

Privacy and Proxy Service Provider Accreditation Program Applicant Guide

Implementation Review Team Discussion Draft v3

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Draft v2

ICANN Global Domains Division
3 October 2017



TABLE OF CONTENTS

TABLE OF CONTENTS 2

EXECUTIVE SUMMARY 3

INITIAL APPLICATION PHASE 4

PROGRAM MAINTENANCE PHASE 5

SERVICE PROVIDER ACCREDITATION CRITERIA 5

SUMMARY: ACCREDITATION EVALUATION BY TRACK ERROR! BOOKMARK NOT DEFINED

APPLICANT AND PROVIDER FINANCIAL OBLIGATIONS 6

APPLICATION FOR PRIVACY/PROXY SERVICE PROVIDER ACCREDITATION 7

Appendix A: Accreditation Process Diagram 12

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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](#).

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).

-A 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 Directory Service \(RDDS\) or equivalent services](#) rather than the customer's contact information.

-A privacy service is a service by which a [Registered Name](#) is registered to [its beneficial user](#) as the [Registered Name Holder](#), but for which alternative, reliable contact information is provided by [the privacy or proxy service provider](#) for display [of the Registered Name Holder's contact information in the Registration Data Directory Service \(RDDS\) or equivalent services](#).

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 new accreditation program is fully implemented, 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 organization. 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) RDDS labeling; and (e) responses to requests from law enforcement authorities and intellectual property holders.

The [requirements Providers will have to follow under this](#) accreditation program [are modeled after the requirements for the provision of such services](#) ICANN organization's gTLD Registrar Accreditation [Agreement specification on the provision of such services](#). Privacy and proxy services are frequently offered by registrars and their affiliates.

This guidebook explains the processes and criteria for provider accreditation. The accreditation program will be launched in two phases: (1) the initial application phase, [immediately](#) followed [\(without interruption\)](#) by (2) the program maintenance phase.

On the implementation effective date (to be determined at the conclusion of the Implementation Review Team's work), the ICANN organization will begin accepting applications from entities that are interested in becoming accredited privacy and proxy service providers during the initial application window. At the close of this phase, ICANN will announce a list of newly accredited providers. Following this announcement, the program will transition to the program maintenance period, when applications for accreditation will be received and evaluated on an ongoing basis. [The prohibition for ICANN accredited registrars against knowingly accepting registrations from unaccredited privacy and proxy service providers will become active three months after the announcement of the above list of newly](#)

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Comment [SB1]: From the final report:

The WG recommends the adoption of the following definitions, to avoid ambiguities surrounding the common use of certain words in the WHOIS context. The WG recommends that these recommendations be used uniformly by ICANN, including generally in relation to WHOIS beyond privacy and proxy service issue

Unless there is good reason, the PDP recommended definitions should be used.

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

Initial Application Phase

During the initial application [phase](#), entities wishing to become accredited privacy and proxy service providers will be permitted to apply for accreditation during a time-limited application submission period.

The ICANN organization will announce the list of newly accredited privacy and proxy service providers after all applications submitted during the initial application [phase](#) have been evaluated by (a) posting a list of the providers on ICANN.org and (b) notifying all ICANN-accredited registrars of the newly accredited providers. If a particular application cannot be processed during the preliminary application [phase](#) due to incomplete or incorrect answers, or due to an applicant's failure to adequately respond to follow-up questions within the required time period, the applicant may elect to re-apply during--or defer the processing of its application to--the program maintenance phase.

A proposed schedule for the initial application [phase](#) is as follows. The time required to process individual applications for accreditation is expected to be longer during the initial application [phase](#) than during the continual application processing of the program maintenance phase, because increased application volume is expected during the initial application phase:

Month 0: Final accreditation program requirements, including Policy, Accreditation Agreement, and questions to be included in application for accreditation; effective date announced.

Month 3: Initial application [phase](#) opens. Providers may apply for accreditation during 90-day [phase](#). As successful completion of educational program is required to proceed to accreditation during this phase Applicants are encouraged to apply as early as possible.

Month 6: Deadline for applications to be submitted during early application [phase](#). The ICANN organization continues evaluation of applications received during initial application [phase](#). [At the same time, the continual application phase starts, however applications are queued until after the first group of accredited providers has been processed.](#)

Month 9: Application processing status update (number of applications submitted, number of applications completed, estimated evaluation completion date) to be shared with community.

Month 12: Target date for the ICANN organization to announce list of first group of accredited providers. Actual date could be earlier or later, depending on processing time.

