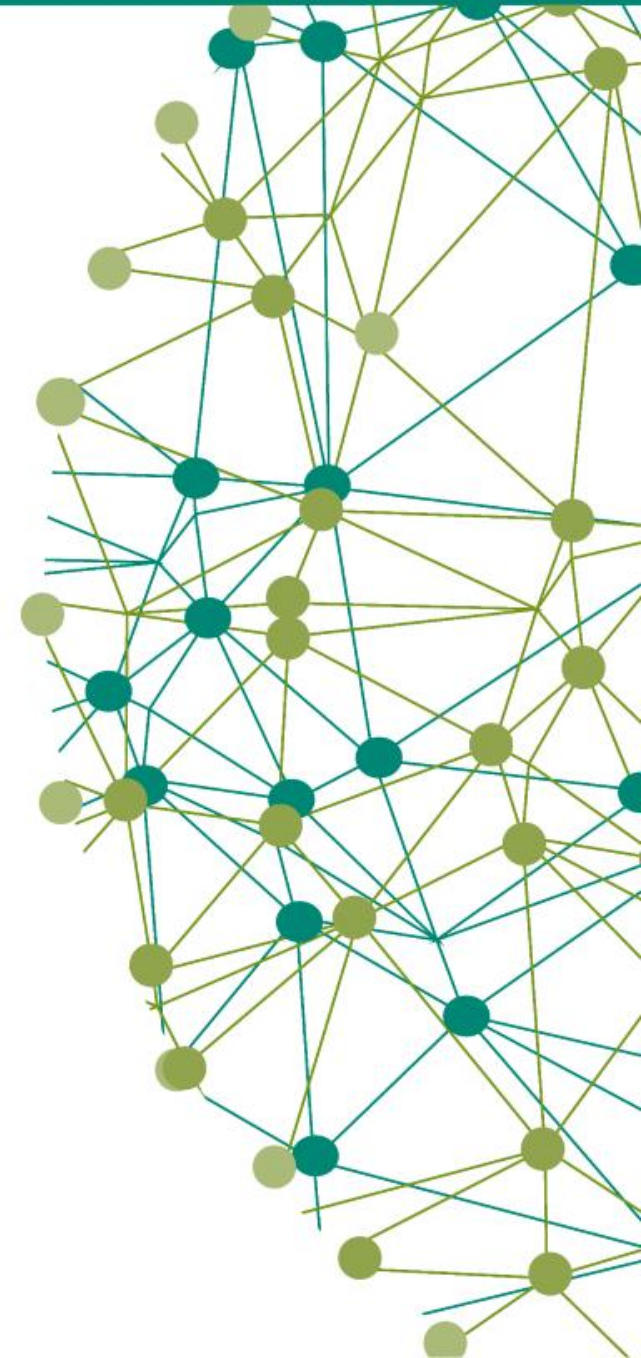




IE Domain Registry

Policy Advisory Committee

12 September 2019 Meeting - PAC#21



Policy Advisory Committee - Agenda

1. **Membership Matters – Apologies and Welcomes**
2. Minutes
3. Update:- proposal to modify .ie WHOIS Policy with respect to mandating use of the abuse contact
4. Update:- discussion relating to the handling of online abuse in the .ie namespace
5. Update:- on the Discovery Group reviewing the handling of reserved/restricted names work stream
6. Any Other Business
7. Next Meeting – PAC#22

1. Membership Matters

New Representative - Welcome

Welcome to the new representative from:-

➤ **CyberSafe Ireland**

Policy Advisory Committee - Agenda

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2. Minutes of the PAC #20 Meeting – 4 July 2019

- Meeting minutes are circulated to the membership within 2-3 working days of each meeting
- Comments/feedback accepted over a two week period
- If clarifications/edits are requested, and consensus exists, these are reflected in the Minutes
- Meeting minutes, and supporting slides, are published on IEDR.ie after the comment period has ended

Meeting minutes of the 4 July 2019 (PAC#20):

