



Quarterly Report of the usTLD Stakeholder Council – Q3 2015

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Overview

The usTLD Stakeholder Council held two meetings in Q3 2015 dealing with a broad range of policy issues. It also continued its system of having individual councilors present on their business or focus area.

The Council completed its work on the issue of the kids.us domain and studied the issue of privacy/proxy registrations which are prohibited in the usTLD.

Council Recommendations

The usTLD Stakeholder Council formally recommended to Neustar that the kids.us domain remain suspended through the life of the contract and any possible options.

Other Informal Input Provided

The usTLD Stakeholder Council studied the issue of private/proxy recommendations and decided to delay providing a formal recommendation to Neustar until a study of the overall issue was completed by ICANN.

The usTLD Stakeholder Council recommended that Neustar publish statistics about domain usage on its website. Neustar reported on the statistics that were provided and agreed to look into a further request for nameserver information.

Membership Update

No membership changes were made to the Stakeholder Council during Q2 2015.

Summary of Public Comments

The Stakeholder Council did not solicit any formal public comments during the quarter. Additionally, no informal comments were received.

Summary of Topics Under Council Consideration.

During the previous quarter, the Council held its first annual Public Stakeholder Town Hall to solicit community feedback into .US, its policy, its brand, and other matters from a wider range of stakeholders with interests in the TLD.

A survey was conducted to see what the highest-interest policy topics were for participants in the Town Hall. The results were:

- Privacy/Proxy Restriction – 45.4% (10 votes)
- .US Nexus Policy – 31.8% (7 votes)

- Locality Namespace – 18.1% (4 votes)

During the third quarter, the Stakeholder Council continued its work begun in the previous quarter on the kids.us domain and began working on the privacy/proxy restriction in the usTLD.

Kids.us Suspension

During the previous quarter, the usTLD Stakeholder Council published its proposed recommendation to continue the ongoing suspension of the kids.us namespace. Public comments were sought and considered by the Council. Consistent with the recommendations of the Kids.us Education Advisory Committee, the Council voted to recommend to Neustar that the suspension remain in place. The Council also asked to receive a copy of the annual kids.us report to Congress in order to stay abreast of the issue. On August 19, the Council forwarded its formal recommendation to suspend the domain to Neustar.

Neustar carefully considered the views of the Kids.us Education Advisory Committee, as well as the Stakeholder Council. It agreed with the recommendation of both groups and submitted its proposal supporting the suspension of the domain to the Department of Commerce on August 24.

Blogs and Media

In Q3 2015 the following blogs and press were published in relation to the usTLD Stakeholder Council:

- *Stakeholder Council discusses Privacy/Proxy Issues*
- *Kids.us Suspension*

The full blog contents can be found in the appendices section.

Summary of Meetings

July 2, 2015

The Council discussed the public comments received on the issue of the suspension of kids.us.

The Council received a presentation by Mr. Brian Britt regarding the origins and history of the locality namespace.

August 17, 2015

The Council reviewed and voted to approve the Suspension of the Kids.us domain space.

The Council discussed a white paper staff prepared on the privacy/proxy restriction. After an extensive discussion, the Council noted ongoing work on this topic by ICANN and decided to postpone any further action on the issue until the results of ICANN's work are published.

September 21, 2015

This meeting was canceled due to Councilor schedule conflicts.

Deadlines for Q3 2015

Deadline	Deliverable/Action
October 30, 2015	Submission of Q3 2015 Quarterly Report

Appendices

Appendix 1: Council recommendation to suspend Kids.us

<http://www.neustar.us/docs/kids-us-suspension-request.pdf>

As Chair of the usTLD Stakeholder Council, I write to request the permanent suspension of the kids.us third-level namespace through the end of the existing contract period, including any option period.

A temporary suspension of the kids.us namespace has been in effect since 2012. The suspension was instated due to low registration in and usage of kids.us and the perceived inability to expand such usage within the restrictive policy framework set forth in the 2002 Kids.us Implementation and Efficiency Act. The request to temporarily suspend the kids.us namespace followed a dramatic decline in its usage. Utilization of the kids.us peaked in 2004, with 1,505, but only 23 active websites. Comparatively, by 2011, the number of registrations was reduced to 651, with only six active websites notwithstanding dramatic reductions in the price of kids.us domains and grassroots efforts to promote its usage directly to children's content providers. Further, each of these six websites had a more robust presence elsewhere on the web, due in part to the aggressive restrictions on kids.us. In aggregate, these sites garnered only 470 unique visitors per year.

Since then, great efforts have been undertaken to explore the history and context around kids.us and its suspension, as well as to explore the viability of re-launching the namespace to greater success. Most notably, in 2014, Neustar convened the Kids.us Education Advisory Committee to consider the ongoing suspension of the namespace, and whether that suspension should remain in place. The Committee also discussed at length possible initiatives that Neustar and the usTLD Stakeholder Council could undertake to foster high-quality, educational content in .US, both within and outside the Kids.us third level namespace.