Month 15: [The RAA requirement for registrars to knowingly only accept registrations from accredited providers goes into effect.](#)

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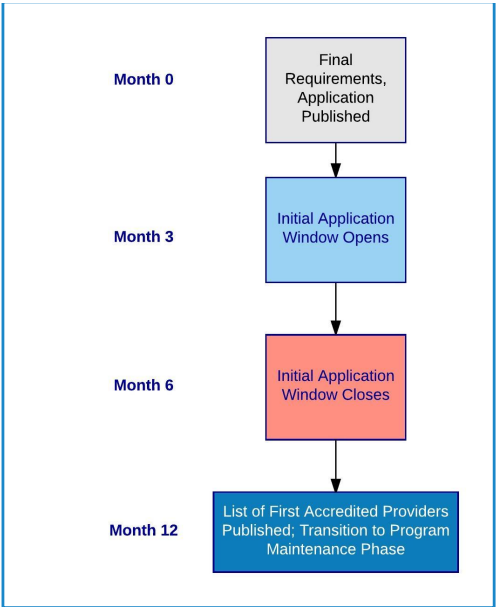
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Program Maintenance Phase

Following the completion of the initial application phase, the accreditation program will transition to the program maintenance phase.

- The program maintenance phase will entail ongoing program management, including:
- 1. Continual receipt and rolling processing of applications for accreditation;
 - 2. Privacy/proxy service provider account management and relevant services;
 - 3. Ongoing outreach, engagement and education; and
 - 4. Launch of the privacy and proxy service provider compliance program.

Service Provider Accreditation Criteria

The privacy/proxy service provider accreditation application process will include three tracks:

- 1. 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 organization-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."
- 2. Third-Party Providers: Applicants that have no affiliation with any other ICANN organization-contracted party.

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An application process diagram is included in Appendix A.

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 account management services to accredited providers:

Entity	One-Time Application (USD)	Annual Accreditation (USD)
Non-Affiliated*		
Affiliated		
* not affiliated with an accredited privacy and/or proxy service provider, registrar or registry operator		
**no transaction fees		

Comment [CT2]: Under review.
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Application for Privacy/Proxy Service Provider Accreditation

Applicant Instructions

This Application for privacy and proxy service provider accreditation is divided into **seven** sections.

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.

- **Registry/Registrar/Privacy/Proxy Affiliates:** Applicants that are affiliated (as the term is defined in the PPAA) with one or more ICANN organization-accredited registrars, privacy/proxy service provider, or gTLD registry operators.
- **Third-Party Providers:** Applicants that have no affiliation with any other ICANN organization-contracted party.

If you are unsure **of your entity type**, please contact ICANN for assistance.

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

Step 3: Complete the **online** provider educational program **and take the certification test**.

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

Application Questions

Section 1: General Information (Required for all Entity Types)

1.1 Legal Name of Applicant for Privacy and Proxy Service Provider Accreditation (hereinafter, "Applicant"), including any fictitious/"DBA" names used:

Comment [AB3]: Internal Note: On 19 Sept IRT call, IRT members expressed a preference for "check the box" style questions in instances where we don't have a strong reason for doing otherwise. Proposing to accept check-box type questions except where we really need a customized explanation for how provider will comply, as proposed in edits below. Also proposing to re-arrange, so that check-box questions are in one section, and essay-type in another section.

As an alternative, we might consider adopting a separate short-form application for PP affiliates, which would eliminate the need for "tracks" in this application.

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1.2 Designated primary contact person for application, and Service Provider (if different):

1.3 Service address:

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

1.5 Telephone number:

1.6 Email address:

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

2.1 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)?

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

1. Entity's full legal name;
2. Entity's ICANN identifier (and/or relevant gTLD, for Affiliated Registry Operators);
3. Brief description of required Affiliate relationship.

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Section 3: Background Screening (Required for All Applicants)

(Note: 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 entity's application for accreditation.)

Comment [AB6]: Note: Significant changes to background screening criteria were recommended by one IRT member. These did not receive broad support from IRT and are not included here.

3.1 Enter the full name, contact information, 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, contact information, and position of all directors of the Applicant.

3.3 Enter the full name, contact information, and position of all officers of the Applicant.

3.4 Enter the full name, contact information, 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:

- a. within the past ten years, has been convicted of a felony or of a misdemeanor related to financial activities, or has been judged by a court to have committed

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fraud or breach of fiduciary duty, or has been the subject of a judicial determination that is similar or related to any of these:

Answer "yes" or "no". If the answer is "yes" then list individual(s) or entity involved.

b. within the past ten 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.

c. 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(a) or 3.5(b); or

Answer "yes" or "no". If the answer is "yes" then list individual(s) or entity involved.

d. 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.

