

## Threshold Question B (TQ.B)

### IRT Task

Please review [Threshold Question \(TQ\) B](#), which has been drafted based on recent IRT discussions on the Accreditation Models paper. Please comment only on any aspect of the TQ that you **cannot live with**. Please **select/highlight only the portion of text your comment directly relates to**, in order to avoid overlapping and confusing comment tags, and please provide text that you **could** support in your comment(s).

### Further Information for IRT

This document contains draft language for TQ.B which the org IRT intends to submit to the GNSO Council as a result of its discussions with the IRT. This document also includes the Accreditation Models paper as annex, which the IRT has previously worked on.

There will be further opportunity for the IRT to review the final package of products to be sent to the GNSO Council, including revised versions of TQs A, C, and K, to be shared with the IRT in due time.

**TQ.B has not been reviewed by the IRT and is pending final revisions**

## TQ.B Initial Draft language

**Category 2:** Accreditation Model: Accreditation Program or Alternative Implementation.  
Can an implementation model without a new standalone accreditation program remain consistent with the policy recommendations?

**IRT Response:** Yes, see proposed question below.

The PPSAI Final Report title contains the words “Accreditation Issues” and the report uses the phrase “Accreditation Program” throughout its text. Section 1.3.2 (Additional General Recommendations) states:

*“Finally, the WG has concluded that the registrar accreditation model with its multiple steps, governed by the RAA, may not be entirely appropriate for P/P services; however, it is a useful starting point from which relevant portions may be adapted to apply to P/P service providers. The implications of adopting a particular accreditation model will need to be worked out as part of the implementation of its policy recommendations, if adopted.”* ([PPSAI Final Report](#), p. 19)

In recognition of this, the previous implementation team discussed a new accreditation program for implementation of the new recommended requirements for these services that was modeled on ICANN’s gTLD registrar accreditation program. At the outset of the previous IRT’s efforts, ICANN and the IRT discussed various potential approaches to “accreditation” and landed on this approach in recognition of the fact that the PPSAI PDP intended for multiple types of business models to be “accredited” in the program, including entities that are not registrars or registrar-affiliated.

While this was the approach aligned upon at the time, there appear to be reasons to evaluate whether, today, this approach is still the best path forward. Due to changes in the DNS ecosystem, and the reality of how the majority of known Privacy and Proxy services operate (namely, with some relationship to the registrar), there may be a more efficient path to implementation of these policy recommendations.

The Final Report does not define "Accreditation Program" or provide any recommendation concerning the specifics or processes that "Program" should entail. The origin of the phrase appears to be due diligence recommendations from law enforcement (which were endorsed by the Governmental Advisory Committee in its Nairobi Communiqué) in relation to the negotiation that led to the 2013 Registrar Accreditation Agreement (see Annex G to RAA Improvements Final Report at [https://gnso.icann.org/sites/default/files/filefield\\_15005/raa-improvements-proposal-final-report-18oct10-en.pdf](https://gnso.icann.org/sites/default/files/filefield_15005/raa-improvements-proposal-final-report-18oct10-en.pdf)). In that document, law enforcement recommended that proxy/privacy registration services should be "accredited by ICANN using the same due diligence process as a Registrar/Registry" and that "Registrars are to accept proxy/privacy registrations only from ICANN accredited Proxy Registration Services."

An IRT member has suggested that the lack of a Policy recommendation concerning what "Accreditation Program" means should be flagged in escalating a question to the GNSO

Council:

*"The PPSAI did not conclude or recommend Accreditation, and I don't believe it was supposed to, the charter appears to clearly assume Accreditation. I have not found any community lead effort that recommended an Accreditation Program for Privacy and/or Proxy Services. I think fundamentally, the Council needs to evaluate if an Accreditation Program is needed/wanted by the community (in an open process), before any of these features can be honestly considered."*

An IRT member who served on the PDP WG shared their understanding that the aim of the WG was *"to develop and/or streamline a contractual relationship between ICANN and the P/P service provider. The intent all along is to establish rules for that provider with a set of requirements they are obliged to observe. I recall the accreditation criterion was the administrative framework to establish the contractual relationship."*

With the understanding that the intent of the recommendations was to provide rules for Privacy and Proxy Services and create contractual obligations relating to Privacy and Proxy Services that may be enforced by ICANN (regardless of how these obligations are contractually structured), this appears to be possible without a new standalone accreditation agreement and accreditation process, which may, in many cases, be duplicative of due diligence and Contractual Compliance enforcement that ICANN already performs with respect to registrars.