The Kids.us Education Advisory Committee explored trends in online content, internet usage, and technology that contributed to the decline of the kids.us namespace and compared this experience with that of other proprietary online spaces for kids. It found that other walled spaces had generally suffered a similar fate to the kids.us namespace, even when they were well-funded and supported by strong content partnerships. Further, the Committee determined that restricting kids' internet usage to a single namespace was no longer practical, beneficial, or necessary given the availability of new tools through which parents and teachers could control internet usage across all namespaces, and the proliferation of good content across the Web.

The members of the Kids.us Education Advisory Committee concluded that the policy framework for kids.us was unsupportive, unnecessary to provide positive online experiences for kids. Regardless of efforts to rebrand the space, the requirement to do so within the existing policy restrictions would inhibit utilization by kids; would prevent the development of strong content partnerships. As such, the Kids.us Education Advisory Committee recommended to the usTLD Stakeholder Council:

- [That] the kids.us domain and the associated namespace should remain suspended; and
- [That] Neustar, in collaboration with the usTLD Stakeholder Council, should seek to promote safe, positive, and educational experiences for children online guided by the operational principles identified by the Education Advisory Committee.

The report of the Advisory Committee also described a number of possible efforts that could be taken up to promote positive experiences for kids within .US, and operating principles that should guide further development of these initiatives. The most important such principles were that any efforts to promote digital literacy or quality content for kids should be cost-efficient and not duplicate efforts already underway elsewhere on the web. Kids.us was determined to meet neither of these principles.

The recommendations of the Kids.us Education Advisory Committee have been duly considered by members of the usTLD Stakeholder Council and by the wider .US Stakeholder Community. Members of the usTLD Stakeholder Council have reviewed the Kids.us Education Advisory Committee Report and discussed the report's recommendations on monthly meetings of the usTLD Stakeholder Council and on the council listserv. In these discussions, the primary recommendation of the Kids.us Education Advisory Committee, to maintain the ongoing suspension of kids.us, was universally supported by members of the usTLD Stakeholder Council.

Further, in accordance with its operating procedures, the usTLD Stakeholder Council held a comment period from May 14 through June 13, 2015 to seek public input on the proposed recommendation to continue the suspension of the kids.us namespace. The usTLD Stakeholder Council received one public comment on the proposed suspension from James Gannon of Cyber Invasion Limited. The comment by Mr. Gannon supported the continued suspension of kids.us, but recommended an annual review by the Council to determine whether continued suspension is warranted. The usTLD Stakeholder Council reviewed and discussed Mr. Gannon's comment. The Council does not believe that a regular annual review to reconsider the

suspension is warranted, but rather that a review should be undertaken if there is a significant change in the .US TLD. In response to the comment, the Council has asked to be notified by the Secretariat each year of the submission of the Annual Kids.us Report to Congress, at which point the Council will determine whether a review of the suspension is warranted.

As a Council, discussing and advancing initiatives through which .US promote quality content for children, support digital literacy, and help prepare America's next generation to compete in the digital economy are of the utmost priority. The historical experience of kids.us has shown that these aims cannot be readily met under the strict legal restrictions established for kids.us. We feel strongly that these goals will be more effectively met outside of the kids.us third-level namespace, and that they are consistent with this request for a permanent suspension of kids.us. As such, we request that the Department of Commerce grant a suspension of the kids.us namespace through the existing contract term, including any option periods.

We thank you for your consideration of this request.

Appendix 2: White Paper on privacy/proxy registration prohibition

<http://www.neustar.us/docs/ustld-privacy-proxy-services.pdf>

.US Overview

The .US top level domain (usTLD) is the country code-top level domain for the United States of America. It is operated by the United States Department of Commerce and managed by Neustar, Inc. Today, there are over 1.7 million .US domains under management. Registrants include individuals, organizations, corporations, and localities that have crafted their domain names to emphasize US-origins, geo-target content by bringing US consumers directly to the domestic sites or product offerings of international corporations, represent the word "us," or combine both the string to the left and right of the "." to spell out a word ending in the letters u and s. It is an online home for the people, organizations, and corporations that make up the United States and for foreign and multi-nationals providing services to the US market.

Issue

A legitimate privacy service lists alternative, reliable contact information in WHOIS, while keeping the domain name registered to its beneficial user as the registrant. A proxy service registers the domain name itself and licenses use of the domain name to its customer. In both cases the contact information of the service provider is displayed rather than the customer's contact information. The proxy service provider maintains all rights as a registrant and assumes all responsibility for the domain name and its manner of use. Under the current policy, registrants are barred from using privacy and proxy services. These services are often available in other TLDs. This policy reflects the historic needs of law enforcement, rights holders, and others, for easily accessible and accurate contact information. On the other hand, the inability

to use privacy and proxy services (“P/P services”) is a frequent complaint from registrants who desire to use these services to protect their online identities and from some registrars whose registrants may be deterred from choosing .US, due to the inability to choose to keep their contact information private.

The inability to use P/P services may also disproportionately affect certain categories of registrants, thereby inadvertently shifting the registrant composition of the usTLD. Sixty percent of .US websites are registered to state governments, public school districts, county libraries, and colleges, but forty percent of .us domain websites belong to other entities such as international corporations, global media publications, global nonprofit organizations, churches, sports teams, small businesses, blogs, home businesses, retail stores, social media messaging sites, gaming sites and video/music streaming sites. This later grouping encompasses the demographic of registrants who are most likely to be affected by the existing prohibition on P/P services.

