Consideration of possible next steps in response to EPDP Rec #27 Wave 1 Report

On 19 February 2020, ICANN org submitted an updated version of the EPDP Recommendation 27 Wave 1 Report. As a reminder, this report was developed in response to the EPDP Phase 1 Final Report Recommendation #27 which states that:

"The EPDP Team recommends that as part of the implementation of these policy recommendations, updates are made to the following existing policies / procedures, and any others that may have been omitted, to ensure consistency with these policy recommendations as, for example, a number of these refer to administrative and/or technical contact which will no longer be required data elements:

1. Registry Registration Data Directory Services Consistent Labeling and Display Policy
2. Thick WHOIS Transition Policy for .COM, .NET, .JOBS
3. Rules for Uniform Domain Name Dispute Resolution Policy
4. WHOIS Data Reminder Policy
5. Transfer Policy
6. Uniform Rapid Suspension System (URS) Rules
7. Transfer Dispute Resolution Policy"

The Council will now need to consider what the appropriate next steps are for updating these policies / procedures to ensure consistency with the EPDP Phase 1 policy recommendations. These next steps could include the following:
1. Requesting the EPDP Phase 1 Implementation Review Team (IRT) to address the updates, as originally foreseen in EPDP Phase 1 Recommendation #27[1];
2. Initiate a PDP to review the policy / procedure and recommend updates to be made;
3. Establishing a new IRT which would be specifically dedicated to implementing EPDP Phase 1 Recommendation #27[2];
4. Initiate an overall review of the policy by requesting GDD to prepare a Policy Status Report as a first step;
5. Request existing working groups, IRTs or scoping teams to consider the changes and determine if/how these are already or can be addressed[3];
6. No further action needed;
7. Other?

Note, that depending on the updates contemplated a combination of the above may also be possible.

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[1] Note that GDD staff would take the lead in putting forward the proposed updates to the different policies with the oversight of the IRT.
[2] Idem
[3] Based on the feedback, other steps may be followed.

A detailed analysis has been provided below, but in short, the GNSO Support Team has suggested that the GNSO Council consider addressing the work that may need to be undertaken in the following manner:

1. **Request EPDP Phase 1 IRT or establish new IRT to address terminology updates**
   For all policies identified in the wave 1 report – note, these changes would be solely focused on ensuring consistency in terminology such as RDS instead of Whois, or Registration Data instead of Whois data, as well as the removal of references to administrative contact. This is consistent with Recommendation #27 of the EPDP Phase 1 Final Report which noted that "The EPDP Team recommends that as part of the implementation of these policy recommendations, updates are made (…) to ensure consistency with these policy recommendations.

2. **Initiate an overall review of the policy by requesting GDD to prepare a Policy Status Report as a first step**
   - Expired Domain Deletion Policy (EDDP)
   - Expired Registration Recovery Policy (ERRP)
   - Whois Data Reminder Policy (WDRP)

3. **Request existing working groups, IRTs or scoping teams to consider the changes and determine if/how these are already or can be addressed**
   - Registry Registration Data Directory Services Consistent Labeling and Display Policy (T&T IRT)
   - Revised ICANN Procedure for Handling Whois Conflicts with Privacy Law (Whois Procedure IAG)
   - Transfer Policy (Transfer Scoping Team)
   - Transfer Dispute Resolution Policy (Transfer Scoping Team)
   - Rules for Uniform Domain Name Dispute Resolution Policy (RPM PDP WG)
   - Uniform Rapid Suspension System Procedure (URS) / Uniform Rapid Suspension System Rules (URS Rules) (RPM PDP WG)

In order to facilitate the Council's consideration of next steps, the GNSO Support Team has taken a stab at categorizing the policies and procedures covered in the wave 1 report, including a suggested approach based on the assessment of scope and nature of the changes anticipated.

