

Staff Report of Public Comment Proceeding

Initial Report of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data Team

Publication Date: 14 January 2019

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Public Comment Proceeding

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Section I: General Overview and Next Steps

This public comment proceeding sought to obtain community input on the Initial Report of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data Team. The EPDP Team is tasked with evaluating the Temporary Specification on gTLD Registration Data (Temp Spec) and deciding whether it should become an ICANN Consensus Policy as is, or with modifications, while complying with the GDPR and other relevant privacy and data protection laws and regulations.

The Initial Report outlines the core issues discussed, proposed responses to charter questions and accompanying preliminary recommendations.

The EPDP Team welcomed feedback from the community on any of the issues raised in this report; however, the EPDP Team it was particularly interested in obtaining input on the following questions, with all answers to consider compliance with GDPR:

- Are the proposed purposes outlined in the Initial Report sufficiently specific and, if not, how do you propose to modify them? Please provide a rationale, keeping in mind compliance with GDPR. Should any purposes be added? If so, please identify the proposed additional purposes and provide a rationale for including them.
- Are the recommended data elements as listed in the Initial Report as required for registrar collection necessary for the purposes identified? If not, why not? Are any data elements missing that are necessary to achieve the purposes identified? If so, please provide the missing data element(s) and a rationale.
- Are there other data elements than those listed in the Initial Report that are required to be transferred between registrars and registries / escrow providers that are necessary to achieve the purposes identified? If so, please provide the relevant rationale.
- Are there other data elements than those listed in the Initial Report that are required to be transferred between registrars and registries / ICANN Compliance that are necessary to achieve the purposes identified? If so, please identify those data elements and provide the relevant rationale. Are there identified data elements that are not required to be transferred between registrars and registries / ICANN Compliance and are not necessary to achieve the purposes identified? If so, please identify those data elements and explain.

- Should the EPDP Team consider any changes in the redaction of data elements, compared to what is recommended in the Initial Report? If so, please identify those changes and provide the relevant rationale.
- Should the EPDP Team consider any changes to the recommended data retention periods compared to those recommended in the Initial Report? If so, please identify those changes and provide the relevant rationale. Do you believe the justification for retaining data beyond the term of the domain name registration is sufficient? Why or why not? Please provide a rationale for your answer.
- What other factors should the EPDP team consider about whether Contracted Parties should be permitted or required to differentiate between registrants on a geographic basis? Between natural and legal persons? Are there any other risks associated with differentiation of registrant status (as natural or legal person) or geographic location? If so, please identify those factors and/or risks and how they would affect possible recommendations. Should the community explore whether procedures would be feasible to accurately distinguish on a global scale whether registrants/contracted parties fall within jurisdiction of the GDPR or other data protection laws? Can the community point to existing examples of where such a differentiation is already made and could it apply at a global scale for purposes of registration data?
- Should the EPDP Team consider any changes to its recommendations in relation to "reasonable access" as outlined in the Initial Report? If so, please identify the proposed changes and please provide the relevant rationale.
- Are there any changes that the EPDP Team should consider in relation to the URS and UDRP that have not already been identified in the Initial Report? If so, please provide the relevant rationale, keeping in mind compliance with the GDPR.
- Are there any changes that the EPDP Team should consider in relation to the Transfer Policy that have not already been identified Initial Report? If so, please provide the relevant rationale.

Community input will now be carefully reviewed and used to support development of final responses to charter questions, as well as recommendations and implementation guidance in the form of a Final Report that is to be submitted to the GNSO for their consideration. Following approval of the proposal(s) by the GNSO, it will be submitted to the ICANN Board for its consideration.

Section II: Contributors

At the time this report was prepared, a total of forty-two (42) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
VKGP SA dba VANKSEN	Steve Gobin	
DomainMundo.com	John Poole	
I2Coalition	Monica Sanders	

The Coalition for Online Accountability	Dean S. Marks	
International Trademark Association (INTA)	Lori Schulman	
iThreat Cyber Group	Greg Aaron	
GoDaddy	Sarah Bockey	
Ministry of Electronics and Information Technology, Government of India	Dr. Jaideep Kumar Mishra	
Key-Systems GmbH	Volker Greimann	
Europol Advisory Group on Internet Security	Greg Mounier	
Motion Picture Association of America (MPAA)	Neil Fried	
Tucows Domains Inc.		
World Intellectual Property Organization Arbitration and Mediation Center	Brian Beckham	
eco – Association of the Internet Industry	Lars Steffen	
Registrar Stakeholder Group	Zoe Bonython	
NTIA	Ashley Heinemann	
Security and Stability Advisory Committee (SSAC)	Ben Butler	
Internet Service and Connectivity Providers Constituency	Wolf-Ulrich Knoblen	
Non-Commercial Stakeholder Group	Ayden Férdeline	
Internet Governance Project	Farzaneh Badii	
Business Constituency	Steve DelBianco	
Domain Tools	Tim Chen	
Intellectual Property Constituency	Brian King	
MarkMonitor, Inc., a Clarivate Analytics company	Brian King	
Registry Stakeholder Group	Wim Degezelle	
At-Large Advisory Committee	Evin Erdoğan	
Governmental Advisory Committee	Fabien Betremieux	

Individuals:

Name	Affiliation (if provided)	Initials
David Martel		
Etienne Laurin		
Michele Neylon	Blacknight Internet Solutions Ltd	
Ivett Paulovics	MFSD Srl URS Provider	
George Kirikos	Leap of Faith Financial Services Inc.	
Jeremy Dallman, David Ladd – Microsoft Threat Intelligence Center; Amy Hogan-Burney, Richard Boscovich -- Digital Crimes Unit; Makalika Naholowaa, Teresa Rodewald, Cam Gatta -- Trademark; Mark Svancarek, Ben Wallace, Paul Mitchell –Internet Technology & Governance Policy; Cole Quinn – Domains and Registry	Microsoft Corporation	
Monique A. Goeschl	Verein für Anti-Piraterie der Film- und Videobranche (VAP)	
Domain.com, LLC & affiliates - ICANN accredited registrars	Registrar Stakeholder Group	
Ashley Roberts	Valideus	
Renee Fossen	Forum - URS and UDRP Provider	
Sajda Ouachtouki	The Walt Disney Company	
Sivasubramanian Muthusamy	Internet Society India Chennai	
A. Mark Massey	Domain Name Rights Coalition	
Stephanie Perrin	Non-Commercial Stakeholder Group	
Theo Geurts		

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

To facilitate its review of the public comments, the Staff support team developed a set of [public comment review tools](#) which provide a high level assessment of the views expressed on the different

purposes and preliminary recommendations, as well as the detailed comments provided by each contributor.

All contributions received can be reviewed here:

<https://community.icann.org/display/EOTSFGRD/Public+Comments+on+Initial+Report>.

Section IV: Analysis of Comments

General Disclaimer: This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis.

The EPDP Team is responsible for the review and analysis of comments. Its assessment of each comment provided will be document in the [public comment review tools](#) (note, at the time of publication of this report, review of the comments by the EPDP Team is still underway).