Section 4: Provider Educational Program (Required for All Applicants)

4.1 Does the Applicant have at least one employee who has completed the online Provider Educational Program?

4.2 If the answer to 4.1 is yes, please provide:

1. Employee's/Employees' name(s) and position(s);
2. The date the training program was completed.

4.3. If the answer to 4.1 is no, the Applicant must have at least one employee complete the program before submitting this Application. Once the training is completed, please provide the information required in Section 4.2.

Section 5: Contingency Planning and Registrar-Related Requirements (Required for All Applicants)

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

5.2 How will the Applicant ensure that domain name registrations utilizing the service

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Comment [AB8]: Note to IRT: Based on the shift to "check-the-box"-type questions in Section 6 there may no longer be a need to differentiate between questions required for affiliates vs third-party providers, with the exception of documentation required in Section 7. Please review this proposed restructuring and provide your feedback.

The questions included in this section seem to require more information than simply a "check the box" and ICANN proposes to retain these long-form questions to ensure that adequate procedures are in place where compliance with the relevant requirement requires involvement of the registrar.

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are clearly labeled as such in the Registration Data Directory Service?

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

Section 6: Compliance Attestations (Required for All Applicants)

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 when it receives a request for disclosure from an intellectual property holder to ensure compliance with the accreditation agreement.

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) requirements applying to transfers and renewals of a domain name (if applicable);
- (b) the grounds under which a customer's details may be disclosed or published;
- (c) the grounds under which a customer's privacy/proxy service may be suspended or terminated, including publication in the event of a customer's

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initiation of a transfer of the underlying domain name;

(d) clarification as to whether or not 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. 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 6 months old.

7.2 Verified financial statement (required for Third-Party Providers only)

In cases where an applicant cannot demonstrate that it has access to at least US \$xx,xxx 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\$xx,xxx in liquid working capital for day-to-day operations.

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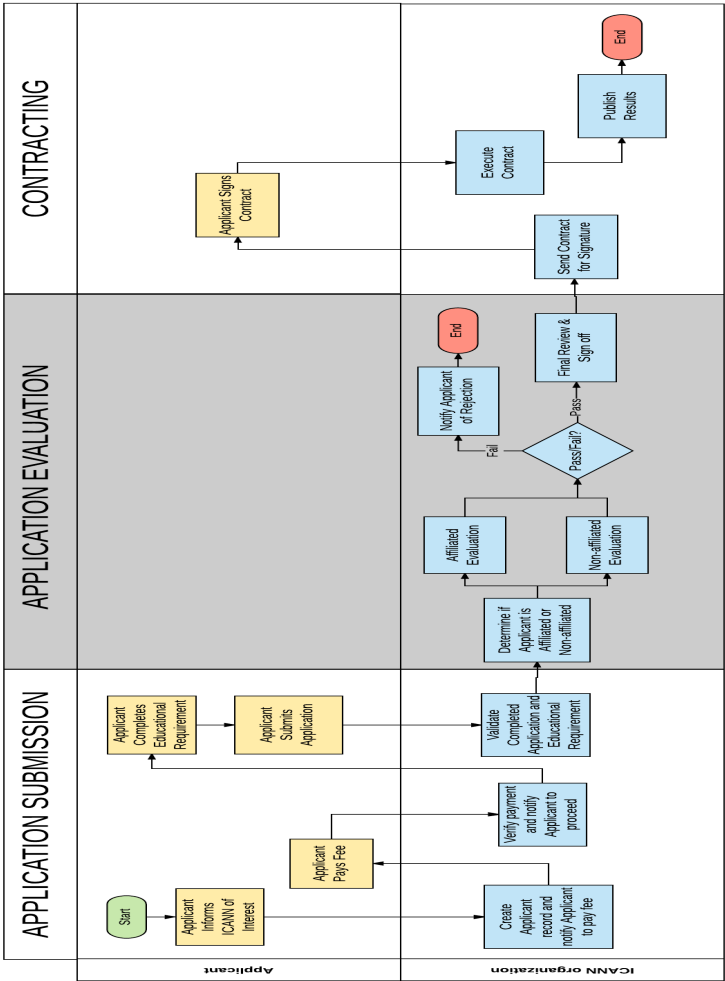
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Comment [13]: May not exist for newly created entities, none of ICANNs business really.

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Appendix A: Accreditation Process Diagram



Comment [14]: Duplication. Asking the question once is sufficient.