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
Add Grace Period (AGP) Limits Policy *This policy was developed to limit the behavior known as domain tasting through modifications to the Add Grace Period process. Under this policy, a registry operator does not refund fees to a registrar who exceeds a defined threshold percentage of names deleted during the Add Grace Period.*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. ICANN org has not identified any substantive impact on the existing requirements of this policy 3. In the policy section titled "Effect on Registrars," the "Exemption Requests" section provides that a registry operator can require additional information from a registrar to process an exemption request. To the extent this involves personal data associated with a domain name, this requirement may be subject to separate arrangements between the registry and registrar regarding the processing of personal data		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2. None 3. Out of scope for Council action
Additional Whois Information Policy (AWIP) *The purpose of this policy is to clarify the meaning of the EPP status codes in Whois data and require the consistent identification*	1. An update to the name of the policy may be considered as title includes "Whois," which may not remain necessary. Other terminology references to "Whois output" and "Whois data" throughout the text may also be considered for updates, for example, section 1(c), "For more information on Whois status codes, please visit https://icann.org/epp". 2. There is an additional technical consideration to applying this policy in RDAP. The protocol does		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2. If a), request EPDP Phase 1 IRT or new IRT to address adding of hyperlink reference, if b) out of scope for Council action.

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[4] Note, the items covered here are those that are flagged in the wave 1 report as requiring changes. Other items, not requiring changes, were covered in the report but have not been reproduced here.

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of registrars by their GURID in Whois.	not currently support inclusion of a hyperlink in each status field; rather, a hyperlink can be included at the object level (e.g., domain object, contact object). This can be addressed by (a) adjusting the language of the policy to include the hyperlink reference to the status codes definition page in a single place rather than multiple places, or (b) developing an RDAP extension. Approach (a) is reflected in the current gTLD RDAP Profile; however, adherence to this profile is a recommendation but not a requirement for contracted parties.		
Expired Domain Deletion Policy (EDDP) *This policy covers various registrar practices for deletion of a domain name registration where a registrant has not renewed.*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. EDDP section 3.7.5.7 references "WHOIS contact information" and the "WHOIS entry." The context of this provision is a requirement that, if a registration expires during a UDRP proceeding, the complainant has the option to renew or restore the registration on the same commercial terms as the registrant. Where this occurs, the EDDP requires that the registrar (a) place the registration in Registrar HOLD and Registrar LOCK2 statuses, (b) remove the registrant contact information from the WHOIS, and (c) include a message in the WHOIS output that the registration is subject to a dispute resolution proceeding. Under the new Registration Data Policy, as there may be no registrant contact information that is publicly displayed, the registrar may not need to take any action to remove the contact information from publicly available data. However, in the event that there is any such		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2. Initiate an overall review of the policy by requesting GDD to prepare a Policy Status Report as a first step (consider whether review of this policy could be combined with a review of the Expired Registration Recovery Policy?)

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	registrant contact information being displayed (for example, where processing is not subject to GDPR or as a result of the registrant's consent), the current requirement would apply and that data would be removed. In addition, for non-public data, the registrar should also update its (non-public) registration data to remove the registrant information and indicate the pendency of a dispute resolution proceeding. This section may benefit from some clarification to indicate how these requirements apply under the Registration Data Policy. The requirements to update the status of the registration and to indicate in the publicly available data that the name is subject to a dispute are unaffected. However, additional guidance may be required on what and where to display this message in RDDS output, for example, if the Registration Data Policy requires a "Redacted for Privacy" notation and the EDDP requires a notation that the name is subject to a dispute proceeding. Note that RDAP is able to support multiple notations in an output. ICANN org notes that this provision is occasionally invoked to keep a registration active during a dispute resolution proceeding. If changes are considered to this policy as a result of GNSO policy work, it may be beneficial to apply this option to URS cases also.		
Expired Registration Recovery Policy (ERRP) *The ERRP is intended to help align registrant*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. ERRP section 4.2.1 references the Administrative Contact. The context of this provision is a requirement that registrars	Note, the ERRP is already slated for review on the GNSO Project list (no date confirmed as of now)	1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
expectations with registrar practices by establishing certain minimum communications requirements, making renewal and redemption of registrations uniformly available in prescribed circumstances, and through the creation and promotion of registrant educational materials.	describe on their websites the contact methods they use to deliver the pre- and post-expiration notifications described in the policy. "Telephone call to administrative contact" is one of the examples; however, this example can be eliminated without impact to the policy requirements. 3. The ERRP section titled Time for Coming into Compliance provides milestones by which registrars must send notices after the effective date of the ERRP. If changes are considered to this policy as a result of GNSO policy work, this section may be eliminated as obsolete.		2. Request EPDP Phase 1 IRT or establish new IRT to address / update reference to administrative contact 3. Incorporate this in the review of the ERRP that has already been anticipated and request GDD to prepare a Policy Status Report as a first step (consider whether review of this policy could be combined with a review of the Expired Domain Deletion Policy?)
Protection of IGO / INGO Identifiers in All gTLDs Policy *This policy relates to protection at the top and second level for specific Red Cross, IOC and IGO names (with an Exception Procedure to be designed for the relevant protected organizations), protection at the top level for specific INGO names and a 90-day Claims Notification process at the second level for certain other*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data)		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates

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INGO names. The policy provides requirements for contracted parties with respect to second-level DNS labels and requirements relating to the delegation of protected gTLD strings.			

Registry Registration Data Directory Services Consistent Labeling and Display Policy (CL & D)
 	
The goal of the RDDS Consistent Labeling and Display Policy is to align the way registries and registrars label and display registration data outputs. This policy specifies the format for responses to domain name queries.
	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data)
	2. The format specified by CL&D for published registration data will not be possible under the requirements of the new Registration Data Policy, based on the following:
	  a. Section 7 requires a registry operator to use a "Registry Admin ID" key in responses to a domain name object query. Under the Registration Data Policy, Administrative Contact data is no longer collected or transferred from a registrar to a registry operator.
	  b. Section 10 notes that a registry operator that is permitted to provide redacted RDDS output in its registry agreement may treat certain fields as optional. In some cases, redaction of these fields is specified in the Registration Data Policy, and in others, such as the Administrative Contact fields, these fields will no longer be required to be collected or transferred from the registrar to the registry operator. This section may be removed or updated to align with the Registration Data Policy language.
		Note, an IRT is still in place but on hold as the implementation of this policy was halted pending the roll-out of RDAP.	1. Request Translation and Transliteration of Contact Information (T & T) IRT to address terminology updates
			2. Request T&T to review these issues and identify which ones can be addressed through implementation and which ones may require policy changes through a PDP
			3. Consider following outcome of 2 – if a PDP is to be initiated, these issues can be considered as part of the PDP

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	c. Section 11 specifies that the fields for Registry Admin/Tech/Billing/Registrant ID refer to the Repository Object Identifier (ROID) for the contact object as specified in RFC 5733. The Admin ID may be eliminated as administrative contact information will no longer be collected or transferred from the registrar to the registry operator. It is also noted that not all gTLD registry operators currently use a Registrant ID field, and implementing this may involve a transition period. Under the Registration Data Policy, the Registry Registrant ID field is required to be transferred by the registry operator to a data escrow agent (per EPDP Recommendation 8), and may be required to be published or to be redacted with the opportunity for a registrant to consent to its publication (per EPDP Recommendation 10). d. In regard to ROID, per RFC 5733, the ROID is "a <contact:id> element that contains the desired server-unique identifier for the contact to be created." EPDP Recommendation 5 does not specify the Registry Registrant ID as a data element to be collected or generated. As the Extensible Provisioning Protocol (EPP) requires this information to create a contact, current implementation language for the EPDP Phase 1 recommendations includes the notation that "nothing in this policy changes the collection of the following data elements required by EPP: <contact:id>		

