**SUMMARY OF FEEDBACK ON PPSAI WG INITIAL REPORT FROM ICANN OPERATIONS STAFF (updated following WG review of public comments received)**

General/Transitional

* Will P/P accreditation requirements “attach” immediately upon accreditation to the provider’s existing customers, or only to customers from that date?

Labeling in WHOIS

* How will registrations from a non-Affiliated proxy service provider be identified as a proxy registration if it is the beneficial user who enters the proxy’s information into Whois directly?
* How will registrations from a non-Affiliated privacy service provider be identified as a privacy registration? This is a more complicated issue than the labeling of proxy registrations, depending on how “privacy service” is defined. For example, how would a person providing a disposable phone number, P.O. Box, etc, know their service is being used as a privacy service?
* Who has the responsibility to ensure that labeling is done (registrar, P/P service provider)? In cases where it is the beneficial user of the domain who enters the domain registration information, this could create enforceability issues
* Note also Additional WHOIS Information Policy (AWIP) and updated Whois Advisory – effective 31 January 2016
* Recommendations (including examples given by WG) should be consistent with/implementable in other languages/scripts

Validation/Verification

* Note possible effects (if any) of any updates to WHOIS Accuracy Specification (currently undergoing review) and consider clarifying that the accreditation requirements are intended to generally track with the Whois Accuracy Specification requirements as those requirements evolve over time, to the extent feasible.
* Note also that the registrar will remain responsible for WAP compliance regardless of who (registrar or P/P provider) does the verification
* If P/P provider has to perform the validation/verification, a timeframe is recommended

Transfer of Domain Names - Effect on P/P Registrations

* Has WG considered pending changes to IRTP-C, where disabling proxy means the customer becomes the registrant of record?

Best Practice – Transfers & Renewals

* Who will develop the specific, detailed guidelines for handling transfers and renewals based on the WG’s current recommendation that a provider “facilitate and not obstruct” transfers and renewals? Besides the limitations imposed by the IRTP, what might constitute “facilitation”?

Publication on ICANN Website of Definitions for Disclosure & Publication

* Recommend that WG consider stating that this be done by (and on websites of) the providers

Publication of Provider Terms of Service

* Recommend that WG consider stating that this must be on provider website and not hidden behind a log-in page

Requirement of Web Link from a Registrar to its Affiliated P/P Service Provider

* Could potentially create enforceability issues unless it is already within scope of RAA

Standard Form for Abuse Reporting

* Who will create the specific categories/types of required information?

Designated Contact Point for Abuse Reporting

* Will WG consider specifying a time frame for response?
* What actions in response are to be expected from a P/P service provider (since it is not the registrar)? With the inclusion of specific reveal & relay requirements in the recommendations, is there a need to have this, or is this anticipated to be the point of contact to which relay and reveal requests are to be sent?

Malicious Conduct/Illegal Activity

* By providing a “starting point” with the PICS and GAC Safeguards, is it the WG’s expectation that the IRT/ICANN will create a more comprehensive, detailed list?

Language for Reporting Abuse/Making Requests

* Will this be English, or can it also be the language of reporter (if different), or some other?

Relaying of Electronic Communications

* If provider elects to apply a filter, does provider also have the discretion to determine what is an “abusive communication”?

Escalation of Relay Requests

* If via email, must a specific email address be provided or is a general form sufficient?

Requirement to “Promptly” Forward Relay Requests

* Although this is an implementation detail, the WG may wish to note that the word has caused problems with the RAA before (e.g. Section 3.2.2 had to be changed to seven days)

Recommendation that a Provider Give “Timely” Notification to a Requester

* This could also be considered an implementation detail, but for clarity, will the WG consider a more specific recommendation?

Persistent Delivery Failure

* Recommend that the WG clarify that a provider will not (presumably) be required to track bouncebacks or monitor for failure (note: a persistent delivery failure = non-contactable WHOIS data = violation of RAA from registrar perspective)

De-accreditation - General

* Current recommendations could potentially be overly-specific as views/requirements may change once detailed accreditation requirements are developed during implementation
* Past experience shows that there is often customer confusion during registrar de-accreditation so publishing breach notices on the ICANN website may not necessarily (directly) inform customers (note: RAA breach notices are not sent directly to a registrant)

Transfer of P/P Services in event of De-accreditation

* In reviewing its recommendations concerning De-accreditation for the Final Report, the WG might find the following observations helpful:
  + *It will not be possible to mandate that a registrar work with an unaffiliated P/P service when an existing P/P service is de-accredited*
  + *When a domain name registration is transferred to a new registrant, the latter has to assume responsibility for the content of the underlying activities on the domain*
  + *A P/P service can’t change Whois data (since this happens at the Registrar level)*
* Note that some recommendations may not always be viable (e.g. the customer’s registrar may not be working with a second or additional provider(s))
* Note also that there is currently no inter-registrant transfer policy in place that can effect a “gaining registrant (provider)” in the same way as the IRTP can with registrars

Graduated Response Approach to De-accreditation

* This does not appear to be consistent with the current compliance process developed in consultation with the community for registrars – the WG may wish to consider recommending a uniform, consistent approach for registrars and P/P providers or deferring to existing escalation / compliance enforcement procedures altogether

If Domains Registered in relation to Online Financial Transactions are to be Ineligible for P/P Services

* This will be difficult to enforce without clear guidelines and definitions

Illustrative IP Disclosure Framework – Specific Terms

* Terms such as “frivolous or harassing” (Section I.B(v)) and “defensible” (Section III.C) could benefit from further policy guidance (even if definitions are not possible)
* How will perjury penalties and lack of sworn statements be enforced?