Objective

The Stakeholder Council is considering whether the existing ban on privacy and proxy services remains appropriate for the usTLD, whether exceptions should be made for certain categories of users and/or specific types of registrations, or whether the ban should be lifted altogether. The purpose of this paper is to explain the P/P services restriction by defining its goals and origins, show how the restriction is implemented and enforced, explore both the risks and benefits of privacy protection services, outline the range of P/P service options for registrars, and outline options that might foster productive growth within the usTLD.

Background

Privacy/Proxy Policy - Goals and Origins

The usTLD policies require every domain name registration to be associated with valid contact information- typically this includes a name, address, email address, and phone number. This information is then hosted in a database called WHOIS, where it can be searched by anyone with access to the Internet. Historically speaking, the WHOIS database was the “telephone directory of the Internet.” It was used so that registrars and registrants could communicate directly with one another. However, in recent years, just as the needs and concerns of individuals posting in the phone book have changed, so too have those operating web domains.

P/P services were created in the gTLD space and for some ccTLDs, to accommodate people and organizations who wish to keep certain information about them from being published in public WHOIS information. A legitimate privacy service lists alternative, reliable contact information in WHOIS, while keeping the domain name registered to its beneficial user as the registrant. A

proxy service registers the domain name itself and licenses use of the domain name to its customer. In both cases the contact information of the service provider is displayed rather than the customer's contact information. The proxy service provider maintains all rights as a registrant and assumes all responsibility for the domain name and its manner of use. In this case, the service provider maintains all rights as a registrant (such as managing, renewing, transferring and deleting the domain name,) and assumes all legal responsibility for the domain name and its manner of use.

The prohibition on P/P services is the result of an effort to provide complete and accurate WHOIS information for all .US domain names. Maintaining an accurate WHOIS database for .US registrants is an important responsibility of the .US registry. The WHOIS database is an important tool for law enforcement investigations. While there is a legitimate role for proxy registration in limited circumstances, privacy protected registrations make it difficult to identify or contact those responsible for abusive domain name registrations. As a result, P/P services have been barred in an effort to promote complete openness and transparency within the .US name space.

Implementation and Enforcement

The policy restriction is implemented by .US registrars. Neustar does not directly enter into agreements with registrants. Language in the .US Registry-Registrar and Registrar Accreditation Agreement states that:

“Neither Registrar nor any of its resellers, affiliates, partners and/or contractors shall be permitted to offer anonymous proxy domain name registration services which prevent the Registry from having and displaying the true and accurate data elements contained in Section 3.3 for any Registered Name.”

This policy is passed through to registrants by way of registration agreements that a registrar must enter into for all of the .US registrations that it sponsors. Some examples of how this policy is relayed in .US Registration Agreements are found below.

GoDaddy: “...You acknowledge and agree that you are not permitted to purchase private or proxy .US registrations. You shall register for any and all .US registration using your personal information, which information you represent and warrant is current, accurate and complete.”

Google Domains: “Registrant is not permitted to purchase private or proxy .us registrations. Registrant will register for any and all .us domain name registrations using Registrants personal information as the registered Name Holder, which information Registrant represents and warrants is current, accurate, and complete. Registrant certifies that to the best of Registrant's knowledge.”

Neustar enforces the restriction through a number of mechanisms. Neustar currently operates a WHOIS Accuracy Reporting Tool where users can report false or incomplete WHOIS records for .US domain names. All domains reported through this tool are investigated by Neustar. If a record is found to contain false or inaccurate WHOIS information or to use a proxy service, the registrant is given ten (10) days to remedy the deficiency by providing complete and accurate WHOIS information. If the deficiency is not remedied it may be deleted from the Registry database.

Additionally, Neustar performs random spot checks on .US registrations to affirm that WHOIS information is being accurately provided. If, as part of these checks, registrants are found to be using P/P services, they are given thirty (30) days to remedy the deficiency by providing complete and accurate WHOIS information. If the P/P service in question is found to be provided by a .US registrar or reseller, Neustar will also work directly with that party to ensure that the entity ceases to sell these services and that other affected registrations are updated.

Neustar also runs an automated query to attempt to identify Privacy/Protection registrations in .US. Where registrations are identified, Neustar works with the sponsoring registrars to ensure that the provision of such services is ceased and that WHOIS records are updated for the registrations in question. The results of such queries are reported in the Annual WHOIS Accuracy Report to the Department of Commerce.

Discussion and Analysis

The Pros and Cons of Restricting Privacy Protection Services

Pros

One reason to restrict P/P services is that having accurate WHOIS information publicly accessible is meant to foster accountability. When P/P services are not in use, complainants are able to directly interact with the registrant, without depending on the registrar or other third party P/P service providers to regulate the flow of information. This is beneficial for law enforcement and in cases of intellectual property infringement because the ability to deal directly with the registrant can avoid costly delays.

