**NOTES & POTENTIAL RECOMMENDATIONS FOR CATEGORY G - TERMINATION**

**I. Termination and De-Accreditation of Privacy/Proxy Service Providers**

There are some significant distinctions between the registrar model and P/P services, e.g. cancellation/transfer of a domain name is not the same as cancellation/transfer of a P/P service, and domain name transfers are governed by the IRTP (an ICANN Consensus Policy). However, there are also many similarities.

The registrar model with its multiple steps, governed by the RAA, may not be entirely appropriate for P/P services but it is a useful starting point from which relevant portions may be adapted to apply to P/P service providers.

The WG needs to identify any specific problems that de-accreditation of a P/P provider would lead to that would not be accommodated by adapting the registrar de-accreditation approach, with a view toward developing policy recommendations that would guide the development of the process during implementation.

While the WG’s scope does not include recommending changes to IRTP, the WG may identify specific issues arising in the P/P context that are not currently covered by the IRTP.

A primary problem is the need to ensure that there are adequate safeguards in place to protect P/P customers, especially in the case where a P/P registration is transferred from a de-accredited provider to an accredited one. P/P registration may present transfer issues that have not been addressed before, when registrars have been deaccredited.

Is there a need to ensure that a customer is not prejudiced by a transfer of its P/P service (e.g. to an “unfriendly” jurisdiction or due to the lapse of any notice period for it to either cancel its domain name registration or find a new P/P service)? However, it is not possible or desirable to over-protect by ensuring that every possible situation is covered.

POTENTIAL RECOMMENDATIONS:

* **Notification of P/P customer prior to de-accreditation, to enable them to make alternative arrangements** (but at what point in the process would this occur?) One suggestion was that when Compliance sends breach notices, as registrants are then put on notice, as is the case with registrar de-accreditation
* **Notification of other P/P providers to enable interested providers to indicate if they wish to become the gaining P/P provider** (as is done for registrar de-accreditation)
* **Publication of notification(s) on the ICANN website** (as is done for registrar de-accreditation)
* **Possibility of de-accredited P/P provider itself finding a gaining provider to work with** (as sometimes occurs with registrar de-accreditation)
* **Possibility of a “graduated response” approach**, i.e. a set series of notices (up to three) with escalating sanctions, with the final recourse being de-accreditation
* **Customer to be able to choose its new P/P provider**

**II. Termination of P/P Customer Service resulting in Publication in WHOIS of Customer Details**

RECAP: current WG preliminary conclusions on Publication and Customer Notification (Category F):

* P/P providers are to disclose the following in their Terms of Service:

*- The specific grounds upon which a provider will Publish a customer’s details, suspend service, or terminate service*

*- The meaning (per the WG’s definition) of Publication and its consequences*

*- Whether a customer will be notified when the provider receives a request either for Disclosure or Publication*

*- In the case of Publication, whether a customer will have the option to cancel its domain name registration prior to and in lieu of Publication*

QUESTION: Are these recommendations sufficient to facilitate protection of customers in the event of Publication, including in cases where Publication was the result of a customer’s breach of the Terms of Service?

**Further Notes:**

Would recommending an escrow model be helpful (for customer protection in both the de-accreditation and termination of customer service scenarios)?