

# **Privacy and Proxy Service Provider Accreditation Program Applicant Guide**

Implementation Review Team Discussion Draft v4

ICANN Org Global Domains Division  
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# Executive Summary

The ICANN organization is implementing a Privacy and Proxy Service Provider Accreditation Program pursuant to [final policy recommendations](#) developed by the community Policy Development Process. These recommendations were approved by the ICANN Board of Directors in August 2016. ICANN org has worked with global stakeholders to implement this policy and develop this applicant guide.

Privacy and proxy services provide a mechanism for entities to register and utilize domain names without listing personal contact information in the public Registration Data Directory Service (RDDS).

-“privacy service” means a service by which a registered name is registered to a customer as the registered name holder, but for which alternative, reliable contact information is provided by a service provider for display in lieu of the registration data directory service rather than the customer’s contact information in the registration data directory service.

-“proxy service” means a service through which a service provider, as a registered name holder, licenses use of a registered name to a customer in order to provide the customer use of such registered name, and the service provider’s contact information is displayed in the registration data directory service rather than the customer’s contact information.

Any entity that provides these services is considered a privacy and/or proxy service provider.

Prior to the launch of this accreditation program, the 2013 Registrar Accreditation Agreement (RAA) included a limited set of requirements for privacy and proxy service providers that registrars are required to follow and pass down to their affiliates and resellers.

Once this proxy and privacy service provider accreditation program is in effect, the interim requirements in the RAA will be replaced with the new accreditation program requirements. ICANN-accredited registrars will be prohibited from knowingly accepting registrations from privacy and proxy service providers that are not accredited by the ICANN org. This program creates uniform requirements for privacy and proxy service providers related to (a) the relay of communications to customers from third parties; (b) abuse reporting; (c) provider terms and conditions; (d) labeling of privacy and/or proxy registrations in the Registration Data Directory Service; and (e) responses to requests from law enforcement authorities and intellectual property holders.

This guidebook explains the processes and criteria for provider accreditation. On the policy effective date (to be determined at the conclusion of the Implementation Review Team’s work), the ICANN org will begin accepting applications from entities interested in becoming accredited privacy and proxy service providers. ICANN will defer enforcement of the prohibition for all ICANN accredited registrars against knowingly accepting registrations from unaccredited privacy and proxy service providers. In the proposed schedule outlined below, this prohibition would become active fifteen (15) months after the policy effective date.

For additional information, please consult the ICANN website:  
<https://www.icann.org/resources/pages/pp-services-2017-08-31-en>

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# Application Process

Entities that wish to become accredited privacy and proxy service providers must submit an application to the ICANN org.

A proposed schedule for the launch of this accreditation program is as follows. Applications for accreditation can be submitted anytime after the policy effective date, but if a provider has not obtained accreditation by the end of the limited deferred enforcement period, registrars may not knowingly accept registrations involving that provider. Thus, providers are encouraged to apply early to ensure they have obtained the required accreditation by the end of the limited deferred enforcement period. The time required for bulk processing of the high volume of applications expected at program launch is currently being evaluated.

Month 0: Final Accreditation Agreement, Policy document, policy effective date and registrar enforcement date announced.

Month 6: Policy effective date. Providers may begin applying for accreditation. Providers are encouraged to apply as early as possible to ensure that their application is processed prior to the end of the limited deferred enforcement period. Application processing time is expected to be approximately 90-120 days, but could be longer at program launch. The time required for bulk application processing expected at program launch is currently being evaluated.

Month 15: End of limited deferred enforcement. As of this date, ICANN-accredited registrars are prohibited from knowingly accepting a registration involving a privacy and/or proxy service that is not accredited by ICANN.

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# Service Provider Accreditation Criteria

The privacy/proxy service provider accreditation application process will involve three (3) types of applicants:

**Existing Accredited Entities:** Applicants that are an existing ICANN org-accredited registrar or gTLD registry operator (same legal entity).

**Registry/Registrar/Privacy/Proxy Affiliates:** Applicants that are affiliated (as the term is defined in Section 1.3 of the Privacy and Proxy Service Provider Accreditation Agreement (PPAA), with an ICANN org-accredited registry operator, registrar and/or privacy and/or proxy service provider. The PPAA defines "Affiliate" as "a person or entity that, directly or indirectly, through one or more intermediaries, Controls, is controlled by, or is under common control with, the person or entity specified."

**Non-Affiliated Providers:** Applicants that have no affiliation with any other ICANN org-contracted party.

The application process will apply the same criteria to all applicants. For existing accredited entities and affiliate applicants, some accreditation criteria will be satisfied through compliance with similar requirements in existing agreements with the ICANN org.