As part of the effort to introduce this issue, the IPT drafted, in consultation with the IRT, a paper on Accreditation Models (see [Annex](#)). It should be noted that this document's intent was not the selection of an accreditation model, but rather an illustration of possible pathways to accreditation that seem to exist based on the PPSAI Final Report recommendations (based on the quoted text above from Section 1.3.2, p. 19; "adopting a particular accreditation model"). **The IRT discussions did not identify any elements of any of these accreditation models that would be inconsistent with the policy recommendations.**

However, because the PPSAI Final Report is unclear as to whether its reference to an "Accreditation Program" reflects an intention, as a matter of ICANN Consensus Policy, that ICANN must implement a standalone accreditation program for Privacy and Proxy services that looks, contractually and operationally, like the registrar accreditation program, the GNSO Council's input is requested on this issue.

The GNSO Council is invited to reflect upon whether the policy recommendations would preclude any (if at all) of the three models from being feasible accreditation models when it comes to implementation of this policy.

## ANNEX: PPSAI Accreditation Models Paper (12 May 2025)

### 1. Introduction

#### **Background:**

The Generic Names Supporting Organization (GNSO) Council [approved policy recommendations](#) on Privacy & Proxy Services Accreditation Issues (PPSAI) in 2016. According to the [Final Report](#) (Dec 2015), the recommendations aimed to promote clarity, transparency, and consistency in the operation of privacy and proxy services.

In 2019, the implementation of PPSAI recommendations [was paused](#) due to overlapping issues being considered in the community around the European Union (EU) General Data Protection Regulation (GDPR), data processing, and the Temporary Specification for gTLD Registration Data.

With the publication of the [Registration Data Policy](#) in 2024, the PPSAI implementation effort resumed with a newly assembled Implementation Review Team (IRT). The IRT has reviewed the recommendations in the Final Report and discussed clarifying questions and concerns in multiple IRT sessions. At ICANN81, IRT members presented their experiences with current industry practices.

With the changes in the industry and the market place, there is an opportunity to re-examine the implementation design options to find the optimum accreditation model for 2025 and beyond.

The goal is for ICANN org and the IRT to align on the intended scope for implementation as outlined in the PPSAI Final Report, and to determine possible accreditation models within this scope to inform the IRT's implementation path. This path is dependent on the GNSO Council's response to Threshold Question B which will determine how much flexibility there is for the implementation of the PPSAI recommendations.

#### **Purpose of this Paper:**

The purpose of this paper is to analyze three potential approaches to implementing an accreditation model for privacy and proxy services. The previous IRT (launched in 2016) began drafting a Privacy/Proxy Service Provider Accreditation Agreement (PPAA) and opined that the creation of a full contractual accreditation program was the implementation path envisaged by PPSAI Final Report policy recommendations. Members of the former IRT asserted that ICANN needs to execute a freestanding contract ("accreditation agreement") with each privacy and proxy service provider to fulfill the intent of the policy recommendations, because there may be service providers that are independent of registrars and need a path to accreditation that is wholly separate from ICANN's agreements with gTLD registrars.

The policy recommendations do not specifically recommend that ICANN org must take this implementation approach. Rather, the view of the former IRT was that this direction was implied. Neither the PPSAI Final Report, nor the PDP Working Group (WG), explicitly recommended a formal accreditation program. Rather, the Final Report gives some flexibility in this matter, stating:

*“Finally, the WG has concluded that the registrar accreditation model with its multiple steps, governed by the RAA, may not be entirely appropriate for P/P services; however, it is a useful starting point from which relevant portions may be adapted to apply to P/P service providers. The implications of adopting a particular accreditation model will need to be worked out as part of the implementation of its policy recommendations, if adopted.”* ([PPSAI PDP WG Final Report](#), Section 1.3.2, p. 19);

The landscape in the intervening 10 years since the original IRT convened has changed considerably, in terms of legal regulation, policy frameworks, industry practices, and systems and processes provided by ICANN.

Therefore, ICANN org plans to seek guidance from the GNSO Council about the range of possible mechanisms for accreditation as part of its Threshold Questions (questions to be brought to GNSO Council for additional guidance before implementation of this policy can progress). One of these Threshold Questions, “Question B”, specifically raises the question of whether the type of accreditation program advocated for by the former IRT would be the only type of model that would fulfill the intent of the policy recommendations. The GNSO Council’s answer to this question is needed before the ICANN org and IRT can proceed with implementation of a model. ICANN org prepared this document to outline possible models which could be used as vehicles for implementing this policy.

## 2. Principles

ICANN org and the IRT are examining which avenues exist for implementing the policy recommendations in the PPSAI IRT Final Report. In defining and considering possible ways of handling the accreditation element, the team has applied the following principles:

- Seek the most efficient mechanism for ICANN and the industry to implement this policy without undue impact on existing policies and processes;
- Adhere to the policy recommendations contained within the Final Report;
- Take into account the implementation guidance provided in the PPSAI PDP WG Final Report, Section 1.3.2, p. 19 which states: “The implications of adopting a particular accreditation model will need to be worked out as part of the implementation of its policy recommendations, if adopted.”;
- Support compatibility between the implemented requirements and new legal frameworks (for instance, between 2015-2025 a great deal of data protection legislation was enacted);

- Support alignment with new policy frameworks, including new ICANN policy (e.g. Registration Data Policy), as well as new systems and tools (e.g. RDRS, SSAD, and/or successor systems); and
- To the extent consistent with policy recommendations, support alignment with current industry practices (for a discussion and presentation of current P/P industry practices, see the [GDS: PPSAI IRT Work Session](#) at ICANN81 from 14 November 2024).