Another advantage of restricting P/P services is that it may reduce the presence of illegal or harmful Internet activities. The 2013 Study of WHOIS P/P Service Abuse found clear evidence that a significant percentage of the domain names used to conduct illegal or harmful Internet activities are registered via privacy or proxy services to obscure the perpetrator's identity. It also concluded that it is often true that the percentage of domain names used to conduct illegal or harmful Internet activities that are registered via privacy or proxy services is significantly greater than the percentage of domain names used for lawful Internet activities that employ

privacy and proxy services. In this study, harmful activity is categorized as phishing, money laundering, unlicensed pharmacies, typosquatting, child sexual abuse image websites, domains appearing in email spam (SUBURL domains), domains associated with malware, and domains subject to the Uniform Domain Name Dispute Resolution Policy (UDRP) process. Therefore, a restriction deterring this type of activity serves a variety of important purposes and helps maintain the integrity of the .US name space.

Another reason to restrict P/P services is that they give online consumers some of the same information normally available offline in the brick and mortar world. A study by FWD Strategies International and LegitScript entitled Commercial Use of Domain Names: An Analysis of Multiple Jurisdictions argues that consumers want to know who they are doing business with. The usTLD is host to various commercial businesses and the current policy allows consumers to identify the individual(s) with whom they transact business. This is a foundational principle in consumer protection law. The study goes on to argue that consumerism in the online world should mimic consumerism in the offline world, where participants gain information through the physical appearance of storefronts, consumer reviews and publicly available business information. In the offline world consumers are able to visibly inspect the company, meet the staff and review business licenses or corporate registration information. This transparency protects consumers by giving them a way to validate the legitimacy of the person or entity with which they are conducting business. It also provides both parties a means of recourse as each party can identify and locate the other should the transaction go wrong. This transparency is carried over to shoppers online to the extent the WHOIS database is updated and contains accurate information listings.

According to the study mentioned above, WHOIS registration data plays a vital role in combating sources of consumer fraud, spam and denial of service attacks, preventing or detecting sources of security attacks, supporting UDRP proceedings, investigating legal violations (piracy, product counterfeiting and trademark violations, pornography, illegal drug sales, financial crimes), and facilitating and validating the legitimacy of a website for commercial transactions. In order for online consumerism to continue developing within .US, consumers have to feel safe providing their credit card information to multiple vendors and they need to trust that the vendors they're dealing with are legitimate and reliable. Those who support the usTLD ban on P/P services reason that this policy can help grow the demographic of online retailers. By ensuring that transactions will be protected due to the openness produced by the P/P restriction and the accuracy guaranteed within the WHOIS database, the logic is that more commercial entities will be attracted to .US.

Cons

A consequence of barring privacy services may be that registrants engaged in entirely legitimate activities, like bloggers, home businesses, startups, and nonprofits, etc., will provide false or inaccurate information to protect their privacy. The FWD/Legit Script study, mentioned above,

also demonstrates that although many domains registered for entirely lawful Internet activities have viable telephone contact information recorded within the WHOIS system, a great percentage of them do not. The reason could be that registrants have significant privacy concerns about publishing otherwise unlisted phone numbers. In general this reluctance is consistent with growing privacy awareness demonstrated by the steady increase of unlisted telephone numbers, particularly among wireless users.

In the gTLD setting, ICANN's Initial Report on the Privacy & Proxy Services Accreditation Issues Policy Development Process states that the WHOIS accuracy tools and reviews have generally found violations in which a P/P service is used to be very low. WHOIS accuracy checks, on the other hand, reveal a high number of registrations, in all TLDs, in which false WHOIS data is provided. While the registrations identified may be ultimately corrected or deleted from the registry database, the overall trend suggests that the unavailability of P/P services may push registrants toward other forms of WHOIS abuse and make the registrant altogether un-contactable; an externality that undermines the primary objective of the usTLD prohibition.

Moreover, public comments in response to ICANN's Initial Report reflect legitimate concerns for the safety of Internet users who abide by the rules of the restriction and provide accurate WHOIS data. Another con of restricting P/P services is that with personally identifiable information now publicly available, it is easier to "dox" and "swat" people online. Doxing refers to the practice of uncovering personal information about someone online for malicious intentions. Swatting refers to the practice of using personal information to place hoax calls with law enforcement with the intention of sending out squads of armed police to specific locations. The most prevalent instances of doxing occur for extortion, coercion, harassment, public shaming, and/or vigilante justice purposes. Swatting, which is not as prevalent as doxing, is more common within gaming communities and with young children looking to prank their friends and celebrities, or young hackers targeting security journalists for show.

In January 2008, anonymous hackers doxed the top-level religious members of Scientology, revealing their personal information as well as internal memos that had been circulating within the inner circle of the Church. In 2011, the hacker group Anonymous doxed the technology firm HBGary Federal and exposed detailed information on 7,000 members of law enforcement officials. In 2014, a group of women were doxed by male gamers trying to intimidate them into keeping silent about sexism within the gaming community. And later that year, in November 2014, Anonymous began publicly releasing the identities of members of the Ku Klux Klan in Ferguson, Missouri.