Comment [15]: May not exist for newly created entities, none of ICANNs business really.

Comment [16]: Superfluous requirement

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Comment [AB17]: Internal note—this needs to be updated to reduce application process to one step (no expression of interest)

Proposed alternative—publish location of Educational program along with application and allow applicant to complete before submitting application. To get around OFAC check issue, suggest having ICANN send payment instructions to applicant after application is submitted (and OFAC completed).

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EXECUTIVE SUMMARY³**INITIAL APPLICATION WINDOW⁴****PROGRAM MAINTENANCE PHASE⁵****SERVICE PROVIDER ACCREDITATION CRITERIA⁵**

Summary: Accreditation Evaluation by Track⁶**APPLICANT AND PROVIDER FINANCIAL OBLIGATIONS⁸****APPLICATION FOR PRIVACY/PROXY SERVICE PROVIDER ACCREDITATION⁹**

Appendix A: Accreditation Process Diagram¹⁷

Track 3: Applicants that are affiliated (as the term is defined in the PPAA) with a gTLD registry operator (but no ICANN organization-accredited registrar or privacy and/or proxy service provider).

Track 4^{1.}

Track 1: 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-accredited 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.

Track 2: Applicants that are affiliated (as the term is defined in the PPAA) with one or more ICANN-accredited registrars (but no other privacy and/or proxy service provider).

Track 3: Applicants that are affiliated (as the term is defined in the PPAA) with a gTLD registry operator (but no ICANN-accredited registrar or privacy and/or proxy service provider).

Track 4: Providers that have no affiliation with an ICANN organization-accredited privacy and/or proxy service provider, registrar or gTLD registry operator.

Privacy/Proxy Affiliates (not applicable during initial application phase): 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 organization-accredited 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.

Review the application below to determine which sections you must complete, based on your application track identified in Step 1.

Step 4: Complete the application sections below that are required for your application track.

Note: Sections 1-4 are required for all all Application Tracks.

If you believe that any persons or entities identified in Section 3.2 should be excluded from background screening based on the criteria above, please provide supporting information here, including information about the most recent background check(s) that have been conducted by ICANN on the person and/or entity.

3.2 Provide the full names of all owners/shareholders of the Applicant that own at least 5% of the company, as well as all directors, officers, and managers who will be involved in providing privacy/proxy services:

3.3 Within the last ten (10) years, has the Applicant or any of the people or entities listed above been convicted of any crime related to financial or corporate governance activities, or has been judged by a court to have committed fraud or breach of fiduciary duty, or has the Applicant or any of the people or entities listed above been the subject of a judicial determination that ICANN deems as the substantive equivalent of any of these? If so, identify them:

3.4 Within the last ten (10) years, has the Applicant or any of the people or entities listed above been convicted of any crime related to financial or corporate governance activities, or has been judged by a court to have committed fraud or breach of fiduciary duty, or has the Applicant or any of the people or entities listed above been the subject of a judicial determination that ICANN deems as the substantive equivalent of any of these? Is so, identify them:[VG1]

3.45 Within the last ten (10) years, has the Applicant or any of the people or entities listed above been convicted of perjury, forswearing, failing to cooperate with a law enforcement investigation, or making false statements to a law enforcement agency or representative? If so, identify them:

3.65 Within the last ten (10) years, has the Applicant or any of the people or entities listed above ever been convicted of any crime involving the use of computers, telephone systems, telecommunications or the Internet to facilitate the commission of crimes? If so, identify them:

3.67 Has the Applicant or any of the people or entities listed above ever been convicted of any crime involving the use of computers, telephone systems, telecommunications or the Internet to facilitate the commission of crimes? If so, identify them:

3.78 Has the Applicant or any of the people or entities listed above ever been convicted of any crime involving the use of a weapon, force, or the threat of force? If so, identify them:

3.89 Has the Applicant or any of the people or entities listed above ever been convicted of any violent or sexual offense victimizing children, the elderly, or individuals with disabilities? If so, identify them:

3.910 Has the Applicant or any of the people or entities listed above ever been convicted of the illegal sale, manufacture, or distribution of pharmaceutical drugs, or been convicted or successfully extradited for any offense described in Article 3 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988? If so, identify them:

3.101 Has the Applicant or any of the people or entities listed above ever been convicted or successfully extradited for any offense described in the United Nations Convention against Transnational Organized Crime (all Protocols)? If so, identify them:

3.112 Has the Applicant or any of the people or entities listed above ever been convicted, within the respective timeframes, of aiding, abetting, facilitating, enabling, conspiring to commit, or failing to report any of the listed crimes above (i.e., within the past 10 years for crimes listed in 3.3-3.56 above, or ever for the crimes listed in 3.67 – 3.101 above)? If so, identify them:

3.132 Has the Applicant or any of the people or entities listed above entered a guilty plea as part of a plea agreement or has a court case in any jurisdiction with a disposition of Adjudicated Guilty or Adjudication Withheld (or regional equivalents), within the respective timeframes listed above for any of the listed crimes (i.e. within the past 10 years for crimes listed in 3.3 -3 .65 above, or ever for the crimes listed in 3.67 - 3.11 above)? If so, identify them:

3.134 Is the Applicant or any of the people or entities listed above the subject of a disqualification imposed by ICANN and in effect at the time the application is considered? If so, identify them:

3.154 Has the Applicant or any of the people or entities listed above been involved in a pattern of adverse, final decisions indicating that the applicant or individual named in the application was engaged in cybersquatting as defined in the Uniform Domain Name Dispute Resolution Policy (UDRP), the AntiCybersquatting Consumer Protection Act (ACPA), or other equivalent legislation, or was engaged in reverse domain name hijacking under the UDRP or bad faith or reckless disregard under the ACPA or other equivalent legislation? Three or more such decisions with one occurring in the last four years will generally be considered to constitute a pattern. If so, identify them:

3.165 Has the Provider or any of the people or entities listed above been declined by ICANN of registrar accreditation?

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(Required for Tracks 2_[AB2]-4)

5.1 Check this box (if applicable) to certify that the Applicant is affiliated with an ICANN organization-accredited privacy and/or proxy service provider, and is thus not required to be re-evaluated on these substantive criteria.

The Applicant is affiliated with an ICANN organization-accredited privacy and/or proxy service provider.[VG3]

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5.2 If the Applicant provided privacy and/or proxy services prior to the implementation of the new Accreditation Program, confirm that how will the Applicant will notify existing customers of new requirements, processes and/or contractual provisions implemented as a result of this Accreditation Program?

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5.4 Identify the steps (in detail) the Applicant will take to validate and verify customer contact information. Please note whether an Affiliated entity will be performing this requirement on the provider's behalf.

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

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5.6 Provide a link to the webpage where third parties, including Law Enforcement Authorities and Intellectual Property holders, can initiate a request for relay, disclosure or publication of your customers' contact information. Note, this location should also include a mechanism for a third party to escalate or follow up on a request.

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Link to website is already asked below (6.11). Users can be expected to be able to follow links.

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6.1 Check this box (if applicable) to certify that the Applicant is affiliated with an ICANN organization-accredited privacy and/or proxy service provider or registrar, and is thus not required to be re-evaluated on these substantive criteria.

Page 10: [18] Commented	Unbekannter Autor	9/13/17 11:23:00 AM
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Duplication. This question does not need to be asked over and over.

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The Applicant is affiliated with an ICANN organization-accredited privacy and/or proxy service provider and/or registrar.

Page 10: [21] Deleted	Amy Bivins	9/19/17 2:59:00 PM
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Operations

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Provide a description of the services the Applicant intends to offer using this Accreditation. (e.g. Is the Provider going to offer

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Provide a description of the services the Applicant intends to offer using this Accreditation. (e.g. Is the Provider going to offer

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processes for

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processes for

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Policy and Contractual Requirements

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Policy and Contractual Requirements

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

6.6 Identify the steps (in detail) the Applicant will take to validate and verify customer contact information.

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6.7 Describe the process and criteria the Applicant will use to determine whether or not to relay communications from a third party to the privacy/proxy customer.

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Describe the

Page 10: [28] Deleted	Unbekannter Autor	9/13/17 11:14:00 AM
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Page 10: [29] Deleted	Unbekannter Autor	9/13/17 11:16:00 AM
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Page 10: [31] Deleted	Unbekannter Autor	9/13/17 11:19:00 AM
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6.12 Provide a link to the page where your privacy/proxy service terms of service are displayed on your website.

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Page 10: [33] Deleted	Unbekannter Autor	9/13/17 11:19:00 AM
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6.13 Provide a link to the page where your privacy/proxy service pricing information is available on your website.

Page 12: [34] Deleted	Amy Bivins	9/19/17 3:26:00 PM
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Section 8: Appendices Required for Track 4

Page 12: [35] Deleted	Amy Bivins	9/19/17 3:28:00 PM
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Page 12: [36] Deleted	Amy Bivins	9/19/17 3:28:00 PM
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[4]