### 3. The Models

This section details the three different potential accreditation models, including, for each model, questions to consider, as well as the pros and cons of the approach.

While each of the three models could effectively implement new policy requirements, they differ greatly in terms of the scope of effort and the cost associated with implementation. Because of these differences, ICANN org has included the accreditation model as one of the Threshold Questions. This Threshold Question seeks confirmation from the GNSO Council that ICANN org and IRT should explore whether to shift from the originally envisioned Model 1 as a means to reduce operational burdens and to ensure the efficient applicability of the new policy requirements.

**Please note:** Any ICANN org costs mentioned in this paper are purely estimations and do not correspond to any official statements or calculations from ICANN org.

#### Model 1: New Standalone Accreditation Program (2016 IRT approach)

##### Overview

Under this model, ICANN would implement a new agreement (the PPAA, similar to the RAA) pursuant to the new PPSAI policy document. Entities offering P/P services would be required to enter into and abide by that agreement in order to offer that service. Registrars would only be permitted to knowingly accept registrations involving a P/P service via entities that have executed this new agreement with ICANN.

This model will require fees for one-time accreditation and on-going operation. Significant time and resources will likely be needed to set up and operate the program. This model could raise questions within the GNSO, such as whether the CPH structure should be expanded or otherwise modified to recognize and enable the participation of a new type of contracted party.

##### Governing Documents

- RAA (current)
- P/P Consensus Policy (New)
- PPAA (New)

##### Use Cases

**1. Registrars offering privacy and proxy services (same legal entity) and privacy and proxy services offered by affiliates and resellers.**

a. Consensus Policy

- i. Registrars may only sponsor registrations that are protected by the registrar's own privacy or proxy service if the registrar's privacy/proxy service is "accredited" by ICANN.
- ii. All registrations protected by the registrar's own privacy or proxy service must comply with PPAA requirements.
- iii. Registrars must ensure that all registrations accepted from affiliated and reseller<sup>1</sup> privacy/proxy services comply with PPAA requirements.

b. RAA (for proxy services operated by the registrar)

- i. The Registered Name Holder with whom registrar enters into a registration agreement must be a person or legal entity other than registrar, provided that registrar may be the Registered Name Holder for domains registered for the purpose of conducting its Registrar Services, in which case registrar shall submit to the provisions set forth in Subsections 3.7.7.1 through 3.7.7.12 and shall be responsible to ICANN for compliance with all obligations of the Registered Name Holder as set forth in this Agreement and Specifications and Policies.

c. Penalties for non-compliance

- i. RAA:
  1. Compliance enforcement action for registrar's failing to comply with RAA requirement to comply with P/P Consensus Policy.
  2. Compliance enforcement action if registrar/affiliate/reseller is acting as proxy and is not complying with RAA 3.7.7.
  3. If service is a proxy service, registrar/affiliate/reseller is considered the RNH and may be liable for wrongful use of the name under the required registration agreement (see annex for RAA 3.7.7.3).
- ii. PPAA (if executed):
  1. Compliance enforcement action if P/P service is not compliant with PPAA.

**2. Services are offered via 'unaffiliated' services**

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<sup>1</sup> It should also be noted that terms "affiliated" and "unaffiliated" may cause confusion as these correspond to legal terms. "Affiliate" is defined in the PPSAI Final Report as corresponding to the definition in the [2013 RAA](#), Section 1.3 (p. 2). A more appropriate term may be "listed via registrar", as both affiliates and resellers would be listed on the ICANN-published and maintained list of accredited P/P service providers, as per Recommendation 10 in the PPSAI Final Report. RAA 3.12.4 would allow the new P/P consensus policy to be drafted in such a way that it requires registrars to list both affiliate and reseller P/P service providers to ICANN. Similarly, the P/P spec in the RAA already obliges registrars to comply, and to require its affiliates and resellers to comply, with the terms of that Specification (see here: <https://www.icann.org/en/resources/registrars/raa/approved-with-specs-27jun13-en.htm#privacy-proxy>).

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- a. Consensus Policy
  - i. Registrars may only accept registrations involving a privacy/proxy service if the P/P service is accredited by ICANN.<sup>2</sup> ‘Unaffiliated’ service providers, like all other service providers, must execute the PPAA with ICANN to offer the services.
  - ii. Parties who execute the PPAA must abide by its terms.
- b. Penalties for non-compliance
  - i. RAA: compliance enforcement action if the registrar knowingly accepts registrations protected by unaccredited P/P service.
  - ii. PPAA (if entity has executed PPAA): compliance enforcement action for breach of PPAA/PPSAI consensus policy.
  - iii. If an entity has not executed PPAA and operates a proxy service, the service provider would be the RNH and can be held liable for harm under the required registration agreement with the registrar (RAA 3.7.7.3).

