

# Application for Privacy/Proxy Service Provider Accreditation

**Commented [AB1]: Note to IRT:** These draft application questions are modeled on the registrar accreditation application and are presented for discussion purposes.

Each question will be revisited as contractual requirements are finalized. ICANN seeks the IRT's feedback on each of these questions and, in addition, input from the IRT regarding:

- (a) areas where ICANN could/should consider streamlining questions for Registrar-Affiliated Providers (if the Registrar is already required to comply with an identical requirement, per the IRT's initial input on the application process); and
- (b) any areas where the IRT believes that implementation adjustment may be needed in the case of providers that are not affiliated with an ICANN-accredited registrar (see final report, p. 6).

## A. General Information<sup>i</sup>

1. Legal Name of Privacy/Proxy Service Provider (hereinafter, "Provider"), including any fictitious/"DBA" names used:
2. Designated primary contact person for Provider:
3. Business Address:
4. Jurisdiction and type of entity (e.g. California non-profit corporation):
5. Telephone number:
6. Email address:

## B. Registrar Relationship<sup>ii</sup>

1. Is the Provider Affiliated (as the term is defined in the Privacy and Proxy Service Provider Accreditation Agreement)<sup>1</sup> with an ICANN-accredited registrar(s)? (If yes, please list the registrar(s) and the registrar IANA ID(s) and provide a description and/or diagram of the corporate structure).

## C. Background Screening (note that background checks may be conducted on any or all entities and individuals identified in this section)<sup>iii</sup>

(a) Provide the full names of all owners/shareholders of the applicant entity that own at least 5% of the company, as well as all directors, officers, and managers who will be involved in providing privacy/proxy services:

(b) Within the last ten (10) years, has the applicant or any of the people or entities listed above been charged with or convicted of a felony or of a misdemeanor related to financial activities, fraud, breach of fiduciary duty or dishonesty, or been the subject of a judicial or administrative determination that is similar or related to any of these? If so, identify them:

(c) Within the last ten (10) years, has the applicant or any of the people or entities listed above been investigated or disciplined by the government of its, her, or his domicile for conduct involving dishonesty or misuse of funds of others? If so, identify them:

(d) Is the applicant or any of the people or entities listed above currently involved in any judicial, administrative, or regulatory proceeding that could result in a conviction, judgment, determination, or discipline of the type specified in "b" or "c" above? If so, identify them:

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<sup>1</sup> Section to be cited after draft agreement is finalized for public comment.

(e) Has the applicant or any of the people or entities listed above been declined by ICANN of registrar accreditation?

**D. Business Operations<sup>iv</sup>**

1. Does the applicant currently offer privacy and/or proxy registration services? If so, which one(s)?
2. If so, how long has the applicant offered these services?
3. How many customers does your privacy/proxy service currently service?
4. What volume of registrations do you anticipate servicing under this accreditation?
5. How will your privacy/proxy service notify existing customers of any new requirements, processes and/or contractual provisions related to obtaining this accreditation?<sup>v</sup>
6. Provide a description of the services the applicant intends to offer using this privacy/proxy service accreditation. (e.g. Is the applicant going to offer privacy services, proxy services, or both? Does the applicant provide other services, such as registrar, reseller, hosting, etc?)
7. How will the privacy/proxy customer use the privacy/proxy service during the domain registration process? (e.g. will this be provided as an option through the registrar interface, will the service register names on behalf of its customers, etc?)
8. How many employees are associated with the applicant, and how many will be involved in the operation and support of privacy/proxy services? Note how many full-time employees will be responsible for customer service, including responding to third-party requests.<sup>vi</sup>

**E. Policy Requirements**

1. Identify the steps (in detail) the Provider will take to validate and verify your customers' contact information.<sup>vii</sup>
2. Describe how the Provider will comply with the ICANN Transfer Policy when the privacy/proxy service is activated and/or terminated for a customer.<sup>viii</sup>
3. Describe the steps the Provider will take to avoid the need to disclose underlying customer data in the process of renewing, transferring or restoring a domain name.<sup>ix</sup>
4. Describe the steps the Provider will take to ensure continued operations for its customers (and privacy for customer data) in the event the Provider goes out of business or becomes de-accredited for some other reason.
5. Describe the steps the Provider will take to ensure the security of its customers' information, including identifying and account information and other data, including payment information.
6. How will your Provider ensure that domain name registrations utilizing your service are clearly labeled as such in the Registration Data Directory Service?<sup>x</sup>

**F. Recordkeeping**

1. How will the Provider ensure that customer data is escrowed in compliance with its Accreditation Agreement requirements?

