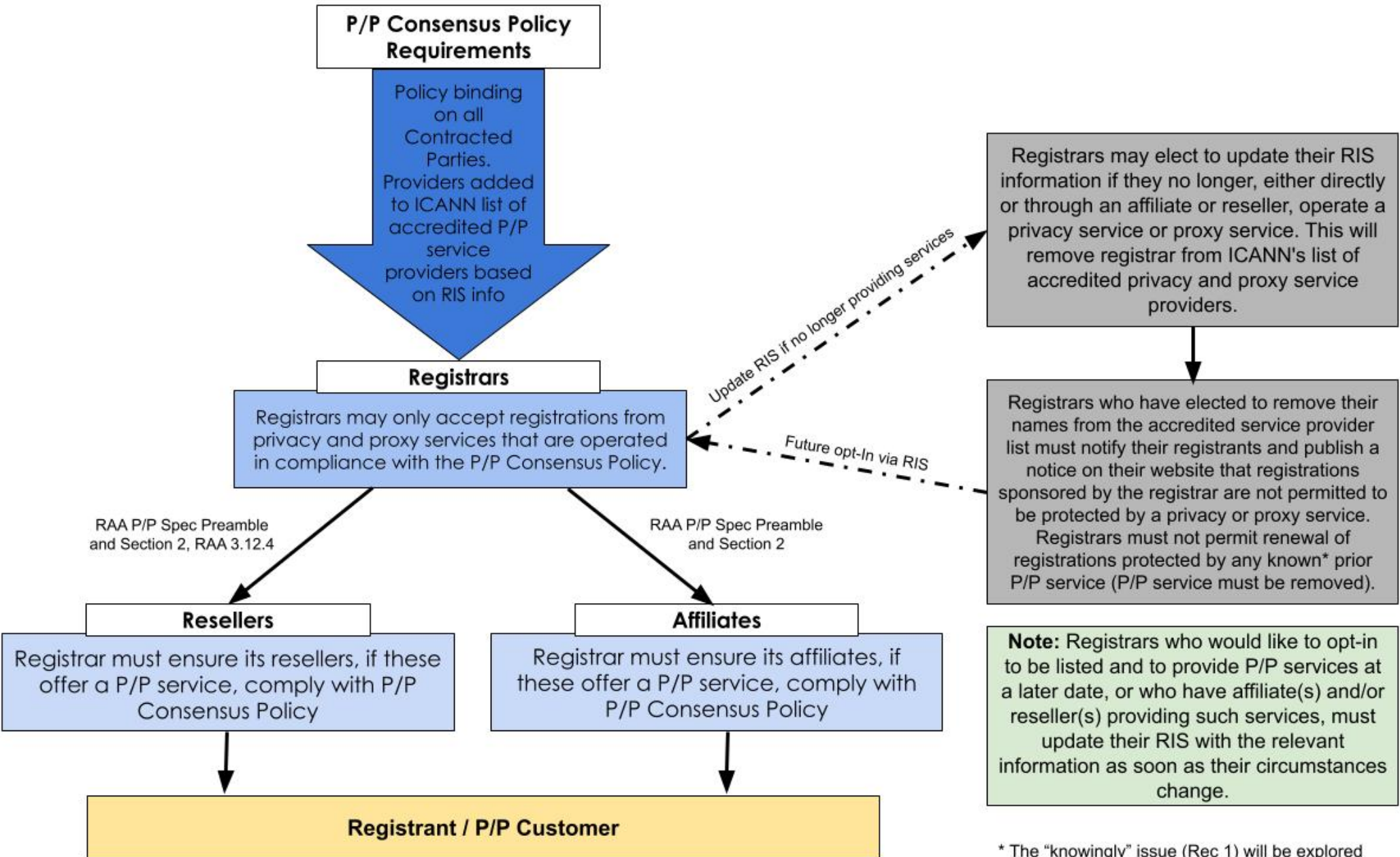


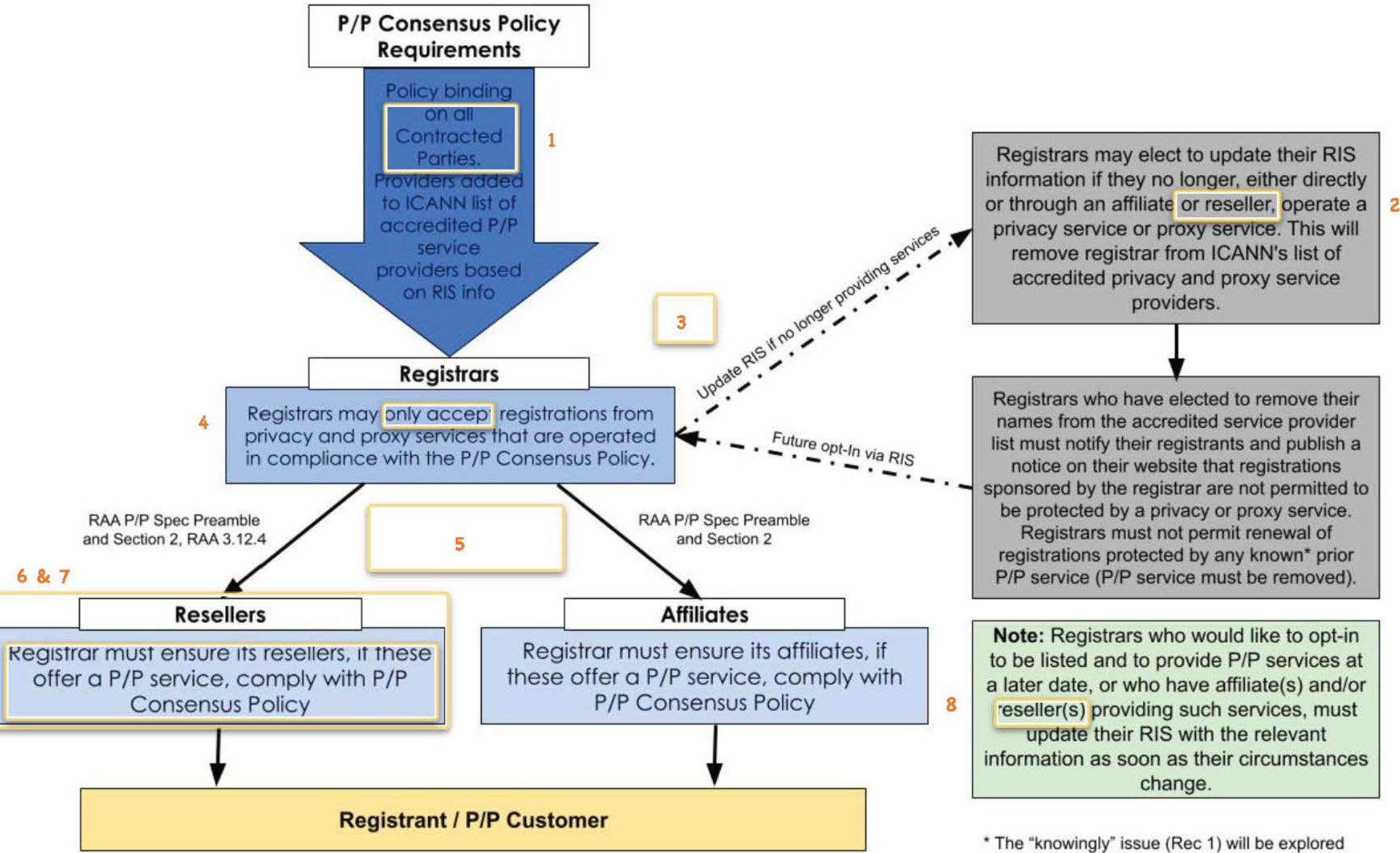
# Privacy/Proxy Service Provider Accreditation: Requirement Flow



\* The "knowingly" issue (Rec 1) will be explored further with the IRT through Q1 2026.