Pros and Cons

Model 1: Pros	Model 1: Cons
<ul style="list-style-type: none"> <li>● Provides a <b>universal and standardized accreditation process</b> for all entities.</li> <li>● Ensures <b>equal access</b> and participation, including registrars and independent service providers.</li> <li>● <b>Aligns with the approach previously supported by the IRT.</b></li> <li>● Establishes a <b>strong, enforceable binding mechanism</b> through the P/P Service Provider Accreditation Agreement (PPAA).</li> </ul>	<ul style="list-style-type: none"> <li>● <b>High cost (\$\$\$)</b> are likely to create financial barriers for some participants.</li> <li>● Requires <b>significant administrative and operational effort</b> to implement.</li> <li>● <b>May introduce delays</b> due to the complexity of a broad accreditation program.</li> </ul>

Model 2: “Opt-in” Model

Overview

Under this model, no new accreditation agreement would be created. The accreditation requirements for P/P services would apply via the RAA and a new Consensus Policy document. If registrars choose to offer P/P services (either themselves, or through resellers/affiliates) those registrars would be required to opt-in and obtain “accreditation” for any P/P services they offer: if

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<sup>2</sup> In order for a Consensus Policy to directly apply to a party, that party must have a contract with ICANN, such as the RA or RAA. As a result, ICANN could not use a Consensus Policy to pursue enforcement action against a party with whom it does not hold an agreement, because it has no contractual basis to enforce the policy. However, the way this Policy would work is that because registrars may only accept registrations involving a P/P service from an accredited entity, the Policy would restrict these entities’ ability to operate because registrars would not be permitted to accept registrations protected by unaccredited P/P services.

the registrar does not wish to obtain accreditation, it must discontinue offering P/P services.<sup>3</sup> ICANN org could also consider the implementation of a new type of “Registrar Service” that a registrar could elect to add to its accreditation (similar to the RSEP process applied to registry operators) when opting in. For registrations involving a P/P service that is not affiliated with or a contracted reseller of the registrar, the RAA, Registration Data Policy, etc. requirements would continue to apply, as they do today. This is estimated to be significantly less costly to implement compared to Model 1, since it would leverage the existing RAA and its full, already existing, operational support, and could be offered at minimal or no additional fees. Data processing could follow the Registration Data Policy (depending on input from the GNSO Council on Threshold Question C: Is the Illustrative Disclosure Framework in Annex B of the PPSAI Final Report policy, or simply illustrative?): collection, transfer, escrow, publication, and retention.

This may not require an RAA amendment, though the specific combination of documents used to effect this implementation would be decided in the implementation phase. The P/P Specification in the current RAA already refers to the P/P Consensus Policy, which would be published separately on icann.org. It may be desirable to update the P/P Specification to the RAA during implementation (as the implementation of Consensus Policy recommendations, rather than via the global amendment process).

This model could also be referred to as “Fast Track Accreditation Program”, as it would be faster than creating a new PPAA and separate accreditation program which ICANN Contractual Compliance would then have to enforce. Because the policy requirements would be enforceable through the RAA, and upon registrars who opt in to offer these services and comply with the new consensus policy (which the RAA would reference), set-up costs would be reduced significantly compared to Model 1.

If it is determined that the policy recommendations require a distinct path for unaffiliated service providers to obtain accreditation, this model could provide a streamlined path for registrars in combination with a freestanding accreditation process (described in Model 1) for unaffiliated providers. However, as noted above, the latter would require the expenditure of considerable time and resources, with questionable benefit. While ICANN org understands that there may be true “unaffiliated” P/P services in existence or that may desire to launch in the future, in discussions with the prior PPSAI IRT no such service was ever identified.

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<sup>3</sup> Registrars that elect to not provide the P/P service themselves MUST:

1. discontinue accepting new registrations to which the service is applied upon the policy effective date;
2. notify pre-existing customers of the new ICANN Consensus Policy and discontinuance of their own P/P practice.
3. The issue of how to handle pre-existing registrations to be evaluated during implementation. This could involve a phase-out period for pre-existing registrations, for example (meaning that the service must be removed at renewal, transfer, etc), or that such registrations must either be transferred to an entity offering an accredited P/P service or transitioned to a non-P/P registration in a specified time period.
4. If they are not providing the P/P service, the registrar must ensure that, going forward, it does not accept registrations involving a P/P service from entities that are not accredited by ICANN.