- ❖ Published online at <http://www.iedr.ie/policy-development-process/>

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3. Update on the policy change proposal

To modify .ie WHOIS Policy with respect to mandating use of the abuse contact

Recap:-

- Policy change proposal relates to the **abuse contact on the .ie WHOIS service**
- Currently an **optional** contact field – populated with an email address (set by Registrar)
- Email address can be used by the Public to report concerns of online abuse

3. Update on the policy change proposal

To modify .ie WHOIS Policy with respect to mandating use of the abuse contact

**Sample WHOIS record
for iedr.ie**



Domain: iedr.ie
Domain Holder: IE Domain Registry CLG
Admin-c: IH4-IEDR
Tech-c: ITS2-IEDR
Account Name: IEDR
Registrar Abuse Contact: abuse@iedr.ie
Registration Date: 16-March-1999
Renewal Date: 01-January-2025
Holder-type: NonBillable
Locked status: N
Renewal status: Active
In-zone: 1
Nserver: ns0.iedr.ie 77.72.74.133 2a01:4b0:0:6::5
Nserver: ns2.iedr.ie 77.72.78.88 2a01:4b0:2:2::88
Nserver: e.ns.ie
Nserver: f.ns.ie
Nserver: ns.heanet.ie
Nserver: a.ns.ie
Nserver: b.ns.ie

3. Update on the policy change proposal

To modify .ie WHOIS Policy with respect to mandating use of the abuse contact

Recap continued:-

- Policy change proposal would:-
 - ✓ make abuse contact a **mandatory** field
 - ✓ alter how “abuse” is **defined** within the WHOIS Policy
- PAC found broad **consensus** for policy change request at PAC#20
- 30-day **consultation** to be held with Registrar channel

Note: it is not intended to prescribe Registrar procedures for dealing with abuse notices

3. Update on the policy change proposal

To modify .ie WHOIS Policy with respect to mandating use of the abuse contact

❖ Note that the .ie WHOIS Policy would be edited as follows:

“An abuse contact email address field must ~~may~~ be published on the .ie WHOIS output, where the nominated Billing Contact is an accredited .ie Registrar ~~and has opted-in to publish this information~~. This abuse contact email address is to enable anyone to report allegations of online abuse ~~or illegality, or other anti-social online behaviour~~ in respect of ~~a~~ the associated .ie domain. ~~Where the Billing Contact opts not to publish an abuse contact email address, the WHOIS shall display “Service not supported currently”.~~”

3. Update on the policy change proposal

To modify .ie WHOIS Policy with respect to mandating use of the abuse contact

- ❖ The proposal was submitted:-
 - to promote and mandate uptake of the abuse contact field
 - to provide a reliable channel for the submission of abuse reports
 - to enable Registrars to be notified of abuse concerns, providing them with the opportunity to manage potential abuses on their servers/platforms

- ❖ The mandatory use of abuse contacts reflects industry best practice, and is a beneficial, consumer protection feature

3. Update on the policy change proposal

To modify .ie WHOIS Policy with respect to mandating use of the abuse contact

Updates:

- 30-day **consultation launched** on 2 September 2019, ends 1 October 2019
- Initial feedback is **positive**. Comments received suggest:-
 - permitting inclusion of Registrar website URL (instead of email address)
 - adding a feature to enable direct contact with Registrants
 - mandating Registrar action on receipt of such abuse notices

(Registrars have discretion with regard to handling such notices, but would be encouraged to include info on their websites to clarify and set consumer expectations)

3. Update on the policy change proposal

To modify .ie WHOIS Policy with respect to mandating use of the abuse contact

Next Steps

- Feedback received to be reviewed at the end of the 30-day consultation
- If no serious objections are received, efforts will turn to implementation considerations
- Further updates to be provided in due course

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4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Some examples of online abuse include:



Distribution of serious, illegal material

- e.g. child abuse material, human trafficking

Other illegal activity – e.g. selling prohibited items

Engaging in serious technical abuse – e.g. Distribution of Botnets, Malware, Phishing, DNS hijacking

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Recap:

The topic was raised for discussion at the PAC#19 meeting:-

- In light of increased concerns of online abuse amongst all internet users
- National/International response increasingly focusing on **appropriate, effective, efficient abuse handling**:-
 - EU legislation (e.g. NIS, ENISA, Cybersecurity Act, CPC Regulation), “Notice & Action” etc.
 - Dept. of Communications - recent press release regarding social media and takedown legislation
- to identify the issues involved in developing an appropriate abuse handling strategy

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Recap - PAC discussions focused on:-

- Stopping abusive activity and removing illegal content

- Removal of the content from the Internet is the most *effective* way to avoid content being accessed.
- Two parties have access to the content (or the device storing it): the **content publisher** and **hosting provider**.

- What role have ccTLD operators played?

- Attempts to “block” abuse at the Registry-level usually result in domain registration **suspension/deletion**
- Historically, ccTLD operators have taken action as a **last resort** (in emergencies/when presented with a Court Order/Law Enforcement)

- Challenges faced by Registry-level action:-

- the abusive content remains **available** (as only the host or content publisher can truly remove it)
- such measures may have **unintended collateral damage**

Therefore, actions at Registry level have historically only been used as **emergency measures...**

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Recap - What are ccTLD operators doing now?

- Many domain registries in Europe are taking steps to address abuse – proactively and with more urgency
 - EU ccTLDs are seeing a significant **rise in abuse**, including fake webshops
 - Some are investing in technical resources to **detect** and/or **predict** potential abuse
 - Others use alternative approaches, with some **reviewing** applications before acceptance (if abuse suspected)

e.g. **EURid** (.eu) has introduced [early detection system](#) technical facility (APEWS)

[.eu has history of significant domains removals for abuse]

EURid deleted [36,000 domains](#) in Oct '18 and [11,760 domains](#) in June '18

e.g. **DNS Belgium** (.be) cooperative suspension/deletion agreement with local Public Authorities (PA)

Notifies PA of abuse. No immediate deletion. Re-direct to warning/stop page. Rectification possible before deletion. Used as avenue of last resort where local authority proves efforts exhausted. Liability on the Public Authority

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Speaker from Nominet presented at the PAC#20 meeting on its abuse-handling strategy:-

1. Online criminality is tackled via:-

(a) a Cooperative Arrangement

- with Law Enforcement Agencies (LEAs), Public Authorities (PAs)
- Domain suspension/deletion actioned based on breach of user Terms & Conditions (for unlawful use)
- LEAs/PAs must certify/confirm unlawful activity has occurred

(b) Investigative Lock Tool

- Registry tool, provided for Registrars to “lock” individual domains that may be used for illegality
- Ensures the domain is suspended throughout the investigation process, and after, if appropriate
- Only to be used where credible evidence of illegality exists

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

2. **Technical abuse** is tackled via:-

a) Domain Health Initiative:

- Informational service for Registrars (*Nominet collects and collates third party security info*)
- Notifies Registrars of domains under their management engaging in abusive activities
- Guidelines on suggested Registrar action made available

b) Domain Watch Initiative:

- Automated, technical algorithm to identify and suspend newly-registered, high-risk domain names

Note that other abuses are handled via Nominet's Dispute Resolution Service

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Nominet also discussed:

- Importance of tackling abuse - part of being a responsible Registry
- Lack of industry-consensus on “right approach”. National context must be considered
- Importance of collaborative effort between LEAs/Registry/Registrars....
- Importance of setting expectations with LEAs/PAs – what can/can't be done by a Registry
- Transparency reporting is beneficial for all