Randi Harper, founder of the Online Abuse Prevention Initiative, was swatted based on information obtained from the WHOIS record for her domain. And Brian Krebs, an online security journalist, was also swatted as a prank by young hackers. The FBI estimates that based on local law enforcement calls, received about once a month, interviews of individuals arrested, and a review of social media, where perpetrators brag about these instances, there are around

400 swatting attacks per year. Doxing, on the other hand, occurs more frequently and is not always investigated by the police.

Another con is that prospective registrants, specifically those who operate home businesses, might be dissuaded from registering in .US based on the unavailability of P/P services. Even though there is professional contact information on the registrant's website, the registrant is still required to list home address and an associated phone number on the domain registration, which could result in unwanted home visits or phone calls. Another example could be that a registrant operates a blog and decides to use that blog platform to speak out against a controversial political matter. If a reader takes offense to this act of free speech, they could access the registrant's contact information and publish it to their social media pages, which could lead to multiple forms of harassment. Additionally, these legitimate concerns about privacy could inhibit the success of the uTLD in reaching out to nonprofit networks (e.g. girl or boy scouts troops, local community groups, and others not engaged in online commerce.)

It is relevant to note that other than the incidence involving Randi Harper, there is no evidence that the above instances are the result of information found through the WHOIS database. There are cases of individuals that understand the ban on P/P services, provide accurate information and take measures to protect themselves despite the ban. This includes purchasing a new phone with a new telephone number, creating a brand new email, and/or establishing a PO Box and using that as an address for registration purposes. Nonetheless, these instances suggest that barring privacy protection services for the purpose of openness and transparency may come at the cost of potentially deterring registrants, fostering other forms of WHOIS abuse and exposing personal information that may put some registrants at risk.

Other Activity

ICANN has been considering issues related to the use of P/P services in the gTLD space. On May 5, 2015, the Privacy/Proxy Services Accreditation Issues (PPSAI) Working Group (of the Generic Names Supporting Organization) published its Initial Report. It was put out for public comment and thousands of responses have been received. These comments are now under review.

In the Initial Report on the Privacy & Proxy Services Accreditation Issues Policy Development Process the Working Group stated that there are specific topics on which there is no consensus.

Although the WG agreed that the mere fact that a domain name is registered by a commercial entity or by anyone conducting commercial activity should not preclude the use of P/P services, there was disagreement over whether domain names that are actively used for commercial transactions (e.g. the sale or exchange of goods or services) should be prohibited from using P/P services. While most WG members did not believe such a prohibition is necessary or

practical, some members believed that registrants of such domain names should not be able to use or continue using P/P services.

Meanwhile, Nominet, a .UK registry, plans to enforce an updated WHOIS policy in September 2015. This new policy will allow non-trading, non-commercial, entities to “opt out” of the public WHOIS database. According to this policy, individuals who are not using their domain name for trading, commercial, purposes will be able to opt-out of publishing their contact information in the public WHOIS database. However, domain names that choose this opt out policy and use P/P services cannot transact with customers, primarily advertise or promote goods, services, or facilities. The P/P service providers will act as an address for service for the registrant, respond to or pass on abuse complaints from third parties to the registrant, and provide the contact details of their privacy service, which will be validated by Nominet and published in the WHOIS database.

Registrar Options for Privacy Protection

Should the Council elect to undertake policy development on this issues it is important to note that the availability of P/P services in the usTLD need not be an all or nothing proposition. There are a range privacy protection options and many registrars implement carve outs that best fit the goals of their specific domain space. The goal of .US is to produce growth while ensuring the accuracy of the WHOIS database listings within the .US registry. This means serving the needs of major corporations and commercial businesses without deterring bloggers, home businesses, and nonprofits, etc. The range of privacy protection options and their descriptions are listed below.

- Complete P/P restriction

This involves retaining the current policy.

- No P/P restriction at all

This would involve allowing the unregulated use of P/P services within the usTLD.

- P/P restricted to accredited services.

In this case a registrar could choose to offer an accredited (by .US) P/P service as part of the domain registration contract. For example, the top five gTLDs, .com, .net, .org, .info, and .biz all use a WHOIS privacy or proxy service for those registrants that want to protect themselves.

- Allow P/P services for non-commercial entities

This would permit the use of P/P services for non-commercial entities, but would keep the prohibition in place for commercial use.

- P/P self-services provided by accredited organizations

These services would restrict the use of P/P services for registrants who are associated with community groups and nonprofit organizations that would serve directly as the P/P service

provider. For example, Girl Scouts of America could provide P/P services for its affiliated Girl Scout troops, members, and volunteers, etc.

Approaches to Consider

.US Stakeholder Council Recommendations and Observations

Retain policy as is.

Introduce carve-outs whereby certain categories of users could be exempt from the privacy and proxy requirement.

- Are there categories of users for whom the restriction on privacy/proxy registrations should be waived?
- If so, what would these categories of users be?
- How would these users be verified?
- What parties should have access to information that is behind the gate? For what purposes and under what conditions?
- Could carve outs be implemented in a way that parties were appropriately verified and key parties retained access to information behind the gate?

