

Privacy Proxy Service Accreditation Agreement Discussion Items

*Updated 25 July 2017

| Issue | Section | Topic | Issue | Additional IRT Feedback | Status |
|-------|--------------|--|--|--|--|
| 1 | 1 | Updates to Definitions From Final Report | Certain definitions have been adjusted slightly from definitions in final report: 1.22 Privacy Service; 1.24 Proxy Service; 1.25 Publication. These definitions were updated to reflect additional defined terms (for example, “beneficial user” changed to “Customer” etc; “Registration Directory Service” updated to “Registration Data Directory Service”) | | To be discussed at 15 August IRT meeting |
| 2 | 1.21 | Provider Approval | The Draft contemplates needing the affirmative approval of 50% plus one of all Service Providers for global amendments. Please advise if this is appropriate or if some other metric should be used. | | To be discussed at 15 August IRT meeting |
| 3 | 1.42; 6; 7.4 | Working Group; Amendments | Like the RA and the RAA, the PPAA needs a method to implement global amendments. However, Service Providers do not have a Stakeholder Group. The Draft contemplates a Working Group to fill this role until a Provider Stakeholder Group is formed (if ever). | <p>Feedback at 18 July meeting: Amendment process may be too complicated</p> <p>Feedback at 25 July meeting: Maybe there could be a process for amendments to be considered by a re-convened IRT for a period of time (1-2 years) before reverting to this Section 7.4, as this is a completely new agreement and issues may arise as it goes into effect.</p> | Updated language based on IRT discussion to be discussed at 15 August IRT meeting. |

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| 4 | 3.2.2 | Data Retention | The RAA provides that this information is to be kept for two years, but ICANN proposes that Providers only keep it for one in order to limit the number of exemption requests | Feedback at 25 July meeting: Ensure that PSWG is on call where this is discussed. | To be discussed at 8 August IRT meeting |
| 5 | 3.5 | Code of Conduct | How should a “consensus” be measured for purposes of establishing a Code of Conduct for Service Providers? | | To be discussed at 1 August IRT meeting |
| 6 | 3.5.5.1, 3.5.5.17 | Domain Name Cancellation | Please advise on cancellation process. How would a Service Provider prohibit cancellation of a domain name that is the subject of a UDRP dispute? | | To be discussed at 1 August IRT meeting |
| 7 | 3.6.1 | Accreditation Fees | Fees to be discussed at a later date. | | |
| 8 | 3.6.2 | Variable Fees | Who would be responsible for variable fees if Provider does not pay them? Under the Registry Agreement, Registry Operators must pay if Registrars do not. | | |
| 9 | 3.12 | Contact Info | The Final Report states that “ <i>P/P service providers should be fully contactable through the publication of contact details on their websites in a manner modeled after Section 2.3 of the 2013 RAA Specification on Privacy and Proxy Registrations.</i> ” Section 3.12 of the Draft is the proposed mechanism for implementing this recommendation. Please advise. | | To be discussed at 1 August IRT meeting |
| 10 | 3.18.3 | Reveal Requirements | What disclosure of contact details is contemplated? | | To be discussed at 1 August IRT meeting |

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| 11 | 3.19.1 | Transfer of Registered Names Requirements | Please advise on how transfers should work in connection with the de-Accreditation of a Service Provider. | | |
| 12 | 5.2 | Accreditation Term | The Draft contemplates a five year term. Please advise if that is appropriate. | | To be discussed at 1 August IRT meeting. |
| 13 | 5.7.1 | Provider Suspension | On the Registrar side, ICANN notifies Registry Operators to implement a lock which prevents Registrars from registering new domains or receiving inbound transfers. This will be more difficult to police on the PP side as registrars can be told not to accept new registrations from a service provider but they may not have means to easily block registrations. Please advise as to whether you think this is adequate or if you have additional suggestions on this topic. | | To be discussed at 1 August IRT meeting. |
| 14 | Data Escrow Specification | Data Escrow | <p>The Draft contemplates a modified version of the data escrow specification from the new gTLD Registry Agreement. This will be discussed during 25 July 2017 IRT meeting.</p> <p>This model was chosen based on the results of the IRT poll, but it is unclear how this will function in conjunction with IRT recommendation that registrar-affiliated providers should be able to escrow through the registrar</p> | <p>Point 1 (on list): Perhaps RAA section 3.6 could be adapted for the p/p accreditation context. (Of course, if the RAA provision is modified in the future to align more closely with the registry obligations, the p/p obligations may be able to move in lockstep with it.)... What is the downside of this approach? Put another way, what would be the advantage gained by aligning the p/p escrow obligations with those of</p> | Updated specification, per IRT feedback in 25 July call and in poll, to be discussed at 29 August IRT meeting. |

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| | | | <p>(who will be using a different specification).</p> | <p>registries, rather than those of registrars?</p> <p>Point 2 (on list): In short, it is nice to see most of the stuff listed in a section and being up to date! But most of it is not new for Registrars, and as a contracted party I have no issue with it.</p> <p>What is missing in this specification is that the non-affiliated privacy provider should specify at which registrar the domain name is, they provide privacy services for in the deposit. For Registrars or affiliated privacy services, this is a nonissue as anything at a different Registrar is no longer provided by those Registrars or affiliated providers as a service.</p> <p>Point 3 (on list): I remember the F2F in Dublin - it was agreed that any third party provider would have to do the same as a registrar. Theo has highlighted those parts, but, ultimately we have to have the same standards for the escrow service to accept the data, whether that be for the registrar or third party provider. I'll also mention that I</p> | |

