

ISSUE CHART FOR THE GNSO RAA REMAINING ISSUES PDP ON PRIVACY/PROXY SERVICES

	Issue	Explanation/Prior Recommendation	Source¹	Policy Question to Be Explored
1	Practices & Procedures			
1.1	Standard Service Practices	These should be clearly published, and pro-actively advised to potential users of these services so they can make informed choices based on their individual circumstances	WHOIS RT	What are the types of Standard Service Practices that should be adopted and published by ICANN-accredited privacy/proxy service providers?
1.2	Standardized Relay and Reveal Procedures	Adopting agreed standardized relay and reveal processes and timeframes	WHOIS RT	What are the baseline minimum standardized relay and reveal processes that should be adopted by ICANN-accredited privacy/proxy service providers?
1.3	Revealing identity for service of cease & desist letters in a timely manner	Need to enable service of process in a timely manner in order to avoid flight risk (transfer to another provider to evade service)	WHOIS RT	Should ICANN-accredited privacy/proxy service providers be required to reveal customer identities for this specific purpose?
1.4	Obligation to forward correspondence	Requirement to forward allegations of malicious conduct, cybersquatting, and other illegal activities to privacy or proxy service customers	GNSO-ALAC RAA DT	Should ICANN-accredited privacy/proxy service providers be required to forward on to the customer all allegations they receive of illegal activities relating to specific domain names of the customer?

¹ Excerpts from the source materials and relevant documents are included in [Annex 1](#).

1.5	Revealing in instances of illegal malicious conduct	In instances of presentation of evidence of illegal malicious conduct should result in a requirement to reveal the contact information of customers of privacy or proxy services, consistent with procedures designed to respect any applicable protections for privacy and freedom of expression	GNSO-ALAC RAA DT	What forms of malicious conduct and what evidentiary standard would be sufficient to trigger such disclosure? What safeguards must be put in place to ensure adequate protections for privacy and freedom of expression?
1.6	Publication in WHOIS in instances of illegal conduct	Registrants using privacy/proxy registration services will have the contact information of the customer immediately published by the Registrar when registrant is found to be violating terms of service, including but not limited to the use of false data, fraudulent use, spamming and/or criminal activity	LEA Request	What specific violations would be sufficient to trigger such publication? What safeguards or remedies should there be for cases where publication is found to have been unwarranted?

	Relationship with Customer			
2.1	Due Diligence	Conducting periodic due diligence checks on customer contact information (such as validation or verification of the same fields that are subject to validation or verification in WHOIS)	WHOIS RT	Should ICANN-accredited privacy/proxy service providers be required to conduct periodic checks to ensure accuracy of customer contact information; and if so, how?
2.2	Terminating a Customer's access	Cancel registrations of proxy services that do not fulfill their contractual obligations	WHOIS RT	What are the contractual obligations that, if unfulfilled, would justify termination of customer access by ICANN-accredited privacy/proxy service providers?

2.3	Rights of Customers	Providing clear and unambiguous guidance on the rights and responsibilities of registered name holders, and how those should be managed in the privacy/proxy environment	WHOIS RT	What rights and responsibilities should customers of privacy/proxy services have? What obligations should ICANN-accredited privacy/proxy service providers have in managing these rights and responsibilities? Clarify how transfers, renewals, and PEDNR policies should apply.
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3	Disclosure			
3.1	WHOIS Labels	Clearly labeling WHOIS entries to indicate that registrations have been made by a privacy or proxy service	WHOIS RT	Should ICANN-accredited privacy/proxy service providers be required to label WHOIS entries to clearly show when a registration is made through a privacy/proxy service?
3.2	WHOIS Provider Contacts	Providing full WHOIS contact details for the privacy/proxy service provider, which are contactable and responsive	WHOIS RT	Should full WHOIS contact details for ICANN-accredited privacy/proxy service providers be required? What measures should be taken to ensure contactability and responsiveness of the providers?

4	Abuse Point of Contact			
4.1	Maintain Abuse Point of Contact	Maintaining dedicated abuse points of contact for each provider	WHOIS RT	Should ICANN-accredited privacy/proxy service providers be required to maintain dedicated points of contact for reporting abuse? If

				so, should the terms be consistent with the requirements applicable to registrars under Section 3.18 of the RAA?
4.2	Publication of Abuse Point of Contact	Designation and publication of technically competent point of contact on malicious conduct issues, available on 24/7 basis	GNSO-ALAC RAA DT	What are the forms of malicious conduct that would be covered by a designated published point of contact at an ICANN-accredited privacy/proxy service provider?

5	Law Enforcement			
5.1	Access for Law Enforcement	The ability to hide ones identity in the global e-commerce marketplace creates an environment that allows illegal activities to flourish. It is imperative that law enforcement is able to identify the who, what, where of domain name operators immediately in order to effectively investigate. There should be development of clear, workable, enforceable, and standardized processes to regulate access to registrant data when requested by law enforcement.	WHOIS RT	What circumstances would warrant access to registrant data by law enforcement agencies? What clear, workable, enforceable and standardized processes should be adopted by ICANN-accredited privacy/proxy services in order to regulate such access?

6	Privacy Considerations			
6.1	Balancing Privacy and Public Access	Consideration of use of domain name -- commercial v. personal, and whether the use of privacy or proxy services is	WHOIS RT	Should ICANN-accredited privacy/proxy service providers distinguish between domain

		appropriate when a domain name is used for commercial purposes		names used for commercial vs. personal purposes? Specifically, is the use of privacy/proxy services appropriate when a domain name is registered for commercial purposes? Should there be a difference in the data fields to be displayed if the domain name is registered/ used for a commercial purpose or by a commercial entity instead of to a natural person?
6.2	Restrict Proxy/Privacy Services to only non-commercial purposes	If proxy/privacy registrations are allowed, the proxy/privacy registrant is a private individual using the domain name for non-commercial purposes only	LEA Request	Should the use of privacy/proxy services be restricted only to registrants who are private individuals using the domain name for non-commercial purposes?

7	Enforcement			
7.1	Registrar to cancel Registrations	Registrar responsibility for cancellation under appropriate circumstances of registrations made by privacy/proxy services offered by others for noncompliance with Relay and Reveal	GNSO-ALAC RAA DT	What types of services should be covered, and what would be the forms of non-compliance that would trigger cancellation or suspension of registrations?

8	General			
8.1	Distinction between Privacy and Proxy Services	In considering Accreditation Program, take into account whether to distinguish between privacy/proxy services	WHOIS RT	Should ICANN distinguish between privacy and proxy services for the purpose of the accreditation process?