# Privacy/Proxy Service Provider Accreditation: Requirement Flow

## Comment Location Key



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# Draft Requirements Flow Visual Comments

| Notation   | Comment   | ICANN org Response   |
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| <p>1<br/><i>[on all Contracted Parties.]</i></p> | <p>even registries...? Surely this just means registrars</p> <hr/> <p><b>IRT Member Response</b> - Good question to clarify. Wondering what the consensus policy says w re: to whether it applies to Rr's vs all CPs? Is there any method now/anticipated by which Rys can take registrations without first accrediting themselves as Rr?</p> | <p>Per the agreements, Consensus Policies apply to both Registry Operators and Registrars. However, the point is well-taken, as we do anticipate the requirements in this policy to be most applicable to registrars.</p>  |
| <p>2<br/><i>[or resellers]</i></p>               | <p>should be struck. Resellers are not "affiliates" in any sense of the term and registrars do not do anything "through" them</p>   | <p>The point regarding phrasing is noted. However, we note that the RAA contains requirements for registrars in relation to their resellers on privacy/proxy, which must be imposed via the reseller agreement. RAA 3.12.4 states:</p> <p>"Its [Registrar's] Resellers comply with any ICANN-adopted Specification or Policy that establishes a program for accreditation of individuals or entities who provide proxy and privacy registration services (a "Proxy Accreditation Program"). Among other features, the Proxy Accreditation Program may require that: (i) proxy and privacy registration services may only be provided in respect of domain name registrations by individuals or entities Accredited by ICANN pursuant to such Proxy Accreditation Program; and (ii) Registrar shall prohibit Resellers from knowingly accepting registrations from any provider of proxy and privacy registration services that is not Accredited by ICANN pursuant the Proxy Accreditation Program. Until such time as the Proxy Accreditation Program is established, Registrar shall require Resellers to comply with the Specification on Privacy and Proxy Registrations attached hereto."</p> <p>We will revisit the language in the box to more precisely reflect the RAA requirements as implemented via this policy.</p> |

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| <p>3</p>                   | <p>This whole premise makes two inelegant assumptions that are fundamentally problematic:</p> <p>1] assumes all privacy proxy providers might be "known" to the registrar<br/> 2] attempts to make creative tissue affiliation to accredited registrar that does not and will not exist</p> <p>In the event these two assumptions are wrong (which is highly frequent), registrant is registrant, full stop.</p> | <p>Assuming we have understood your concerns correctly,</p> <p>1. We have included "knowingly" to ensure that if a provider is NOT known, they count as the RNH. We expect to discuss this "knowingly" point further in the IRT through Q1 2026, as per the asterisk.</p> <p>2. The RAA contains requirements for registrars in relation to their resellers on privacy/proxy, which must be imposed via the reseller agreement. RAA 3.12.4 states:</p> <p>"Its [Registrar's] Resellers comply with any ICANN-adopted Specification or Policy that establishes a program for accreditation of individuals or entities who provide proxy and privacy registration services (a "Proxy Accreditation Program"). Among other features, the Proxy Accreditation Program may require that: (i) proxy and privacy registration services may only be provided in respect of domain name registrations by individuals or entities Accredited by ICANN pursuant to such Proxy Accreditation Program; and (ii) Registrar shall prohibit Resellers from knowingly accepting registrations from any provider of proxy and privacy registration services that is not Accredited by ICANN pursuant the Proxy Accreditation Program. Until such time as the Proxy Accreditation Program is established, Registrar shall require Resellers to comply with the Specification on Privacy and Proxy Registrations attached hereto."</p> |
| <p>4<br/>[only accept]</p> | <p>'knowingly'?</p>  | <p>Good point - perhaps we can include that term here, with the caveat that we will discuss the "knowingly" issue further in the IRT through Q1 2026.</p> <p>Propose to change language in Registrars box to: "Registrars may only knowingly accept registrations from privacy and proxy services that are operated in compliance with the P/P Consensus Policy."</p>  |
| <p>5</p>                   | <p>How will it be possible to get P/P of registrar B to perform RAA obligations of registrar A where domain is when that is the situation on a domain P/P use by registrant?</p>   | <p>Thank you for raising this point. It is a very good question and one that we are also discussing internally as we draft the Consensus Policy in preparation for IRT review and discussion.</p>  |

