



## .US Policy Council Meeting Minutes

November 14, 2002 2:00 pm

### **Present**

Jamie Love  
Jonathan Hudis  
Claudette Tennant  
Michael Palage  
Jeffrey Neuman  
David Wascher

### **I. New Members**

Jamie Love from Computer Project on Technology joined the .US Policy Council on November 1, 2002. His term will go from November 1, 2002 through October 31, 2003. This term is different than all the other terms of initial Policy Council members in that their terms will end on April 30, 2002.

### **II. .kids.us update**

An introduction was given by Ms. Tennant who explained that although the proposed legislation and the NeuStar policy paper focused on the negative aspect of “policing” and “enforcement”, a better approach may be a way to focus on the positive and to find trusted companies to invite into the space rather than having a negative restrictions document. This way linking to outside the .kids.us space would be encouraged rather than forbidden. By focusing on what is kept away from children rather than what can be provided to children, it is not the best we can offer.

Mr. Palage added that the legislation may not be the best way to achieve the most useful space for children and that the more prudent approach would be to start with federal, state and local (libraries) agencies because we know they would act in the best interests of children, then to expand the space to a broader pool of registrants.

Mr. Love, however, did point out that intermediaries should screen for appropriate content. They would designate who qualifies for domains. They would approve people for the space. If there is a complaint, then complaint would go to dispute provider to take another look at it.

Mr. Hudis tasked Mr. Palage and Ms. Tennant with working up a Proof of Concept model that could be presented to the legislature before adoption of the proposed bill.

**NOTE by Mr. Neuman.** Just a few hours after the meeting, NeuStar was notified that the proposed legislation did in fact already pass the United States Congress.



### **III. usDRP Reporting Requirements (See Attachment 1)**

Mr. Hudis introduced the subject by stating that the National Arbitration Forum and the American Arbitration Association were the initial appointed dispute providers for the .usTLD. At the last meeting it was decided that Mr. Hudis would draft initial reporting requirements for the NAF and AAA, Attachment 2 represents the initial draft of requirements.

The .us Policy Council decided to leave this initial list open for comment by the Council until the December 10<sup>th</sup> meeting at which time the .us Policy Council would vote on sending the reporting requirements to the dispute providers.

### **IV. WHOIS Data Policy (See Attachment 2)**

Mr. Palage introduced this subject by recounting the efforts that had been already undertaken by ICANN in this area.

Mr. Hudis expressed concern about the notion of placing domain names “on-hold” by citing the problems encountered under the old Network Solutions policy for the .com, .net and .org domain name spaces, because the old policy either prevented the use of the domain name or alternatively the transfer of such name.

Mr. Palage states that the system to address Whois concerns is not intended as a vehicle for a trademark owner to acquire a domain name. That is left to the usDRP. If the Whois information is proven to be inaccurate, and the Registrant does not cure the inaccuracies, then the domain name may be put on hold. It will be for a finite period of time. That hold status is an extra safety mechanism because it will place the registrant on notice that there is a problem with the registration (since the name will not resolve on the Internet). This is different than the ICANN policy because ICANN states that after 15 days the names should be deleted. We are only asking for the name to be put on hold.

Mr. Hudis stated that this was acceptable, but there needs to be a provision that at some point after the name is put on hold and the registrant does not respond or fails to cure the problem, that the domain name is deleted.

Mr. Palage and Mr. Wascher raised the issue of “Orphaned A records” in deleting a domain name. This technical issue involves the fact that in deleting a domain name record, you may also essentially render another domain name, that relies on the nameserver listed in the deleted domain record, useless. Thus, there may need to be a carveout to prevent the deletion of those records that amount to “Orphaned Records.” Mr. Wascher agreed to look at this issue more thoroughly.

Mr. Palage stated that he would submit another draft before the next meeting before it is considered for public comment. The intention is to have a revised policy that we are voting on for the next meeting.



**V. Nexus Dispute Policy (Now Posted at [http://www.neustar.us/policies/nexus\\_changes.html](http://www.neustar.us/policies/nexus_changes.html))**

Mr. Neuman indicated that the Proposed Changes to the Nexus Dispute Policy had been posted and that comments were due on November 20<sup>th</sup>. Mr. Neuman stated that he would circulate the comments as soon as the comment period ended and that he would draft a revised policy based on the comments for a vote by the Council on December 10<sup>th</sup>.

**VI. Other Business – Compliance Report**

Mr. Neuman introduced this topic by stating that under the .US Agreement with the Department of Commerce, NeuStar was required to draft a compliance report on the locality space and to make recommendations on how the space can be improved.

The Council agreed to provide their comments to the Compliance Report by December 10<sup>th</sup> at which time the Report would be revised by NeuStar to reflect the comments by the Council. The goal would be to post the Compliance Report for public comments by December 15<sup>th</sup> for a 1 month comment period.

Mr. Hudis asked that a similar compliance report should be drafted by NeuStar regarding the expanded portion of the usTLD space and that this should be presented on April 1, 2003. This report was endorsed by all those present on the call. Mr. Neuman abstained.

