



2013 RAA: Whois Privacy & Proxy Services

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Key Changes to Agreement

- Privacy & Proxy Registration Specification (RAA 3.14)
- Placeholder: future Proxy Accreditation Program (RAA 3.4.1.4), resellers must also comply
- Mandatory retention & escrow of P/P customer data (RAA 3.4.1.4 & 3.6) – no more opt-out
- Disclosure of important P/P service features

P/P Spec Overview

- Intended as “temporary” (1 January 2017)
- To be replaced by P/P Accreditation Program
- Applies to P/P service offered by registrar, affiliates (even if distributed through reseller) (P/P Spec sect. 2)
- T&Cs published online by registrar or P/P service (including service agreement)
- P/P service must publish rights abuse POC
- P/P business contact info published

P/P Spec Overview, cont'd

P/P service must publish:

- Abuse & TM infringement reporting processes online (P/P Spec sects. 2.4.1 & 2)
- Circumstances for reveal or relay
- Circumstances for termination of service
- Description of customer support available

Escrow of customer data now required.

P/P Spec, Exceptions

P/P Spec does not apply to:

- P/P Services not provided by either registrar or its affiliates
- Proxy registrations (licensing agreements) created without registrar's knowledge
- Unauthorized use of P/P contact data



2013 RAA: New Disclosure Requirements & Abuse Complaint Handling

Registrar Information Specification

- Data similar to accreditation application (e.g., description of legal entity, contact details, owners, officers, directors, key senior managers, affiliated registrars, related privacy and proxy services, certain bad acts of the foregoing, resellers*)
- Updates to ICANN w/in 5 days
- Web-published updates w/in 20 days (as applicable)
- Designated “confidential” trade secrets, commercial information, and financial info kept confidential by ICANN

Registrar Information Spec, cont'd

Registrar must also publish on its website:

- Registrar's correspondence address
 - Acceptable for service of process;
no PO Boxes
- Registrar's principal place of business
(if different)
- Officer names & positions
- Parent entity/entities of registrar

Other New Disclosure Requirements

- Registrants' Benefits and Responsibilities (publish or link) (RAA 3.7.10)
- Description of the customer service handling processes (RAA 3.7.11)
- Link to registrant educational materials (former "registrant rights & responsibilities document) (RAA 3.16)
- (Public) abuse PoC email address (RAA 3.18.1)
- Procedure for handling of abuse complaints (RAA 3.18.3)

Abuse Complaint Handling

- Registrar to publish complaint handling / tracking procedures (RAA 3.18.3)
- Registrar to document all complaints
- Documentation retained 2 years (or maximum period permitted by applicable law, whichever is shorter)
- Records available to ICANN upon request

Abuse Complaint Handling, cont'd

Two possible complaint paths:

Standard (Public) & Law Enforcement

Standard Abuse Complaints (RAA 3.18.1)

- Published email address
- Registrar must take reasonable & prompt steps to investigate and respond appropriately

LEA Complaints

Law Enforcement Agency Complaints (3.18.2)

- Dedicated email address & telephone number
- Monitored 24x7
- Illegal Activity complaints
- From law enforcement, consumer protection, quasi-governmental or other similar authorities
 - As designated by the government of the jurisdiction in which the Registrar is established or maintains a physical office

LEA Complaints, cont'd

- Well-founded complaints (illegal activity) reviewed w/in 24 hours
- By individual empowered to take necessary & appropriate responsive action
- Registrar never obligated to commit illegal acts to resolve complaints



Thank You