## Governing Documents

- (current) RAA
- (new) P/P Consensus Policy
- (new) Process for registrar opt-in to “accreditation” for registrar, affiliate, reseller P/P services

## Use Cases

### 1. Services offered by registrars, affiliates, resellers

#### a. Consensus Policy

- i. Registrars may only sponsor registrations that are protected by the registrar’s own privacy or proxy service if the registrar’s privacy/proxy service is “accredited” by ICANN.
- ii. Registrars must ensure that all registrations accepted from affiliated<sup>4</sup> and reseller<sup>5</sup> privacy/proxy services comply with Consensus Policy requirements.
- iii. Registrars must follow ICANN “opt in” process to obtain accreditation (permission) for registrar to offer these services or accept registrations involving such services from affiliates/resellers.

#### b. Penalties for non-compliance

- i. RAA:
  1. Compliance enforcement action for registrar’s failing to comply with RAA requirement to comply with P/P Consensus Policy.
  2. If service is a proxy service, registrar/affiliate/reseller (as RNH) may be liable for wrongful use of the name under the required registration agreement (see annex for RAA 3.7.7.3).
  3. Compliance enforcement action if registrar/affiliate/reseller is acting as proxy and is not complying with RAA 3.7.7.

### 2. Services offered via ‘unaffiliated’ services: Not permitted

#### i. Consensus Policy

1. There is no direct path to bind parties not already contracted with ICANN. Requirements would apply via requirements placed on registrars to only accept registrations from ‘accredited’ entities.
2. Unaffiliated service providers must obtain registrar accreditation as a registrar or become an affiliate/reseller of registrar and have the registrar opt in to offer P/P services.<sup>6</sup>

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<sup>4</sup> RAA 3.4.1.5 contemplates that affiliates could be bound by requirements for any new P/P accreditation program (this would be effected by ICANN via Consensus Policy or PPAA requirement that registrars ensure that affiliates adhere to all requirements set out in PPAA).

<sup>5</sup> RAA 3.12.4 contemplates that registrars will ensure that resellers will be bound by requirements for a future P/P accreditation program.

<sup>6</sup> The obligations for registrars need to be met. However, if they plan to offer only P/P services and no registrar services, ICANN may need to offer a more “heavyweight” accreditation solution more similar to Model 1, should such a case arise.

- ii. Penalties for non-compliance
  - 1. RAA
    - a. Compliance enforcement action for registrar’s failing to comply with RAA requirement to comply with P/P Consensus Policy
    - b. If the service is a proxy service, the provider may be liable for wrongful use of the name under the required registration agreement (see annex (?) for RAA 3.7.7.3).

### Variation

Model 2 for services offered by registrars (and affiliates and resellers, if desired); Model 1 option for ‘unaffiliated’ services.

### Pros and Cons

Model 2: Pros	Model 2: Cons
<ul style="list-style-type: none"> <li>● <b>Lower cost</b> (\$\$) compared to Model 1</li> <li>● Provides an accreditation path while <b>leveraging existing registrar structures</b>.</li> <li>● Uses a <b>simplified binding</b> mechanism, reducing administrative burden.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Limited to registrars</b>, excludes independent service providers.</li> <li>● Requires registrars to take <b>an extra step for accreditation</b>, potentially leading to inconsistent adoption.</li> <li>● Depending on the determination of whether Final Report requires the creation of a model for unaffiliated services, <b>Model 1 (with all the cons identified above) may still be necessary for unaffiliated providers</b>.</li> </ul>

### Model 3: “Opt-Out” Model

#### Overview

This model would implement the recommended P/P service requirements as new obligations for registrars via a new Consensus Policy document rather than a standalone accreditation process. This model could, by extension, also require registrars to ensure adherence to policy requirements by affiliates and resellers. If a registrar would like to “opt-out”, i.e. discontinue offering a P/P service, it will have to follow several steps that would be outlined in the Consensus Policy.<sup>7</sup> If a registrar does not offer privacy or proxy service when the policy is

<sup>7</sup> The Consensus Policy could include the following provisions and would apply to all registrars through the RAA:

1. Notify ICANN of their decision
2. Publish on their webpage “no P/P registration”
3. Notify the registrants
4. No renewal for P/P registration

implemented, it could opt in to do so in the future by updating its Registrar Information Specification with ICANN to provide information about privacy and proxy services offered by the registrar and its affiliates and resellers.

This model is the most lightweight and is the biggest departure from the approach taken in discussions with the former PPSAI IRT. However, ICANN org understands that the purpose of the policy was to standardize the behaviour and compliance enforcement for the services, and we believe this can be achieved without a free-standing accreditation agreement and program. As noted in TQ.B, the question remains regarding how much flexibility the PDP working group intended during the implementation phase when it stated that “[t]he implications of adopting a particular accreditation model will need to be worked out as part of the implementation of its policy recommendations” (PPSAI PDP WG Final Report, Section 1.3.2, p. 19).

## Governing Documents

- (current) RAA
- (new) Consensus Policy

## Use Cases

### 1. Services offered by registrars, affiliates, resellers

#### a. Consensus Policy

- Registrars may only sponsor registrations that are protected by the registrar’s own privacy or proxy service if the registrar’s privacy/proxy service is “accredited” by ICANN.
- Registrars must ensure that all registrations accepted from affiliated and reseller privacy/proxy services comply with Consensus Policy requirements.