2. Describe the Provider's processes for maintaining records on the number and type of relay, disclosure and publication requests received, and the number honored. <sup>xi</sup>

**G. Third-Party Requests**

1. Describe the process and criteria the Provider will use to determine whether or not to relay communications from a third party to the privacy/proxy customer. <sup>xii</sup>
2. Describe the process and criteria the Provider will use to determine whether or not to disclose or publish a customer's identity or contact details in response to a third-party request (Do not include specific processes for intellectual property or law enforcement-related requests here, additional questions follow). <sup>xiii</sup>
3. Provide a link to the webpage where third parties can initiate a request for relay, disclosure or publication of your customers' contact information. Note, this location should also include a mechanism for a third party to escalate or follow up on a request. <sup>xiv</sup>
4. Describe the processes the Provider will follow when it receives a request for disclosure from an intellectual property holder. <sup>xv</sup>
5. Describe the processes the Provider will follow when it receives a request for disclosure from law enforcement. <sup>xvi</sup>

**H. Abuse Reporting**

1. Describe, in detail, the Provider's process for managing claims of abuse. <sup>xvii</sup>

**I. Customer Agreement/Terms of Service <sup>xviii</sup>**

1. Identify where, in your customer agreement/terms of service (submitted with this application) the following terms appear:
  - (a) any specific requirements applying to transfers and renewals of a domain name;
  - (b) pricing;
  - (c) the specific grounds under which a customer's details may be disclosed or published;
  - (d) the specific grounds under which a customer's privacy/proxy service may be suspended or terminated, including publication in the event of a customer's initiation of a transfer of the underlying domain name;
  - (e) clarification as to whether or not a customer will be notified when the privacy/proxy service provider receives a request for disclosure or publication and whether the customer may opt to cancel the domain registration in lieu of disclosure or publication;
2. Provide a link to the page where your privacy/proxy service terms of service are displayed on your website.
3. Provide a link to the page where privacy/proxy service contact information is displayed on your website. <sup>xix</sup>

## J. Required Appendices

Business registration certificate  
Verified financial statement

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<sup>i</sup> “General information” questions are not in furtherance of any policy recommendation but are intended to obtain information needed to establish applicant record, to contact the applicant, etc.

<sup>ii</sup> See Final Report, p. 11-12, “P/P service providers should declare their Affiliation with a registrar (if any) as a requirement of the accreditation program.”

<sup>iii</sup> “Background screening” questions are adapted from registrar screening criteria. The Final Report did not include recommendations on this topic.

<sup>iv</sup> Questions that are not marked with an end note are general screening questions that are not directly related to the Final Recommendations.

<sup>v</sup> The answer to this question is intended to demonstrate that the applicant understands and will comply with Final Recommendations 6 (See Final Report p. 9) and 8 (See Final Report p. 10).

<sup>vi</sup> This question is intended to evaluate the applicant’s understanding of and ability to comply with Final Recommendations 11 (See final report p. 12), Recommendation 14 (Final Report p. 13), Recommendation 16 (Final Report, p. 13), Recommendation 17 (Final Report, p. 14) and requirements implemented pursuant to Recommendation 15 (p. 13).

<sup>vii</sup> The answer to this question is intended to demonstrate that the applicant understands and will comply with Final Recommendation 5, p. 9).

<sup>viii</sup> The answer to this question should demonstrate the applicant’s understanding of relevant Transfer Policy requirements.

<sup>ix</sup> The answer to this question is intended to demonstrate the applicant’s plans for following best practices in Final Report p. 11, item 9.

<sup>x</sup> The answer to this question should demonstrate the applicant’s understanding of RDDS labeling requirements, see Final Report p. 9, recommendation 4.

<sup>xi</sup> See Final Report p. 18, “...providers should be required to maintain statistics on the number of Publication and Disclosure requests received and the number honored, and provide these statistics in aggregate form to ICANN for periodic publication.”

<sup>xii</sup> See Final Report, p. 13, recommendation 16.

<sup>xiii</sup> See Final Report, p. 10-11, recommendation 8.

<sup>xiv</sup> See Final Report, recommendations 11/12, p. 12; recommendation 16, p. 13-14.

<sup>xv</sup> The answer to this question should demonstrate the applicant’s understanding of the IP framework requirements (see Final Report, Annex B, p. 85)

<sup>xvi</sup> The answer to this question should demonstrate the applicant’s understanding of the LEA framework requirements (TBD).

<sup>xvii</sup> The answer to this question should demonstrate the applicant’s understanding of all requirements implemented pursuant to Final Recommendations 11, 13, 14, 15, Final Report pp. 12-13).

<sup>xviii</sup> See Final Report, Recommendations 6, 7, 8 (Final Report p. 9-10).

<sup>xix</sup> See Final Report, recommendation 12, p. 12).