Lift the privacy and proxy restrictions for .US registrants but require that the full data be retained by Neustar and accessible to the Department of Commerce.

- Is lifting the policy across-the board appropriate? In what cases should the use of privacy and proxy be restricted?
- What parties should have access to the full data? For what purpose and under what conditions?
- How could this be implemented such that eligible parties can still access the full data?
- What would be the costs to Neustar to implement and the time required to implement?
- Would the cost/time tradeoffs be justified by the benefits?
- How could the existing third party WHOIS Accuracy tool be substituted for in cases where privacy was being used?
 - o Is this tool necessary?
 - o What benefits has it provided in terms of WHOIS accuracy enforcement?
 - o What other tools and mechanism could achieve similar benefits?

Allow membership organizations representing key target registrant demographics (presumably those that would be specifically deterred by privacy/proxy) to sponsor registrations on behalf of users.

- What are the registrant categories that we want to cover?
- What membership organization would cover some or all of these groups?
- How do these organizations verify members? Are these verification procedures sufficient for our purposes?
- What additional information, if any, would organizations be required to retain for this purposes?
- What would be the costs for implementation for relevant organizations? Would this be worth it given the size of the potential registrant networks?

What other impacts could come about as a result of this?

- User impacts?
- Policy interrelations?
- Registrar impacts?
- Impacts on LEA?

Appendix 3: Minutes from Stakeholder Council meeting of July 2, 2015

<http://www.neustar.us/ustld-stakeholder-council/ustld-stakeholder-council-minutes-july-2-2015/>

Stephanie Duchesneau took a roll call.

Ms. Duchesneau ran through general business items. The next council deliverable is the Q2 2015 Stakeholder Council Quarterly Report, which is due at the end of July. Mr. Harris asked the secretariat to prepare a draft of the report for the week prior to the July 20 call to allow the Council time to make any necessary edits.

James Bladel suggested that the report could also include quarterly statistics about .US. Michele Neylon supported this suggestion. Ms. Duchesneau responded that she would see what .US was currently published and what other metrics could be made available. Mr. Harris suggested that the secretariat also look into reporting practices by other ccTLDs to inform this. Others supported this suggestion.

Mr. Harris opened discussion about follow up on the kids.us Suspension Comment Period and next steps; he asked the secretariat to review what had been done with the comments received and what the requirements were per the Council Operating Procedures. Ms. Duchesneau responded that the Operating Procedures required that comments be posted publically, considered by the council, and that the assessment of comments be reflected including in Quarterly reports, but by and large the Operating Procedures did not specify how the comment periods would be managed. So far the comments received had been published on the Council website and that she had contacted the commenter noting that his comments were being

taken under consideration and that more substantive response would be provided following Council discussion.

Mr. Bladel recommended that in assessing the comments the Council should not be confined to the current comment period, in which only one was received, but should be adaptable lest comment periods attract dozens or even hundreds of comments. To these ends, he recommended an approach similar to the ICANN comment periods, where a single summary was provided that reviewed the substance of all comments in aggregate. Several councilors supported this suggestion.

Ms. Duchesneau reviewed the substance of the comment received, which supported the recommendation to maintain the suspension of the namespace and made two additional suggestions. The first suggestion was to review the suspension on an annual basis to determine whether it was still practical. The second was to focus continued efforts on cyber security awareness for K-12 aged children.

Given the background and history behind the suspension, Mr. Harris said that he was not inclined to support the recommendation that the suspension needed to be reconsidered annually, but rather that this should only occur if significant circumstances changed such that would affect the viability of the namespace. Several councilors echoed this position including Mr. Bladel, Mr. Neylon, Tom Barrett, Bryan Britt, and Phil Corwin.

Mr. Harris asked what Neustar requirements would persist under the suspension. Ms. Duchesneau responded that under the present suspension Neustar continues to be required to provide an annual report to Congress about the status of the namespace, and this would continue even with an extended suspension, as long as the Kids.us Implementation and Efficiency Act Remained in place. She suggested that as an alternative to conducting a review, concurrent to this review, the secretariat could notify the Council that it was preparing the annual report, at which point the Council could determine whether a revisitation of the suspension was warranted by change in circumstances.

Mr. Harris asked that the second recommendation be elaborated upon. Ms. Duchesneau responded that a possible angle would be to focus on online practices and how kids could be safe when navigating the web. Several Councilors agreed that this would be a worthwhile endeavor. Ms. Duchesneau added that Heather Dahl who had previously worked at Neustar wrote a book series on this topic that may be worth exploring as a possible partnership. Becky Burr seconded the recommendation, adding details about the comic series.

Mr. Harris asked that the secretariat prepare a draft summary reflecting the procedures and positions established on the call.

Mr. Harris turned the call over to Mr. Britt to give a presentation about the locality namespace. Mr. Britt gave a detailed presentation beginning with the origins and history of the locality namespace in RFC 1480. He reviewed the requirements for being a delegated manager including equitable and competent management of the space, provision of two geographically separate name servers, commitment to timely communication, and implementation of the .US Nexus Policy. He reviewed the branched naming structure for locality registrations which, other than special branches, are generally broken out as follows, with registrations at the fourth level beneath one of the branches.