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|   | This is important and seems overlooked.  |   |
| <p>6<br/><i>[Resellers pathway]</i></p> | <p>what does this mean with respect to resellers that accept all liability for their customers' domains (including law firms, &amp;c.)? Alternately resellers with customers that operate as proxy registrants for a family member, &amp;c.</p>  | <p>The RAA contains requirements for registrars in relation to their resellers on privacy/proxy, which must be imposed via the reseller agreement. RAA 3.12.4 states:</p> <p>"Its [Registrar's] Resellers comply with any ICANN-adopted Specification or Policy that establishes a program for accreditation of individuals or entities who provide proxy and privacy registration services (a "Proxy Accreditation Program"). Among other features, the Proxy Accreditation Program may require that: (i) proxy and privacy registration services may only be provided in respect of domain name registrations by individuals or entities Accredited by ICANN pursuant to such Proxy Accreditation Program; and (ii) Registrar shall prohibit Resellers from knowingly accepting registrations from any provider of proxy and privacy registration services that is not Accredited by ICANN pursuant the Proxy Accreditation Program. Until such time as the Proxy Accreditation Program is established, Registrar shall require Resellers to comply with the Specification on Privacy and Proxy Registrations attached hereto."</p> |
| <p>7<br/><i>[Resellers pathway]</i></p> | <p>"if these offer a P/P service"; are there examples of resellers who do not exist now as de facto proxy services? If not, is it necessary to distinguish between "Resellers as de facto proxies" vs "Resellers offering named Proxy services"?</p> <p>For reference, Definition of Proxy per page 6 of 2015Dec Policy Report:<br/>"Proxy Service" is a service through which a Registered Name Holder licenses use of a Registered Name to the privacy or proxy customer in order to provide the privacy or proxy customer use of the domain name, and the Registered Name Holder's contact information is displayed in the Registration Data Service (WHOIS) or equivalent services</p> | <p>Could you please expand on what you mean here? By "named proxy service" as per your example, do you mean that the reseller advertises its services as a proxy service provider?</p>  |

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|   | rather than the customer's contact information.   |  |
| <b>8</b><br><i>[Note: resellers(s)]</i> | see above re: conflation of affiliates and resellers  | Please see our response to your earlier comment above. |
| <b>On-List</b>                          | <p>I recommend making it clear there are three classes of proxy providers:</p> <p>1) A proxy provider that is operated by an accredited registrar or a reseller of an accredited registrar. (I shouldn't have to mention resellers explicitly. In my lexicon, a reseller is an agent of the registrar and is bound by all of the terms in the registrar's contract, but others seem to feel resellers are somehow separate from registrars.)</p> <p>2) A proxy provider that is not operated by an accredited registrar but is publicly known to be a proxy provider.</p> <p>3) All others, including private arrangements, businesses that offer proxy services without public visibility, and incidental arrangements such as when the tech contact registers a domain name for its customer but puts its own name in the registrant field.</p> <p>We include each of these cases in the diagram. Or create two or three diagrams. In any case, let's provide a policy that deals with all of these cases.</p> <p>Regarding (1), the registrar constructively knows the full details about the registrant. Saying the registration is hidden behind a proxy is a bit misleading. A clearer and more direct interpretation is the registrant details will not be disclosed to a certain class of requests. Thus, the role of a known proxy provider is to mark the registrant data as requiring a higher</p> | Awaiting to discuss with Steve & Luc.                  |

level of privacy than it would otherwise receive.

Regarding (2), the registrar should treat the proxy provider as the legal registrant, and treat the proxy provider as neither a business (legal person) nor an individual (natural person), but as a third type of entity.

Regarding (3), there's nothing special to be done.

All of the above applies to proxy providers. Privacy providers are, in my opinion, a bit different. A privacy provider is doing two things. First, they are providing contact information for a distinctly different role, viz where to direct correspondence. Second, they are explicitly protecting the contact details of the registrant. In this regard, they are like a proxy provider in (1) above. That is, they are marking the registrant's contact details as sensitive and hence not to be disclosed to a certain class of requestors.

**IRT Member Response** - Could you clarify which entities fall under your second class of "publicly known to be a proxy provider"?

From my perspective, there are only two classes:

1. Privacy/Proxy Providers affiliated with registrars whose services are available to any authorised customer (whether direct or via reseller)
2. All others (private arrangements, businesses offering proxy services, etc.)