

## [Draftv2] Privacy and Proxy Services Accreditation Policy IRT Review Version 2

### 1. Scope

The ICANN organization adopts the following policies concerning the accreditation of Privacy and Proxy Service Providers in gTLDs.

### 2. Effective Date

This Policy is effective on \_\_\_\_\_.

### 3. Definitions.<sup>1</sup> For purposes of this Policy, the following definitions will apply:

- 3.1 **"Affiliate"** means a Person that, directly or indirectly, through one or more intermediaries, Controls, is controlled by, or is under common control with, the Person specified.
- 3.2 **"Affiliated Provider"** is any Service Provider that is an Affiliate of Provider.
- 3.3 **"Affiliated Registrar"** is a Registrar that is an Affiliate of Provider.
- 3.4 **"Customer"** means a Person for whom Provider provides the Services.
- 3.5 **"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 the Registration Data Directory Service rather than the Customer's contact information in the Registration Data Directory Service.
- 3.6 A **"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
- 3.7 **"Registered Name Holder"** means the holder of a Registered Name.
- 3.8 **"Registrar"** means a person or entity that contracts with Registered Name Holders and with a Registry Operator and collects registration data about the Registered Name Holders and submits registration information for entry in the Registry Database.
- 3.9 A **"Reseller"** is a Person that participates in a Registrar's distribution channel for domain name registrations (a) pursuant to an agreement, arrangement or understanding with a Registrar or (b) with a Registrar's actual knowledge, provides some or all Registrar Services, including collecting registration data about Registered Name Holders, submitting that data to a Registrar, or facilitating the entry of a registration agreement between the Registrar and the Registered Name Holder.

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<sup>1</sup> Definitions incorporated from current PPAA draft. These definitions were adapted from the Final Report, in some places adapted to accommodate other defined terms in the Agreement, such as "Person."

- 3.10 A **“Service Provider”** means a Person that provides Privacy Services or Proxy Services that has been Accredited and entered into an agreement with ICANN substantially similar to this Agreement, including Provider.
- 3.11 The key words **"MUST," "MUST NOT," "SHOULD," "SHOULD NOT," and "MAY"** in this document are to be interpreted as described in RFC 2119, which is available at <http://www.ietf.org/rfc/rfc2119.txt>.

#### 4 Registrar Obligations

- 4.1 Registrars **MUST NOT** knowingly accept gTLD registrations involving a Privacy and/or Proxy Service if the provider is not accredited by ICANN.<sup>2</sup> Registrars **MUST** ensure that their Resellers **MUST NOT** knowingly accept gTLD privacy/proxy registrations involving a Privacy and/or Proxy Service if the provider is not accredited by ICANN.
- 4.2 Registrars **MUST NOT** knowingly accept new gTLD registrations involving a Privacy and/or Proxy Service if the Service Provider's accreditation has been suspended by ICANN.<sup>3</sup> Registrars **MUST** ensure that their Resellers **MUST NOT** knowingly accept new gTLD privacy/proxy registrations involving a Privacy and/or Proxy Service if the Service Provider's accreditation has been suspended by ICANN.
- 4.3 If a Registrar becomes aware that one or more registrations made through the Registrar involves an unaccredited provider or was initially registered when the Service Provider's accreditation was on suspended status, the Registrar **MUST** treat the information listed in WHOIS as inaccurate, such that requirements of the 2013 Registrar Accreditation Agreement's WHOIS Accuracy Program Specification apply.
- 4.3.1 If the inaccuracy is the result of a provider's de-accreditation by ICANN pursuant to the Privacy and Proxy Service Provider Suspension, De-Accreditation and Transition Procedure, the Registrar shall either verify the applicable contact information manually or suspend the registration, until such time as Registrar has verified the applicable contact information, if the Registrar does not receive an affirmative response from the Registered Name Holder providing the required verification within thirty (30) days of receipt of notification from ICANN Org that the provider has been suspended and/or terminated, pursuant to Section 3 of the Privacy and Proxy Service Provider Suspension, De-Accreditation and Transition Procedure.

**Commented [1]:** Note to IRT: This is the case, even if the registrar is on the 2009 version of the RAA.

#### 5 gTLD Registry Operator and Registrar Obligations

gTLD Registry Operators and Registrars **MUST** facilitate and **MUST NOT** hinder Service Providers' compliance with Registration Data Directory Service (RDDS) labeling requirements implemented as a result of this Accreditation Program.

<sup>2</sup> See Final Report, p.5, "Registrars are not to knowingly accept registrations from privacy or proxy service providers who are not accredited through the process developed by ICANN."

<sup>3</sup> See Final Report, p.5, "Registrars are not to knowingly accept registrations from privacy or proxy service providers who are not accredited through the process developed by ICANN."

## **6 Terms and Conditions of Accreditation Agreements**

- 6.1 Service Providers MUST enter into and maintain in effect Accreditation Agreements with ICANN, specifying requirements including:
  - 6.1.1 Retention of Customer and Registration Data
  - 6.1.2 Data Escrow
  - 6.1.3 Business Dealings, Including With Customers
  - 6.1.4 Provider Training
  - 6.1.5 Terms of Service, Website Publication, and Description of Procedures
  - 6.1.6 Link to Customer Educational Information
  - 6.1.7 Provider Contact, Business Organization and Officer Information
  - 6.1.8 Abuse Contact and Duty to Investigate Reports of Abuse
  - 6.1.9 Law Enforcement Authority Disclosure Framework
  - 6.1.10 Intellectual Property Disclosure Framework
  - 6.1.11 Registration Data Directory Service Labeling
  - 6.1.12 Relay Requirements
  - 6.1.13 Reveal Requirements
  - 6.1.14 Transfer of Registered Names Requirements
  - 6.1.15 Record Keeping
  
- 6.2 An applicant for accreditation MUST demonstrate that it is able to perform its obligations as a Service Provider by demonstrating in its application for accreditation and/or an Affiliated Registrar's and/or Affiliated Provider's ICANN accreditation and compliance history that it possesses the qualifications required to perform those obligations.