.US

.AR (State)

.K12 .CC .TEC .LIB .STATE .GEN (Locality)

He noted that delegated managers were limited to operating 500 locality domains. Ms. Rose asked what was considered a locality domain for this purpose, and Ms. Duchesneau and Mr. Britt confirmed that it was a third-level registration. He provided an illustrative how DNS servers worked for locality domain names. Mr. Britt described some challenges to delegated managers. One challenge was that the WHOIS only shows the information of the delegated manager and not of registrants beneath the third level, which has sometimes led registrants to be confused and believe that a domain was being squatted on. Mr. Britt suggested that a tool to enable WHOIS to be provided for large delegations would be a useful improvement to the space. He also noted an issue by Internet Service Companies, including GoDaddy, where requests for SSL Certificates did not include complete information about the domain for which it had been purchased.

Mr. Barrett asked about the composition of the delegated manager space. Ms. Duchesneau gave an overview of the current breakdown which included 370 delegated managers responsible for 2,263 legacy domains. Of this 286 delegated managers are responsible for a single locality domain name, 55 delegated managers are responsible for 2-10 names, and 29 delegated managers are responsible for 10+ names. The ten largest delegated managers responsible for 63 percent of the locality domain names.

Ms. Rose provided some context about the state of the namespace at the time of transfer to Neustar, at which the namespace was entirely decentralized and largely undocumented. Ms. Burr noted that it was found that about three-fourths of the delegated managers was undocumented.

Mr. Bladel asked about the continued viability of the namespace in the DNS today, noting an anecdotal example of his children's' school shifting away from a .US locality name. Ms. Rose said that she believed that it remained an important part of the character of .US but that the Council should contribute to discussions about how to modernize the space.

Ms. Rose asked about whether RFC 1480 still governed or whether the delegated managers had been brought under contract. Ms. Duchesneau noted that an agreement between Neustar and Delegated Managers had been developed, which incorporates RFC 1480 as well as other key policies like the Nexus that now covers over two thirds of locality domain names. Delegated Managers are now also expected to enter into registration agreements with fourth and fifth-level registrants.

Several Councilors thanked Mr. Britt for the presentation.

Mr. Harris noted that the Council had used up all of its time and recommended that the policy items be moved to the July 20 call.

The call wrapped concluded.

Action Items

Secretariat to prepare a draft of the Q2 2015 Quarterly Report 4-5 days before the next Council meeting

Secretariat to research and provide an update on ccTLD reporting practices at the next Council meeting

Secretariat to prepare comment summary for kids.us suspension

Attendees

Councilors:

Scott Blake Harris

James Bladel

Bryan Britt

Karen Rose

Phil Corwin

Tom Barrett

Alex Deacon

Neustar Participants:

Stephanie Duchesneau

Cory Lancaster

Becky Burr

Department of Commerce Participants

Elizabeth Bacon

Appendix 4: Minutes from Stakeholder Council meeting of August 17, 2015

<http://www.neustar.us/ustld-stakeholder-council/ustld-stakeholder-council-minutes-august-17-2015/>

Cory Lancaster called the roll.

Scott Harris introduced the general business items. This included discussing the next steps for the Kids.us suspension recommendation and a report on the suggestion regarding publishing usTLD statistics on the Neustar website. Prior to the call, a draft of the Kids.us suspension letter was circulated for Council review. After discussion, a motion to approve the letter was made and seconded. The Council unanimously agreed that Mr. Harris should sign the correspondence and send it to the Secretariat on the Council's behalf.

On the previous call, James Bladel suggested that the Secretariat provide statistics to be published on the Neustar website. Terri Claffey stated that five statistical charts are published on the website. The charts cover the following information: the number of registered .US names, the number of names that are transferred each month, the number of monthly registrant renewals and deletions, the number of name servers and the number of registrars. Mr. Bladel suggested that while these statistics give great insight into the current profile of .US, it would be helpful if in addition to these statistics, .US could published a zone file similar to that required by gTLDs. Mr. Bladel described the zone file as including the breakdown of domain registrations by registrar, the number of registrants the registrars have signed up, and each domain's market and geographical share data.

After some clarifying discussion from the Council, Becky Burr mentioned that this information is available. Ms. Burr stated that she would need to check to make sure that publishing this information would not violate any confidentiality agreements. Ms. Claffey then took this on as an action item. She stated that she would consult with Neustar's Technical, Legal and Marketing teams to find out what Neustar is providing to its other gTLDs and report back next month. The Council agreed that this was an appropriate approach.

Mr. Harris then introduced the next agenda item: policy issues. On its previous call, the Council asked that Neustar create a background paper regarding the prohibition of the use of privacy and proxy services in the usTLD. This paper was distributed for the Council to review prior to the call. Becky Burr presented the paper to the Council. Ms. Burr defined privacy and proxy services, explained their benefits and challenges, and introduced the range of privacy and proxy service options. In her summary, Ms. Burr referenced the latest study from ICANN's Privacy and Proxy Accreditation Issues Working Group, a study of WHOIS privacy and proxy service abuse, and a study that spoke on the use of p/p services and commercial entities. She also mentioned

several industry debates surrounding the analyses of these studies. Ms. Burr concluded her summary by opening the floor to James Bladel, Michele Neylon, Robert Flaim, and Alex Deacon due to their direct/unique experiences with WHOIS as registrars, law enforcement officials, and in a rights protection manner.

