**Marrakech GAC Communiqué, 9 March 2016**

***Possible Requirements***

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# Description of the document:

The Marrakech GAC Communiqué is a document issued by the Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) with regard to the committee’s meeting in Marrakech during the week of the March 5, 2015.

# List of possible requirements from the document:

## Users/Purposes:

* The PSWG recommends against permitting websites actively engaged in commercial transactions – meaning the collection of money for a good or service – to hide their identities using Privacy/Proxy (P/P) Services. This includes domains used for websites that directly collect payment data, as well as for sites that promote a transaction but directly link to other sites that execute the transaction. The public is entitled to know the true identity of those with whom they are doing business. (Page 9)
* P/P services should only be permitted for those domains that are not actively conducting business transactions... Any person or entity that engages in commercial transactions invites the public to trust them with their funds and sensitive financial account information. Hence, any privacy interest should be balanced with the public’s right to know the true identity of those with whom they are doing business. (Page 9)
* Domain name registration involving P/P service providers should be clearly labelled as such in the WHOIS. (Page 10)
* Proxy/privacy services should continue to be required to publish their relevant terms of service and to abide by those published terms (as currently provided in the Interim Specification to the 2013 RAA). (Page 10)

## Data Accuracy:

* Customer data should be validated in compliance with the RAA Cross-Validation requirement, pursuant to RAA WHOIS ACCURACY PROGRAM SPECIFICATION, paragraph 1 "...Registrar will, with respect to both WHOIS information and the corresponding customer account holder contact information related to such Registered Name..." validate the information provided. (Page 10)

## Privacy:

* The ICANN Board should allow sufficient time for GAC consideration of possible advice on important public policy issues and requests that the Board meets with the GAC prior to considering adoption of the Privacy Proxy Services Accreditation Issues PDP Final Report[[1]](#footnote-1). The ICANN 56 meeting would be an appropriate opportunity to consider these issues further. (Page 7)
* ICANN should ensure transparency by publishing and maintaining a publicly accessible list of all accredited P/P service providers, with all appropriate contact information. Registrars should provide a web link to P/P services run by them or their Affiliates, and P/P service providers should declare their Affiliation with a registrar (if any) as a requirement of the accreditation program. (Page 9)
* A "designated" rather than a "dedicated" point of contact will be sufficient for abuse reporting purposes and a designated point of contact should be "capable and authorized" to investigate and handle abuse reports, consistent with RAA Section 3.18. (Page 10)
* Proxy and privacy services should be treated equally for the purpose of accreditation process. (Page 10)
* Malicious conduct involving domains often takes place across borders and the definition of law enforcement should recognize the multi-jurisdictional aspects of investigative and enforcement activities in order to promote protecting the public no matter where they are located. (Page 10)
* The PSWG urges P/P Working Group to require P/P Service Providers to keep LEA[[2]](#footnote-2) requests confidential as required and/or permitted by local laws. (Page 11)
* If a P/P provider were to provide notice of a LEA investigative request to the target of the request, remedies for such disclosure by the P/P provider would be determined by the respective national, state, provincial, or other governing laws. (Page 11)

*Note: The footnotes at the bottom of the second page of this summary are not part of the Marrakech GAC Communiqué. The purpose of the footnotes is only explanatory in order to make the summary easy to follow.*

1. This is the final report of the GNSO Privacy & Proxy Services Accreditation Issues Policy Development Process Working Group. [↑](#footnote-ref-1)
2. “LAE” stands for Law Enforcement Agency and Consumer Protection Agency. [↑](#footnote-ref-2)