#### b. Penalties for non-compliance

- RAA: If the registrar/affiliate/reseller is not following policy requirements the registrar must take steps to remedy.
- If the registrar/affiliate/reseller is acting as proxy, may be liable for wrongful use of the name under the required registration agreement (see annex for RAA 3.7.7.3).
- Compliance enforcement action if registrar/affiliate/reseller is acting as proxy and is not complying with RAA 3.7.7.

### 2. Services offered via ‘unaffiliated’ services: Not permitted

#### a. Penalties for non-compliance

- If the registrar becomes aware of registrations involving an unaccredited entity, would be required to take steps to address or face compliance action per RAA.
  - To resolve the issue, the service provider could obtain accreditation as a registrar or enter into a reseller agreement with

the registrar (RAA Section 3.12.4 states, among other things, that "[Registrar must ensure that:] Its 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").").

2. Proxy: Unaffiliated proxy may be liable for wrongful use of the name under the required registration agreement (see annex for RAA 3.7.7.3)

### Variation

- Model 1 for services offered by unaffiliated service providers; Model 3 option for registrars/affiliates/resellers

### Pros and Cons

Model 3: Pros	Model 3: Cons
<ul style="list-style-type: none"> <li>• <b>Lowest cost (\$)</b></li> <li>• <b>No new accreditation process</b> needed, simplifying implementation.</li> <li>• <b>Automatically applies to all accredited registrars</b> without requiring an opt-in.</li> </ul>	<ul style="list-style-type: none"> <li>• May be seen as <b>under-inclusive</b> because it does not provide an accreditation mechanism for non-registrars.</li> <li>• Could be <b>perceived as a weaker compliance framework</b> compared to direct accreditation.</li> <li>• <b>Could require additional implementation of the "heavyweight" model</b> if it is determined that policy recommendations require this to ensure a path to accreditation for "unaffiliated" entities (with significant associated costs and operational burdens).</li> </ul>

### General Note on the P/P Service Provider List

Recommendation 10 of the PPSAI Final Report requires that:

*"ICANN should publish and maintain a publicly accessible list of all accredited P/P service providers, with all appropriate contact information. Registrars should be advised to provide a web link to P/P services run by them or their Affiliates as a best practice. P/P service providers should declare their Affiliation with a registrar (if any) as a requirement of the accreditation Program [The WG discussed, but did not reach consensus on, the possibility of requiring a registrar to also declare its Affiliation (if any) with a P/P service provider.]"*

ICANN org believes this could be achieved under each model. Under Model 1, providers would be added to the P/P service provider list whenever they sign the PPAA with ICANN. Under

Model 2 an opt-in process to add accreditation (potentially similar to the RSEP process for registries) would trigger the event for ICANN to add the provider to the list. Finally, under Model 3, this could be achieved by adding all registrars' P/P provider services to the list by default<sup>8</sup>; only when they opt-out and notify ICANN of their decision not to provide P/P services would their names be removed from the list.

Upon notice that a registration involves an unaccredited service<sup>9</sup>, the governing agreements and policies implementing these Consensus Policy recommendations could impose requirements upon the registrar to remedy this circumstance upon notification of it. This could have negative impacts for downstream privacy or proxy customers, as discussed with the former PPSAI IRT, but measures could be taken to dampen these ill effects. Prior PPSAI IRT discussions considered such measures in a draft [Privacy & Proxy Service Provider Suspension, De-Accreditation, and Transition Procedure](#), which could inform further efforts in this area.

#### 4. Summary & Key Insights

This section offers some thoughts on how each of the three Models proposed in this paper might satisfy the [Principles](#) identified above. Each of these Models would meet the principles outlined, and no major concerns were found. However, the main difference is in the level of effort of implementation, including the impact on other policies and procedures as well as on industry practices, with Models 1-3 representing gradually easier levels of difficulty, respectively.

### Most Efficient Mechanism for ICANN and the Industry to Implement the Policy without Undue Impact on Existing Policies and Processes

Model 3 could achieve the aim of applying new requirements to all registrations that are known to involve privacy and/or proxy services without the operational overhead and cost that would be incurred creating a new standalone Accreditation Agreement and program to manage ICANN's relationship with the providers of these services. While Model 2 shares some of these benefits, Model 2 would likely still require additional resources and efforts (as compared to Model 3) to implement a process for registrars to opt-in. Applying the new requirements across-the-board, to all providers offering a P/P service, or working with resellers or affiliates offering such services, would remove the cost of implementing an opt-in process and ensure applicability of the policy

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<sup>8</sup> Under the Registrar Information Specification (RIS), if the registrar or any of its affiliates offer any P/P services, then registrars are required to list the entities or individuals providing the Privacy Service or Proxy Service. The RIS does not currently require registrars to provide information concerning privacy and proxy services offered by the registrar's resellers. If Model 3 is chosen, and the approach taken is to apply the requirements to Privacy and Proxy services offered by registrars, registrar affiliates, and resellers via the new Consensus Policy documentation, then the RIS may need to be updated to fully implement Recommendation 10, to require registrars to provide ICANN with names and contact information of resellers' privacy and proxy services. This RIS update could be part of the implementation approach to be carried out by ICANN org in consultation with the IRT.