James Bladel began the discussion by noting the complexity of this issue and acknowledging that ICANN is working to address this issue in its entirety. He explained that his understanding of the .US ban is less about the industry criticisms of these services and more about the incompatibility with the Nexus policy in that if p/p services are allowed in .US how could you verify that the beneficial user of that policy was in fact compliant with the Nexus policy? He asked if the Council would have to create a separate function to verify this. Mr. Bladel mentioned that the fact that so many people are paying for these services shows that registrants definitely find value in these services and the fact that there is abuse within the WHOIS database supports the idea that registrants do want their information to be private. Most importantly, Mr. Bladel noted that a lot of the discussion and analysis around this issue is taking place within the ICANN Working Group. He suggested that it might be better to monitor how this issue is developing within the ICANN sphere, and then decide whether or not ICANN's findings are applicable within the .US namespace. Mr. Bladel also mentioned that it is correct to say that it is probably true to say that the majority of people involved in criminal activity do use p/p services, but it is also true that the majority of people using p/p services are not involved in criminal activity. Mr. Bladel wanted to clarify that these two things are not mutually exclusive and make sure that that context was not omitted.

Mr. Harris interjected that he understood the concern about users hiding behind proxies for inappropriate purposes but he mentioned that given the size of .us compared to larger TLDs, the use of p/p services to prohibit criminal activity is a frivolous argument. If privacy and proxy services are allotted in larger domains, then what exactly is the purpose of barring p/p services in .us given that it is a much smaller TLD. Ms. Burr explained that there is a legitimate concern about whether or not .us is losing/detering potential registrations because people do not want to provide their information to the public WHOIS. Mr. Harris explained that maybe there is no benefit to barring this service in this one small TLD because there are much larger TLDs that don't have these restrictions and it seems that registrants would just go and register there.

Mr. Bladel stated that there are also legitimate concerns about people misusing WHOIS data for purposes unrelated to the domain information such as for telemarketing and for spamming. Ms. Burr responded that she would like to hear from Mr. Flaim and Mr. Deacon about their experiences, noting that if the question is whether or not WHOIS information is more accurate for legitimate people who use p/p services than legitimate who make their information public then that is indeed a relevant thought to consider. She also mentioned that there are European TLDs that allow you to opt out.

Mr. Flaim said that he agrees with Mr. Bladel that it would be very beneficial for the Council to follow the ICANN arguments so as to not rehash the same arguments that are already taking place within the ICANN community. Also, due to the fact that this is a ccTLD, not a gTLD, and the fact that a government contract plays into the policies that govern the .US space, there is nothing wrong with trying to hold this particular TLD to a higher standard. Mr. Flaim deferred to Mr. Deacon who agreed that the Council should be monitoring ICANN's work, not trying to "reinvent the wheel" and duplicate ICANN's efforts. Before closing Mr. Deacon did mention that his perspective is that if p/p services do ensure correct contact information is available for the domain name owner, without third party interference, then they are in fact serving a valuable purpose. He mentioned that these services could be useful in .US as long as there is proper Nexus compliance.

Shane Tews agreed that the Council should hold off on this issue. Ms. Tews also mentioned that there are interesting discussions to be had about compliance and the Council should be monitoring and thinking about compliance developments as they monitor the ICANN Working Group's developments.

Brian Britt spoke next. His experience is that as the delegated manager of 500 domain names that are required to use a special email for publication in WHOIS, that email addresses published in WHOIS receive a great deal of spam email compared to email addresses not otherwise available. This shows that WHOIS databases are in fact being combed by spammers. It is his perspective that .US will not receive any celebrity or other major accounts if there are no privacy protection services. He also mentioned that for the past nearly twenty years the delegated managers have been enforcing the Nexus policy and it is definitely possible for privacy service to be mandated in the same way. This can occur because Neustar gets the verified data while only the privacy service information is listed in WHOIS. He also mentioned that if privacy services cannot enforce the Nexus Policy then Neustar could enforce a policy that they will lose the ability to sell within the .US space. Ms. Burr acknowledged the importance of Mr. Britt's perspective as did Mr. Harris.

After continued discussion, the Council decided that it would defer taking a position or debating this issue any further until more developments arise from the ICANN Working Group. There was agreement that the Council should continue monitoring the ICANN developments and if the Working Group doesn't produce any new information within a reasonable time frame, the Council will revisit this issue at a later date.

Mr. Harris then asked if there were any new business items. There were not.

The Council concluded the call.

Action Items

Terri Claffey to explore options for publishing zone files.

Attendees

Councilors:

Brian Britt

Scott Harris

Robert Flaim

James Bladel

Phil Corwin

Michele Neylon

Alex Deacon

Shane Tews

Neustar Participants:

Cory Lancaster

Terri Claffey

Becky Burr