**ISSUES FOR FURTHER WG CONSIDERATION IDENTIFIED AS ARISING FROM PUBLIC COMMENTS RECEIVED (LIST AS OF 15 SEPTEMBER 2015)**

**I. Part 1 of the WG Public Comment Review Tool (Preliminary Recommendations #1-#9)**

Preliminary Recommendation #1 (Definitions for “privacy or proxy service” and for “law enforcement authority”)

* Clarify whether definition of P/P services include service providers (e.g. lawyers, law firms) who provide the service to clients other than as a primary business offering
* Although some commenters thought the definition of LEA might be too broad or vague, there have been no issues with it under the RAA; as such, consider not changing the definition but clarifying that the linkage with the RAA definition also includes any changes or updates to the RAA definition

Preliminary Recommendation #3 (Labeling in WHOIS to indicate P/P registrations as such)

* Should the WG’s proposed requirement to label P/P registrations as such be dispensed with because it reduces the benefit or value of such registration?

Preliminary Recommendation #8 (Clarification of option to have service terminated in lieu of disclosure or publication)

* Should the option of registration cancellation in lieu of disclosure be prohibited?

**II. Part 2 of the WG Public Comment Review Tool (Preliminary Recommendations #10-15)**

Preliminary Recommendation #11 (Requirement to have “designated”, not “dedicated”, point of contact for reporting abuse

* “Designated” vs “dedicated” point of contact not to mean must be a single person only but rather as long as provider can operationally fulfill the requirement (e.g. through a team

Preliminary Recommendation #13 (Recommendation for flexibility in defining malicious conduct but with specific starting points as identified by the WG)

* Consider xtra-territorial issues in determining what is malicious conduct

Preliminary Recommendation #15 (Recommendation that a standardized form be developed for reports and requests)

* Any reason not to have a standardized form for reporting, or if there is to be one consider not making it mandatory?

**III. Part 3 of the WG Public Comment Review Tool (Preliminary Recommendations #16-20)**

Preliminary Recommendation #17 (Regarding further provider actions in the event of a “persistent delivery failure”)

* Perhaps consider rewording the phrase “persistent delivery failure” (including in other recommendations/places in the WG report where it appears) to be more specific so as to minimize risk of operational, compliance or audit problems e.g. “clear and conspicuous notice of delivery failure”