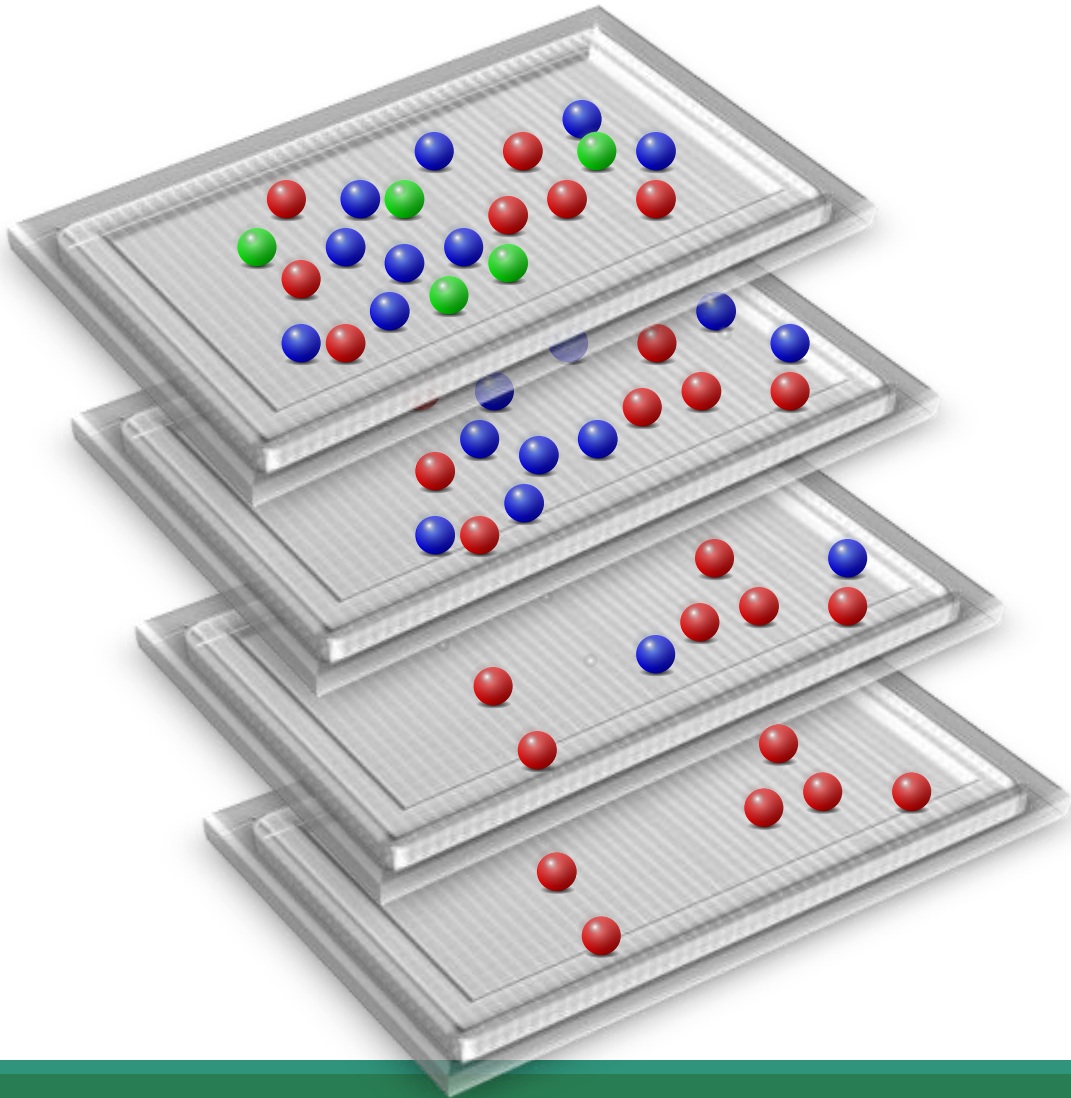
4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Current practice at .ie

- Respond **reactively** to reports of abuse – following existing internal complaint handling levels
- Registrant typically given **opportunity to stop the offending action** over 14-30 day period
- Failure to address the issue, results in **suspension**, then if un-remedied, deletion
- Registrant Terms & Conditions provide for suspension/deletion in certain circumstances (e.g. unlawful use, where DNS threatened, WIPO decision, Court order.....)