<sup>9</sup> Under current definitions, a lawyer or law firm registering a domain on behalf of their client would appear to be counted as a proxy service. Depending on GNSO Council's response to TQ.B and TQ.A, this may mean such cases would be a category of unaffiliated providers. This would require discussion in implementation, to create a bespoke solution for such cases.

requirements to all P/P registrations. Because the requirements in a new P/P Consensus Policy could immediately be made binding via the existing RAA, this would appear to present a lower implementation cost, with opt-out requirements included in said Consensus Policy.

Another potential benefit to Model 3 is that it would represent minimal impact on other policies and processes. Conversely, Model 1 could create downstream questions about the current GNSO structures, chiefly, whether a new type of entity contracted with ICANN should be given a path to participation within the GNSO structures. Even Model 2 could change how registrars interact with ICANN, as registrars have never had to opt-in to offer registrar services (as these are all specified in the RAA). This may create a precedent for additional *à la carte* approaches to RAA provisions in future. Model 3 does not appear to disrupt any of the aforementioned policies and processes (as it would not create new contractual processes and impact GNSO structures, nor new opt-in processes), and would rather sit as its own Consensus Policy, being enforceable through the RAA as it currently stands. The only impact to the current RAA would be the removal of the current P/P specification from the RAA, which the current P/P specification already provisions for. This could potentially be replaced with a note indicating that all registrars must comply with the new P/P policy, and a link towards the part of the icann.org website displaying the policy. This same approach could also be used for Model 2, except in that case the note would indicate that this is optional and that registrars must go through an opt-in process to provide or work with P/P services as affiliates.

### Adherence to (i) Policy Recommendations and (ii) Implementation Guidance in the PPSAI Final Report

This implementation must adhere to the policy recommendations, including any clarification concerning those recommendations that is provided by the GNSO. The Final Report provides flexibility in the choice of accreditation model. However, due to prior discussions within the previous PPSAI IRT that seemed to indicate that only Model 1 would fulfill the policy recommendations, ICANN org, in coordination with the PPSAI IRT, aims to submit this as a “threshold question” to the GNSO Council for clarification.

GNSO Council input should be provided before ICANN org and the IRT proceed on any implementation path, as it is possible the GNSO may believe that further policy work would be required.

### Ensuring Compatibility with New Legal Frameworks

ICANN org does not believe that any of the three models pose any significant issues with new legal frameworks. Each model would include the provisions of the PPSAI Final Report, either within the Consensus Policy and contract documents outlining a new Accreditation Program under Model 1, within the Consensus Policy provided for registrar opt-in under Model 2, or within the standalone Consensus Policy binding on all registrars under Model 3. The question of whether the Final Report adequately reflects the new legislative landscape, however, is partially

asked in Threshold Question A, which asks whether definitions should be updated to match the new landscape.

## Ensuring Alignment with new Policy Frameworks as well as New Systems and Tools

This paper examines whether or not the models would align with new policy frameworks, including new ICANN policy (such as the Registration Data Policy), or new systems and tools (e.g., RDRS, SSAD, and/or any successor systems). As it stands, none of the models is incompatible with relevant policy, or with systems such as RDRS, SSAD, and/or successor systems. The IRT has already discussed this when discussing the Alignment of Disclosure Frameworks with Existing Work/Procedures (7 March 2025), also referred to as the “Alignment paper”.

## Alignment with Current Industry Practices

Each of the accreditation models identified in this paper would impose new conditions on the operation of privacy and proxy services, as recommended by the GNSO. But, the models differ in terms of how these conditions would be imposed, and the administrative burdens involved in the implementation of these new service requirements. Model 1 would involve significant changes to the P/P service landscape in relation to P/P Service set-up and accreditation. Model 2 would have a smaller procedural impact on industry practices, but would still require registrars to complete new opt-in processes. Model 3 appears to have the lowest administrative impact, as it would simply require the registrar to follow the new Consensus Policy requirements as of the policy Effective Date, including the administrative steps therein if the registrar would like to opt-out of providing P/P services (and if none of their Affiliates or Resellers provide such services).

That being said, any implementation of the PPSAI Final Report recommendations will impact current industry practices. Even the definitions of “privacy service” and “proxy service” that are included in the Final Report could be viewed as dated, incomplete, or mis-aligned with current industry practices (an issue further explored in Threshold Question A). The definitional questions are only one set, of many, under consideration by the IRT that could be raised to the GNSO for discussion.