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# Applicant and Provider Financial Obligations

The following fee structure is proposed for this accreditation program. The proposed fees are based on the expected costs associated with evaluating applications for accreditation and providing services to accredited providers:

Entity	One-Time Application (USD)	Annual Accreditation (USD)
New Entities (including subsidiaries of existing accredited entities)	\$3,500	\$4,000
Existing Accredited Entities	\$2,000	\$4,000

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# Application for Privacy/Proxy Service Provider Accreditation

## Instructions

Step 1: Identify your entity type based on the criteria below and compile all necessary supporting documents to demonstrate the affiliate relationship, if one exists.

**Existing Accredited Entity:** Applicants that are currently an ICANN org-accredited gTLD registrar or gTLD registry operator (same legal entity).

**Registry/Registrar/Privacy/Proxy Affiliates:** Applicants that are affiliated (as the term is defined in the PPAA) with one or more ICANN org-accredited registrars, privacy/proxy service providers or gTLD registry operators.

**Non-Affiliated Providers:** Applicants that have no affiliation with any other ICANN Org-contracted party.

If you are unsure of your entity type, please contact ICANN for assistance at [globalsupport@icann.org](mailto:globalsupport@icann.org).

Step 2: Compile all supporting documents needed to respond to the required questions.

Step 3: Complete the online provider educational program.

Step 4: Submit your application form to ICANN for evaluation.

Step 5: ICANN will confirm receipt of application and provide instructions for submitting application fee.

## Application Questions

### Section 1: General Information

1.1 Legal name of applicant for privacy and proxy service provider accreditation (hereinafter, "Applicant"), including any fictitious/"DBA" names used:

1.2 Designated primary contact person for Applicant, and service provider (if different):

1.3 Service address:

1.4 Jurisdiction and type of entity (e.g. California non-profit corporation):

1.5 Telephone number for Applicant and primary contact person (if different):

1.6 Email address for Applicant and primary contact person (if different):

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## Section 2: Affiliate Relationship(s) With Existing Contracted Party(ies)

2.1 Is the Applicant an ICANN-accredited privacy and/or proxy service provider, registrar or a gTLD registry operator?

2.2 Is the Applicant Affiliated (as the term is defined in the Privacy and Proxy Service Provider Accreditation Agreement) with at least one ICANN-accredited privacy and/or proxy service provider, registrar(s) and/or gTLD registry operator(s)?

2.3 If the answer to Question 2.1 or Question 2.2 is yes, please provide the following for the Applicant and/or each affiliated entity (if there is more than one affiliated entity, these can be listed in an attachment):

Entity's full legal name;  
Entity's ICANN identifier (and/or relevant gTLDs, for affiliated registry operators);  
Brief description of Affiliate relationship.

## Section 3: Background Screening

Background checks may be conducted on any or all entities and individuals identified in this section. The background check requirements may be waived, at ICANN's discretion, for entities and/or individuals that have been screened within the last 12 months pursuant to an affiliated or existing accredited entity's application for accreditation.

3.1 Enter the full name, country of birth, country of residence, date of birth, address, telephone number, fax number, email address and position of any persons or entities owning at least 5% of the applicant's current or proposed business entity. For each person listed, please specify whether they own over 15% of the applicant's current or proposed business entity. If applicable, please list the ultimate parent entity (entities) of the Applicant.

3.2 Enter the full name, country of birth, country of residence, date of birth, address, telephone number, fax number, email address and position of all directors of the Applicant (if any).

3.3 Enter the full name, country of birth, country of residence, date of birth, address, telephone number, fax number, email address and position of all officers of the Applicant (if any).

3.4 Enter the full name, country of birth, country of residence, date of birth, address, telephone number, fax number, email address and position of all relevant managers of the Applicant.

3.5 For every person or entity mentioned in the answers to questions 3.1 to 3.4, indicate if that person or entity, within the past ten (10) years:

3.5.1 has been convicted of a felony or of a misdemeanor related to financial activities, or has been judged by a court to have committed fraud or breach of fiduciary duty, or has been the subject of a judicial determination that is similar or

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related to any of these. Answer “yes” or “no”. If the answer is “yes” then list individual(s) or entity involved.

3.5.2 within the past ten (10) years, has been disciplined by any government or industry regulatory body for conduct involving dishonesty or misuse of funds of others. Answer “yes” or “no”. If the answer is “yes” then list individual(s) or entity involved.