Abuse handling in the .ie namespace

Current practice at .ie 4-Level filter



Level 1: IEDR can filter and deal with cases, such as :-

Technical abuse – malware, phishing, DNS hijacking or poisoning, botnet command and control, willful distribution of malware.....

Obvious criminality - distribution of material depicting child abuse, human trafficking

Court Order – including an instruction to suspend, delete a domain

Level 2: WIPO and Regulatory Authority protocol (RAP)

IP infringement:- complainant sends to WIPO directly

Regulatory body - notice of illegal activity - existing protocol (RAP)

Level 3: Registration abuse

Breach of t&c's during registration - incorrect supporting documentation

Level 4: complex cases – refer to Alternative Dispute Resolution Policy, Courts

Legal matters:- defamation, slander, impersonation, passing-off

Registration issues:- bad faith registrations, non-rights IPR breach

'Ownership' issues:- Business disputes, family disagreements

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

.ie Policy response – some proposed guiding principles

- Consumer protection (*& businesses*)
- Responsible and transparent approach (*addressing abuse ahead of a legislative push*)
- Assist genuine victims (*especially SMEs*)
- Cooperative approach with Law Enforcement/Public Authorities/Registrars etc.
- Distinguish between criminal abuse and technical abuse:
 - ✓ **Criminal Abuse:**
 - Recognise Registry's limited expertise (*especially for deciding on illegality*)
 - ✓ **Technical Abuse:**
 - Protect Registry and Registrars from unnecessary risk

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Identifying an abuse-handling approach for .ie

IEDR believes the following abuse-handling policy response may be appropriate:-

1. Online criminality – cooperative arrangement with Law Enforcement Agencies

- Domain **suspension** actioned based on breach of user Terms & Conditions (for unlawful use)
- Could be used where Gardaí **confirm** a .ie domain is being used for unlawful purpose

Note:-

IEDR takes expedited action where it is notified of a .ie domain being used in connection with serious illegality (e.g. material depicting child abuse, human trafficking...)

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

Identifying an abuse-handling approach for .ie

IEDR believes the following abuse-handling policy response may be appropriate:-

2. Technical abuse – free informational service for Registrars

- IEDR would subscribe to suitable third party Service Provider(s), such as NetCraft
- Service would notify Registrars if domains under their management are engaging in abusive activities
- Helpful guidelines would be made available outlining suggested actions to be taken by Registrars

4. Update on the on-going discussion relating to the handling of online abuse in the .ie namespace

What do members think?

- Should IEDR **alter its abuse handling practices** as outlined to address:-
 - **criminal abuse** via a cooperative arrangement with Law Enforcement Agencies, and
 - **technical abuse** via a free informational service for Registrars notifying them of domains under their management engaging in abuse?
- What action, if any, should happen if a Registrant **fails to address on-going technical abuse** after a defined period (following Registrar notification)?
- Are there any instances where the Registry should suspend a domain for on-going tech abuse?
- Do members feel any other approaches should be considered?

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5. Update on the Discovery Group reviewing the handling of reserved/restricted names

Recap:

- ❖ On-going discussion on handling reserved/restricted names
- ❖ PAC acknowledged the need for enhanced determinism, consistency and clarity regarding legacy handling of reserved names:
 - some names appeared as self-registered to IEDR, to ensure they are unavailable for registration (to avoid confusion - uk.ie).
 - other names appeared as available, when they weren't (geographical place names e.g. Thurles.ie)

5. Update on the Discovery Group reviewing the handling of reserved / restricted names

Discovery Group tasked with finding a suitable remedy:

- ❖ IEDR identified a **number of potential, suitable policy responses**
- ❖ Discovery Group was **setup** to review and discuss these options
- ❖ Secretariat drafted and **circulated a paper** with the suggested policy responses in July '19
- ❖ Discovery Group engagement has developed some **consensus** on elements of a potential approach

5. Update on the Discovery Group reviewing the handling of reserved/restricted names

Discovery Group has developed broad, emerging consensus that an appropriate response should:-

