to be decredited, doesn't either the p/p provider has to notify its customers s they can choose how to proceed, or if the p/p provider hasn't escrewed the data, the the customer may have a cause of action against the p/p provider?</p>	<p>Based on the Final Report, notice will be required regardless of the path that we choose. If there are problems with the RDE deposit, that will likely depend on the customer's agreement with the Provider.</p>
			<p>Volker A. Greimann: The sponsoring registrar may not want domains using a certain p/p provider for example because they had some bad experiences in the past.</p>	
		<p>Does anyone on the call think that Option 1 would be inadequate to protect Customers in light of the Final Recommendations?</p>	<p>Theo Geurts: for now option 1 sounds reasonable</p>	
			<p>steve metalitz: I would assume that those members of this IRT that give paramount importance to protecting privacy would prefer option 2 which provides a path for customers to a new p/p provider. But I don;t think any of them are on this call....</p>	

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			<p>Theo--this is going to require a lot more thinking. Option 1 might be an option; Steve is mentioning that Option 2 might be of paramount importance when it comes to privacy. But option 2 doesn't mean it is necessarily a good option. Lots to think about here. This is going to be fairly complex.</p>	
			<p>Roger Carney-I'm going to agree with Theo. I'm not sure there's an option 1 or 2, it seems like these should go together rather than being isolated scenarios. I think everyone would prefer option 1 but knowing that may not happen consistently. When we do start talking about transfers, I'm guessing it will be highly likely that a de-accredited provider will likely be a de-accredited registrar and we will probably have to walk through that scenario--this gets complicated.</p>	
			<p>Darcy Southwell: Option #1 seems to combine P/P provider issues as well as registrar transfer issues</p>	
			<p>Darcy Southwell: +1 Theo - we need to look at draft language for a process and discuss</p>	

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			<p>Volker A. Greimann: a registrar transfer may not always be needed in option 1. sometimes switching resellers or going with a different provider supported at the same registrar may be an option too</p>	
			<p>Vicky Sheckler: my instinct leads to option 1 as a floor</p> <p>Vicky Sheckler: the p/p customer should have choices as to how they want to proceed.</p> <p>Vicky Sheckler: but also agree wth theo et al that this requires more thinking</p>	
			<p>Darcy Southwell: +1 Roger - we have more than one scenario to consider here (e.g., affiliated p/p providers, unaffiliated)</p>	<p>A draft proposal and list of possible scenarios will be prepared for evaluation within the IRT.</p>

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		IRT Poll: Should ICANN use Option 1 or Option 2 as a starting point in developing a de-accreditation process proposal for privacy and proxy service providers?	Option 1: 11; Option 2: 1	
			(Eric Rokobauer) Two areas for comment: 1. If registrar and P/P provider are unaffiliated: - Will ICANN be able to also notify the registrar, or will that expectation also be on the P/P provider? The registrar of record should know in advance also. - Consider what the registrar can do to provide P/P services to protect publication of WHOIS following the original P/P provider's de-accreditation. Can that be factored into the time frame? 2. If a P/P provider is de-accredited (whether affiliated or not): - Could it be voluntary? Worthwhile to have this added? - Option for registrar to have ability to transition domains to another active affiliated provider. Would that be part of ICANN's review?	
			Starting Point (Theo Geurts)	
			Greg DiBiase: I agree in principle but recognize there will be a lot of details to be fleshed out	

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			<p>Roger Carney: I think that starting with Option 1 may be the easiest to begin iterating on, but I do believe that in the end we will need to have both solutions integrated into one policy.</p>	
			<p>Griffin Barnett: After receiving notice, Customer could opt to transfer to a new P/P provider that is NOT affiliated with a registrar (the current Option 1 formulation seems to imply they would need to transfer to a new registrar / registrar-affiliated P/P service). May need to clarify this. Would be incumbent on the Customer to make appropriate arrangements to change to a new accredited P/P provider in order to avoid publication of Whois data.</p>	
			<p>Michele Neylon: I'd prefer ICANN not getting overly involved in this, but I'm not sure how well any of this will work in reality. A lot of registrations are going to be tied to a specific registrar / proxy (privacy) service pairing. If the provider is losing their accreditation how would ICANN enforce the notification?</p>	