**GNSO PRIVACY & PROXY SERVICES ACCREDITATION ISSUES (PPSAI) PDP WORKING GROUP**

**PRELIMINARY CONCLUSIONS & DRAFT LANGUAGE TO DATE ON CATEGORY E – RELAY**

**(As of 16 December 2014)**

**CHARTER QUESTION:**

What, if any, are the baseline minimum standardized relay processes that should be adopted by ICANN-accredited privacy/proxy service providers? Should ICANN-accredited privacy/proxy service providers be required to forward to the customer all allegations of illegal activities they receive relating to specific domain names of the customer?

**PRELIMINARY CONCLUSIONS & DRAFT LANGUAGE**

I. Regarding Electronic Communications[[1]](#footnote-1):

(1) All communications required by the RAA and ICANN Consensus Policies must be forwarded;

(2) For all other electronic communications, providers may elect one of the following options:

* + - Option #1: Forward all electronic requests received (including emails and via web forms), but the provider may implement commercially reasonable safeguards (including CAPTCHA) to filter out spam and other forms of abusive communications
		- Option #2: Forward all electronic requests (including those received via emails and web forms) received from law enforcement authorities and third parties containing allegations of domain name abuse (i.e. illegal activity); and

(3) In all cases, providers must publish and maintain a mechanism (e.g. designated email point of contact) for requestors to contact to follow up on or escalate their original requests.

The WG also recommends that standard forms and other mechanisms that would facilitate the prompt and accurate identification of a relay request be developed for the use of accredited providers (e.g. drop-down menus in a provider’s web-based forms or fields that would require the filling in of a requestor’s contact details, specifying the type of request or other basic information).

II. Regarding Further Provider Actions When There Is A Repeated Failure of Electronic Communications[[2]](#footnote-2)

* All third party electronic requests alleging abuse by a P/P customer will be promptly forwarded to the customer. A requestor will be promptly notified of a persistent failure of delivery[[3]](#footnote-3) that a provider becomes aware of.
* As part of an escalation process, and when the above-mentioned requirements concerning a persistent delivery failure of an electronic communication have been met, the provider [should] [must] upon request forward a further form of notice to its customer. A provider should have the discretion to select the most appropriate means of forwarding such a request [and to charge a reasonable fee on a cost-recovery basis]. [Any such reasonable fee is to be borne by the customer and not the requestor]. A provider may not use a non-electronic means of communication more than [once a year for the same requestor in relation to the same domain name].
* A persistent delivery failure to a customer as described herein will trigger the provider’s obligation to perform a verification/re-verification (as applicable) of the customer’s email address(es), in accordance with the recommendation of this WG under Category B, Question 2.

These recommendations shall not preclude a provider from taking any additional action in the event of a persistent delivery failure of electronic communications to a customer, in accordance with its published terms of service.

1. The WG agrees that emails, web forms and automated telephone calls would be considered “electronic communications” whereas human-operated faxes and non-automated telephone calls would not. The WG recommends that implementation of the concept of “electronic communications” be sufficiently flexible to accommodate future technological developments. [↑](#footnote-ref-1)
2. As the following language is still under discussion by the WG, suggested edits/changes to the initial draft language have been indicated with square brackets around them. [↑](#footnote-ref-2)
3. The WG notes that failure of “delivery” of a communication is not to be equated with the failure of a customer to “respond” to a request, notification or other type of communication. [↑](#footnote-ref-3)