- be based on the principles of **transparency, quality of information** and a **mechanism to “apply”** for a reserved domain name
- adopt the “EURid (.eu) approach”
 - ✓ Avoid the introduction of a dedicated Reserve Name Policy
 - ✓ Address “reserved”/”blocked” names in the “availability” provisions within .ie Registration & Naming Policy
 - ✓ Publish a non-exhaustive list of ”blocked”/”reserved” names
 - ✓ Publish user-friendly materials, such as leaflets, with guidance on why/how such names are handled
 - ✓ Introduce a defined, transparent procedure for facilitating requests to “apply” for “blocked”/”reserved” names

5. Update on the Discovery Group reviewing the handling of reserved/restricted names

Discovery Group found strong consensus for:

- **Use of labels** such “blocked”, “reserved”, similar to those used by EURid (.eu)
 - to distinguish the applicable grounds for blocking/reserving names
 - clarifying that names labelled as blocked/reserved (on the relevant list) aren’t “available” for registration
- IEDR to block names for **security reasons**. Such names will not be published on any publicly available list
- .ie domains intended for **potential future commercial use** by the Registry would be treated as normal registrations, rather than as blocked/reserved names. In line with standard practice, these names will show IE Domain Registry as the domain holder on WHOIS

5. Update on the Discovery Group reviewing the handling of reserved/restricted names

Discovery Group has also broad, emerging consensus for the following:-

- Introduction of a defined, transparent procedure for facilitating requests to “apply” for blocked/reserved names
 - *Available to those with a legitimate, overriding interest in the name*
- Provided by the Registry
 - *Consensus that it would not be acceptable/appropriate to offer this via automated functionality on Registrar systems*

Offensive names

- Discovery Group agreed to treat this as a separate work item (out of scope)
- Focus is to identify a suitable policy response for appropriate handling of blocked/reserved names

5. Update on the Discovery Group reviewing the handling of reserved/restricted names

Next Steps:

Discovery Group is expected to consider, and discuss:-

- **Policy edits arising from the proposed policy response**

To be drafted by the Secretariat, including “label” definitions. These will be circulated for discussion/refinement.

- **Proposed Blocked/Reserved Name List**

A list of the .ie names proposed to be blocked/reserved/restricted for security reasons.

- **Procedure for requests to “apply” for blocked/reserved names**

Suggested operations for the “activation procedure” to be drafted and circulated for discussion and refinement.

- **User-friendly materials, including leaflets**

To be drafted and circulated by the Secretariat for discussion and refinement.

- **Present recommendations at next PAC meeting**

Following further engagement via conference call and mailing list

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6(a). Formal conclusion:- Alternative Dispute Resolution Policy

- **Policy change request to be formally concluded following implementation**
 - in line with .ie Policy Development Process
- **Post-implementation monitoring is on-going by IEDR and Net Neutrals (Service Provider)**
- **Further updates will be shared in due course**
- **Policy change resulted in the introduction of an affordable, easy-to-use dispute service**

IEDR wishes to acknowledge, and offer its sincere gratitude for, the extensive effort expended by the PAC and the dedicated Working Group reviewing this policy change proposal.

Working Group members kindly offered their expertise and time by participating in a series of lengthy discussions via conference call, and on the dedicated mailing list, to ensure all aspects of the policy change proposal, and its implementation, were comprehensively considered.

6(b). Formal conclusion:- domains corresponding to TLDs

- **Policy change request to be formally concluded following implementation**
 - in line with .ie Policy Development Process
- Final work item related to the **phased release** of **aero.ie, coop.ie, post.ie**
 - Initial Phase (Sunrise) began 8 May 2019, ended 6 June 2019: **post.ie** registered
 - Secondary Phase (Landrush) began 25 June 2019, ended 24 July 2019 – **aero.ie, coop.ie registered.**
 - Third Phase will not be necessary (as all three domains are now registered)

IEDR would like to thank the PAC and the Working Group charged with reviewing this proposal for its dedication and commitment to thoroughly investigating this proposal in accordance with the .ie policy development process.

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IE Domain Registry

Next Meeting

PAC # 22

5 December 2019