## Annex A: RAA provisions relevant to PPSAI Implementation

*[item in list of data required to be retained by registrars, **emphasis added**]*

**Section 3.4.1.5:** the name, postal address, e-mail address, and voice telephone number provided by the customer of any privacy service or licensee of any proxy registration service, in each case, **offered or made**

**available by registrar or its affiliates in connection with each registration.** Effective on the date that ICANN fully implements a Proxy Accreditation Program established in accordance with Section 3.14, the obligations under this Section 3.4.1.5 will cease to apply as to any specific category of data (such as postal address) that is expressly required to be retained by another party in accordance with such Proxy Accreditation Program.

**Section 3.7.7:** Registrar shall require all Registered Name Holders to enter into an electronic or paper registration agreement with registrar including at least the provisions set forth in Subsections 3.7.7.1 through 3.7.7.12, and which agreement shall otherwise set forth the terms and conditions applicable to the registration of a domain name sponsored by registrar. The Registered Name Holder with whom registrar enters into a registration agreement must be a person or legal entity other than registrar, provided that registrar may be the Registered Name Holder for domains registered for the purpose of conducting its Registrar Services, in which case registrar shall submit to the provisions set forth in Subsections 3.7.7.1 through 3.7.7.12 and shall be responsible to ICANN for compliance with all obligations of the Registered Name Holder as set forth in this Agreement and Specifications and Policies.

[item in list of requirements for Registration Agreements]

**Section 3.7.7.3:** Any Registered Name Holder that intends to license use of a domain name to a third party is nonetheless the Registered Name Holder of record and is responsible for providing its own full contact information and for providing and updating accurate technical and administrative contact information adequate to facilitate timely resolution of any problems that arise in connection with the Registered Name. A Registered Name Holder licensing use of a Registered Name according to this provision shall accept liability for harm caused by wrongful use of the Registered Name, unless it discloses the current contact information provided by the licensee and the identity of the licensee within seven (7) days to a party providing the Registered Name Holder reasonable evidence of actionable harm.

[item in list of requirements for resellers]

**Section 3.12.4:** Its 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.

**Section 4.1:** Compliance with Consensus Policies and Temporary Policies. During the Term of this Agreement, registrar shall comply with and implement all Consensus Policies and Temporary Policies in existence as of the Effective Date found at <https://www.icann.org/consensus-policies>, and as may in the future be developed and adopted in accordance with the ICANN Bylaws, provided such future Consensus Policies and Temporary Policies are adopted in accordance with the procedures and relate to those topics and subject to those limitations set forth in the Consensus Policies and Temporary Policies Specification to this Agreement.

## Annex B: Accreditation Models Overview

Model	Pros	Cons
Model 1	<ul style="list-style-type: none"> <li>Provides a <b>universal and standardized accreditation process</b> for all entities.</li> <li>Ensures <b>equal access</b> and participation, including registrars and independent service providers.</li> <li><b>Aligns with the approach previously supported by the IRT.</b></li> <li>Establishes a <b>strong, enforceable binding mechanism</b> through the P/P Service Provider Accreditation Agreement (PPAA).</li> </ul>	<ul style="list-style-type: none"> <li><b>High costs (\$\$\$)</b> are likely to create financial barriers for some participants.</li> <li>Requires <b>significant administrative and operational effort</b> to implement.</li> <li><b>May introduce delays</b> due to the complexity of a broad accreditation program.</li> </ul>
Model 2	<ul style="list-style-type: none"> <li><b>Lower costs (\$\$)</b> compared to Model 1</li> <li>Provides an accreditation path while <b>leveraging existing registrar structures.</b></li> <li>Uses a <b>simplified binding mechanism</b>, reducing administrative burden.</li> </ul>	<ul style="list-style-type: none"> <li><b>Limited to registrars</b>, excludes independent service providers.</li> <li>Requires registrars to take an <b>extra step for accreditation</b>, potentially leading to inconsistent adoption.</li> <li>Depending on the determination of whether Final Report requires the creation of a model for unaffiliated services, <b>Model 1 (with all the cons identified above) may still be necessary for unaffiliated</b></li> </ul>

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		<p><b>providers.</b></p>
<p><b>Model 3</b></p>	<ul style="list-style-type: none"> <li>• <b>Lowest costs (\$)</b></li> <li>• <b>No new accreditation process</b> needed, simplifying implementation.</li> <li>• <b>Automatically applies to all accredited registrars</b> without requiring an opt-in.</li> </ul>	<ul style="list-style-type: none"> <li>• May be seen as <b>under-inclusive</b> because it does not provide an accreditation mechanism for non-registrars.</li> <li>• Could be <b>perceived as a weaker compliance framework</b> compared to direct accreditation.</li> <li>• Could require additional implementation of the “heavyweight” model if it is determined that policy recommendations require this to ensure a path to accreditation for “unaffiliated” entities (with significant associated costs and operational burdens).</li> </ul>