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	(Registry Registrant ID, Registry Tech ID), <contact:authInfo>, <contact:city>, <contact:cc>" For the registrar to display this, it must be transferred from the registry. 3. If changes are considered to this policy as a result of GNSO policy work, it may be beneficial to define to what extent the same type of consistency in labeling and display reflected in this policy remains the goal or should be adjusted. It should be noted that, according to the Registration Data Policy, both registry and registrar publication of data for individual registrations may differ on the basis of conditional policy requirements, (e.g., fields specified in the policy as MUST publish IF collected), differentiation geographically or on the basis of a legal or natural persons classification, and consent of the data subject for publication of certain data fields. The format of the display output for published registration data is impacted by the Registration Data Policy; however, some types of consistency are still possible. If the policy goal of the desired type and nature of consistency in labeling and display can be reviewed and defined, next steps can follow by determining the best means by which this can be accomplished, e.g., updates to the CL&D policy language to conform to the EPDP Team's Phase 1 recommendations, including a specified format in the new Registration Data Policy, requirements in an updated RDAP Profile, or other means.		

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Registry Services Evaluation Policy *This policy provides for ICANN org to evaluate a proposed Registry Service for potential significant security, stability, and competition issues. gTLD Registry Agreements identify the RSEP process as the mechanism for a gTLD registry operator to submit a request to ICANN organization to add a proposed service, modify an existing service, or remove an existing service.*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data)		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates
Restored Names Accuracy Policy (RNAP) *This policy provides that when a domain name registration is deleted on the basis of submission of false contact data or non-response to registrar inquiries, if a registrar restores the name from the Redemption Grace*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. The policy requires names restored during the Redemption Grace Period after having been deleted for submission of false contact data or non-response to registrar inquiries to be placed in "Registrar Hold" status. If changes are considered to this policy as a result of GNSO policy work, this reference may be updated to the EPP status "Client Hold."		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2. None at this stage, but make note of this item should a future PDP look at this policy.

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Period, the name must be placed on Registrar Hold status5 until the registrant has provided updated and accurate contact data. The policy recommendations for this policy noted that: "the purpose of this policy is to make sure that the redemption process cannot be used as a tool to bypass registrar's contact correction process."			

Revised ICANN Procedure for Handling Whois Conflicts with Privacy Law
 	
This policy allows ICANN and contracted parties (both ICANN-accredited registrars and gTLD registries) to demonstrate when they are prevented from complying with contractual obligations to collect, display, or distribute registration data because of a conflict with other legal
	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data)
	2. If changes are considered to this policy as a result of GNSO policy work, for consistency with other policies, it may be useful to consider the following updates:
	  a. adding a definitions section with relevant terms referenced in the gTLD Registration Data Policy.
	  b. to the extent the section titled Introduction and Background is retained, updating the text to describe the background, history, and rationale for changes to the procedure.
	  c. the name of the procedure and references to Whois throughout, e.g., "Whois Proceeding."
	3. Feedback from some stakeholders in June 2019 during an ICANN65 session questioned whether
		Note, that the Council is expected to consider at the end of March whether/when to launch the ICANN Procedure For Handling WHOIS Conflicts with Privacy Law Implementation Advisory Group (WHOIS Procedure IAG). This group will be tasked to provide the GNSO Council with recommendations on how to address the comments and input that has been received in response to the public comment forum on the Revised ICANN Procedure	1. Request the WHOIS Procedure IAG to consider consistency of terminology
			2. Request the WHOIS Procedure IAG to consider these items (should policy changes be required, the IAG is expected to advice the GNSO Council accordingly)
			3. Request the WHOIS Procedure IAG To consider this input and advice the Council accordingly.