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| | | | | <p>am sure the current escrow services will not change the way they currently accept data, nor process it for ICANN compliance.</p> | |
| | | | | <p><u>IRT Input on 25 July IRT call</u></p> <p>Volker Greimann—Option 2 was not envisioned by the PDP WG—they said it should be modeled on what the registrars are doing. No need to expand to accommodate PP data bc registrars are already required to escrow underlying PP data. The only problem we have to tackle is how third-party providers would escrow; makes sense to use Option 1—only option that is viable.</p> <p>Darcy Southwell—totally agree with Volker</p> <p>Sara Bockey—agree with Volker</p> <p>Theo Geurts—leaning toward option 1</p> <p>Volker Greimann: The solution envisioned by the PDP WG was that there would be no need for _any_</p> | |

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| | | | | <p>implementation for affiliated proxy service providers. Darcy Southwell: +1 Volker</p> <p>Sara Bockey: Exactly. Our processes should NOT change.</p> <p>Volker Greimann: Registrars already have to escrow underlying registrant details with the escrow provider (BTW: When will the number of free providers finally be expanded?) as secondary data set. There is simply no need for any additional application</p> <p>The PDP WG did not recommend implementing updated standards or verification processes. There is no mandate from the WG to expand this.</p> <p>Steve Metalitz: it would be helpful for staff to share what final report said re: this topic</p> | |
| 15 | Customer Data Accuracy Program Specification | Data Accuracy | This was adapted from the RAA, in furtherance of the Policy Recommendation that “P/P customer data is to be validated and verified in a manner consistent with the requirements outlined in the WHOIS Accuracy Program Specification of the 2013 RAA (as may be updated from time to time). In the cases where a P/P | | To be discussed at 8 August IRT meeting. |

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| | | | <p>service provider is Affiliated with a registrar and that Affiliated registrar has carried out validation and verification of the P/P customer data, reverification by the P/P service provider of the same, identical, information should not be required.” (Final Report p. 9)</p> <p>IRT input is sought on this draft specification in its entirety.</p> | | |
| 16 | Registration Data Directory Service Labeling Specification | Data Fields | Please review and provide feedback regarding which fields you believe are applicable. This is appropriated from the RAA, but certain fields may not be applicable (including Registry Admin/Tech IDs). Should Customers be required to designate admin and tech contacts? | | To be discussed at 29 August IRT meeting. |
| 17 | Law Enforcement Authority Disclosure Framework Specification | Conformance | This Specification will need to be evaluated in relation to the entire PPAA. | | To be discussed at 8 August meeting (pending confirmation of PSWG availability). |
| 18 | Law Enforcement Authority Disclosure Framework Specification | Definitions | Definitions adjusted from most recent LEA framework draft to accommodate other defined terms in PPAA. “Requestor” changed to “LEA Requestor” because “Requestor” is defined more generally in Section 1.35; definitions for “Provider” and | | To be discussed at 8 August meeting (pending confirmation of PSWG availability). |

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| | | | <p>“Customer” removed because these are already defined in Section 1.</p> | | |
| 19 | Law Enforcement Authority Disclosure Framework Specification | Receipt Process (Section 3.2.1) | <p>Proposed edit from PSWG: I'd like to propose the following revision to the first paragraph in section 3.2.1:</p> <p><i>"Within 24 hours of the disclosure request being submitted, the Provider will review the request to ensure it contains the relevant information required to meet the minimum standard for acceptance."</i></p> | | To be discussed at 8 August meeting (pending confirmation of PSWG availability). |
| 20 | Intellectual Property Disclosure Framework Specification | Conformance | <p>This Specification will need to be evaluated in relation to the entire PPAA.</p> | | |
| 21 | RAA Synchronization | Updates to the RAA | <p>The introductory paragraph of Specification 2 contains a provision contemplating automatic updates if an analogous provision is updated in the RAA. Please advise if this is workable and if there are any other provisions that should receive similar treatment. Some of the definitions that have their origins in the RAA are inherently going to be differently phrased in the PPAA due to different defined terms, etc. so if this concept is kept than there will need to be some form of implementation to harmonize them.</p> | | To be discussed at 15 August IRT meeting |

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| 22 | Rights in Data (Section 3.3) | Proposed Edits | Remove extra “)” after “query-based public access).” Update reference to WHOIS to Registration Data Directory Service. Propose to remove second sentence, as this does not impose an obligation on Provider and is merely an acknowledgment that a third party shall do something. | | |
| 23 | Data Retention Specification | Applicability | | Point 1: SPECIFICATION 6: DATA RETENTION SPECIFICATION Maybe I just have grown a healthy distaste when it comes to waiver processes, but do we require a data retention spec for a privacy service? | To be discussed at 8 August meeting (pending confirmation of PSWG availability). |