3.5.3 is currently involved in any judicial or regulatory proceeding that could result in a conviction, judgment, determination, or discipline of the type specified in questions 3.5.1 or 3.5.2. Answer “yes” or “no”. If the answer is “yes” then list individual(s) or entity involved; or

3.5.4 is the subject of a disqualification imposed by ICANN and in effect at the time of this application; Answer “yes” or “no”. If the answer is “yes” then list individual(s) or entity involved.

3.6 Has the Applicant and/or any of the entities mentioned in the answers to Section 3 previously had an ICANN accreditation involuntarily terminated, or have any of the persons mentioned in those answers previously been employed by an entity whose ICANN accreditation was involuntarily terminated?

3.7 Has the Applicant and/or any of the persons or entities mentioned in the answers to Section 3 been found to have engaged, either directly or through its Affiliate, in a pattern and practice of trafficking in or use of domain names identical or confusingly similar to a trademark or service mark of a third party in which the Customer has no rights or legitimate interest, which trademarks have been registered and are being used in bad faith? If yes, please explain.

#### Section 4: Provider Educational Program

Please state the name of at least one employee who has completed the provider educational program. Include employee(s) name(s), position(s) and date(s) on which the education program was completed.

The Applicant must have at least one employee complete the program before submitting this application.

#### Section 5: Contingency Planning and Registrar-Related Requirements

5.1 Describe the arrangements the Applicant will make to (a) transfer operations and data and the steps the Applicant will take to ensure (b) continued operations for its customers and (c) privacy for customer data in the event the Applicant discontinues the privacy and/or proxy service or is de-accredited, and (d) continued operations in the event of localized disaster.

5.2 How will the Applicant ensure that domain name registrations utilizing the service are clearly labeled as such in the Registration Data Directory Service?

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5.3 What steps will the Applicant take in order to escrow registration data pursuant to the Data Escrow Specification of the PPAA? Which Data Escrow Service Provider does the registrar intend to utilize?

## Section 6: Compliance Attestations

6.1 Check the box for the service description that most applies to your service: (a) privacy services, (b) proxy services, (c) both.

6.2 Confirm that the Applicant will maintain records on the number and type of relay, disclosure and publication requests received, and the number honored, for submission to ICANN in the required format on the required schedule.

6.3 If the Applicant provided privacy and/or proxy services prior to the implementation of the new accreditation program, confirm that the Applicant will notify existing customers of new requirements, processes and/or contractual provisions implemented as a result of this accreditation program.

6.4 Confirm that the Applicant will take steps to ensure the security of its customers' information, including identifying and account information and other data, including payment information.

6.5 Confirm that the Applicant will comply with the ICANN Transfer Policy when the privacy/proxy service is activated and/or terminated for a customer.

6.6 Confirm that the Applicant will follow adequate processes to ensure compliance with the accreditation agreement when it receives a request for disclosure from an intellectual property holder.

6.7 Confirm that the Applicant will follow appropriate processes in accordance with the accreditation agreement when it receives a request for disclosure from law enforcement authorities of applicable jurisdiction.

6.8 Confirm that the Applicant maintains an appropriate process for managing claims of abuse in accordance with the accreditation agreement.

6.9 Provide a link to the website of the privacy/proxy service. This website should include links to the privacy/proxy service contact information, its terms of service, its abuse contacts and pricing information (if applicable).

6.10 Confirm that the Applicant's customer agreement/terms of service includes the following terms:

(a) any specific requirements applying to transfers and renewals of a domain name (if applicable);

(b) the specific grounds under which a customer's details may be disclosed or published;

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(c) the specific grounds under which a customer's privacy/proxy service may be suspended or terminated, including publication in the event of a customer's initiation of a transfer of a domain name;

(d) clarification as to whether a customer will be notified when the privacy/proxy service provider receives a request for disclosure or publication and whether the customer may opt to cancel the domain registration in lieu of disclosure or publication;

6.11 Confirm that the Applicant will ensure that customer data is escrowed in compliance with its Accreditation Agreement and Privacy and Proxy Services Accreditation Policy.

## Section 7: Appendices

7.1 Documentation that Applicant is legally-established and in good standing (this is not required for Existing Accredited Entities). These documents should include:

(a) Articles of Incorporation (or equivalent document); and

(b) Copy of either Certificate of Good Standing or trade register excerpt that is no more than six (6) months old.

7.2 Verified financial statement (required for Non-Affiliated Providers only)

In cases where an Applicant cannot demonstrate that it has access to at least US \$70,000 in liquid working capital, the applicant must demonstrate that it has sufficient resources available to meet its business needs in addition to adequate cash reserves, and that its business model does not require US\$70,000 in liquid working capital for day-to-day operations.