Mr. Neuman indicated that the US Initial Policy Council itself should draft a report to explain what it has achieved in the first year prior to turning the Council over to new members in May 2003. This suggestion was agreed to by those participating on the call.

**VII. Meeting Schedule**

- Suggested Dates for next 5 meetings:
- December 10, 2002 – 10:00 am
  - January 9, 2003
  - February 6, 2003
  - March 6, 2003
  - April 3, 2003



## ATTACHMENT 1

### **PROPOSED REPORTING REQUIREMENTS FOR USDRP PROVIDERS**

**By Jonathan Hudis**

[Proposed] Reporting Requirements for .usDRP Providers

1. Number of total .usDRP cases filed.
2. Number of respondent defaults.
3. Number of proceedings held for complainant.
4. Number of proceedings held for respondent.
5. Special problems encountered in administering the .usDRP.
6. Should the .usDRP or its Rules be modified in any way?
7. How many domain names in dispute involve “live sites” vs. how many involve speculators?
8. Is there a difference in outcomes between whether a user is commercial or noncommercial?
  
9. Number of total NexusDRP cases filed.
10. Number of respondent defaults.
11. Number of proceedings held for complainant.
12. Number of proceedings held for respondent.
13. Special problems encountered in administering the NexusDRP.
14. Should the NexusDRP or its Rules be modified in any way?



## ATTACHMENT 2

### **The Importance of Accurate Whois Data in the .US Top-Level Domain (Michael Palage)**

The accuracy and access of Whois information is a topic of global discussion and importance. Although there are currently underway various initiatives by both the public and private sectors to address these problems, the accuracy of Whois information within the .US top-level domain is of critical importance with the potential launch of a .KIDS.US space. Although the specifics of this proposed “green space” have not been finalized, it is without question that the accuracy of data associated with any domain names registered in this space is of paramount concern.

The Internet Corporation for Assigned Names and Numbers (ICANN) recently launched an initiative to assist third parties and registrars in identifying and correcting inaccurate Whois information. Information about this program can be found online at [http://www.internic.net/cgi/rpt\\_whois/rpt.cgi](http://www.internic.net/cgi/rpt_whois/rpt.cgi). This program appears to have been positively received in the community, as ICANN to date has already received over 2,800 submissions. As with all initiatives, the first 2,800 submissions has identified certain issues that need to be addressed to ensure that appropriate safeguard mechanisms are in place that take into account the business realities of the marketplace to prevent against unintended deletions of domain names.

Listed below are the proposed modifications that should be incorporated into a formal Whois accuracy policy:

- NeuStar will operate a web-based reporting mechanism (“Whois Accuracy Portal”) by which parties can submit inquiries regarding the accuracy of Whois data;
- NeuStar will employ appropriate automated mechanisms to prevent inappropriate submissions to the Whois Accuracy Portal, however, there shall be no requirement imposed on NeuStar to manually review these submissions prior to forwarding them to the registrar of record for investigation;
- NeuStar will approve a standardized Whois Accuracy Inquiry Notice (WAIN) prepared by accredited registrars in consultation with domain name stakeholders regarding inquiries about false or inaccurate Whois data;
- NeuStar shall require that registrars send the standardized WAIN to their domain name registrant after receiving a notification of potentially false or inaccurate Whois data via the Whois Accuracy Portal;
- Registrar or Registrant shall be required to respond to inquiries regarding the accuracy of the Whois data within 30 days (note: this is an increase from the current 15 day time period);
- Registrars shall be required to comply with reporting mechanisms incorporated into the Whois Accuracy Portal to allow NeuStar to monitor registrar compliance;



- Registrar specific information collected from this reporting mechanism shall not be made public, however, NeuStar may provide summary details regarding the success of the Whois Accuracy Portal.
- Registrars that are unable to verify the accuracy of the Whois data or fail to receive instructions from the registrant within thirty (30) days shall place the domain name on hold (i.e. the name is removed from the zone file and it will not resolve) for a fixed period of time (note: the exact time frame is dependent upon NeuStar's incorporation of a Redemption Grace Period into the registry software);
- Registrar shall not remove the domain name from hold status or renew the domain name until registrant has provided documented proof which the registrar shall be required to retain;
- In the situation where the registrar receives a second inquiry regarding the accuracy of Whois data for a specific domain name, the Registrar shall require documented proof from the domain name registrant within the 30 day time frame or have the domain name placed on hold in accordance with the process described above;
- NeuStar shall incorporate into the Whois Accuracy Portal a contractual requirement that third parties submitting Whois accuracy inquiries acknowledge that the submission is not intended to interfere with the lawful operations of the domain name registrant or registrar; and
- The Registrar Accreditation Agreement (RAA) and the Registry Registrar Agreement (RRA) should be appropriately amended to incorporate the following requirements.

This proposal should be immediately posted for public comment pending the approval of the Policy Council and NeuStar.

Respectfully submitted,

Michael D. Palage  
.US Policy Council Member