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
obligations, namely, local or national laws.	this procedure was the right instrument to solve a problem, or suggested that the lack of use of the procedure was an indication it had not met its policy objectives. The GNSO may wish to consider this feedback in determining next steps.	for Handling WHOIS Conflicts with Privacy Law: Process and Next Steps.	
Thick Whois Transition Policy for .COM, .NET, .JOBS *This policy requires that all new domain name registrations must be submitted as "thick" registrations as of a certain date, and those gTLD registry operators currently providing "thin" WHOIS services must support "thick" data for all new registrations as of a certain date. These registries must also migrate all existing domain name registrations to a thick format, which transition is to occur according to a set schedule. While this policy is in effect, its enforcement is deferred pending specified*	1. The new Registration Data Policy does not use the terms "thin" and "thick" data. Rather, the policy defines data elements to be collected, transferred, and published. The Thick Whois Transition Policy Section 2 references Thin and Thick definitions, which may be eliminated if there is no need for a distinction among these types of registries. 2. The Thick Whois Transition Policy, section 4, Registry Operator Requirements, notes that, for a period of time, if no data exists in certain fields for existing registrations, these may be treated as optional. The context appears to refer to both transfer and publication, though this is not explicitly stated. Under the new Registration Data Policy, there is a different set of data elements transferred from registrar to registry than is displayed by the registry. If these policy requirements are carried over, this clause should eliminate all Administrative Contact data elements and clarify the requirements for the other elements listed. 3. As noted in the EPDP Team's Phase 1 recommendation 12, it is not contemplated that there will be a means for transfer of consent from registrar to registry. Accordingly, in cases where registries require certain data elements, this transfer could only occur on a legal basis		TBD – Some questions have arisen in the IRT concerning the impact of the phase 1 recommendations on the Thick Whois policy. Those questions should be addressed before further consideration is given to if/how to affect further updates.

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
milestones in implementation of the Registration Data Policy.	other than consent of the data subject. The result would be that the outputs of various registries would look different based on the registry operator's determinations. 4. A key foundation of this policy is the migration of records to occur over time. It is expected that all gTLD registry operators will be required to make changes to their systems to support the updated requirements for the Registration Data Policy, for new and existing registrations. This transition may take different forms depending on the previous requirements each registry operator was following. This policy addresses the specific case of what is necessary for transitioning registrations from a "thin" to a "thick" format. If changes are considered to this policy as a result of GNSO policy work, a foundational question is whether a policy is needed to deal with the specific case of com and net registrations under the new Registration Data Policy.		
Transfer Policy *This policy aims to provide a straightforward procedure for domain name holders to transfer their names from one ICANN-accredited registrar to another should they wish to do so. The policy provides*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. Transfer Policy section I.A.1.1 provides that either the Registrant or the Administrative Contact can approve or deny a transfer request. Under the Registration Data Policy, Administrative Contact data is no longer collected by the registrar. Accordingly, the registrant would be the only authorized transfer contact. 3. Transfer Policy section I.A.3 enumerates the reasons a registrar of record may deny a transfer. These include section 3.7.2,	Note, the Council has tasked a Transfer Scoping Team to consider the output from the recent review and make recommendations for how identified issues could / should be addressed.	1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2. Request EPDP Phase 1 IRT to remove references to Administrative Contact 3. Request EPDP Phase 1 IRT to remove references to Administrative Contact 4. Request Transfer Scoping Team to consider this issue as part of its scoping effort 5. Request Transfer Scoping Team to consider this issue as part of its scoping effort

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standardized requirements for registrar handling of transfer requests from domain name holders. The policy also includes procedures covering a change of registrant where a registration remains with the same registrar.	"reasonable dispute over the identity of the Registered Name Holder or Administrative Contact." The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the registrar. Section I.A.3 also enumerates the reasons a registrar of record may not use to deny a transfer request. These include section 3.9.2, "no response from the Registered Name Holder or Administrative Contact." The Administrative Contact reference may be eliminated as the Administrative Contact data is no longer collected by the registrar. 4. Transfer Policy section I.A.5.6 provides that the "AuthInfo" codes must be used solely to identify a Registered Name Holder, whereas the Forms of Authorization (FOAs) still need to be used for authorization or confirmation of a transfer request, as described in Sections I.A.2, I.A.3, and I.A.4 of the policy. Where registrant contact data is not published, and absent an available mechanism for the Gaining Registrar to obtain such contact data, it is not feasible for a Gaining Registrar to send an FOA to the registrant contact data associated with an existing registration, as required by the policy. However, the requirement for the Registrar of Record to send an FOA confirming a transfer request (covered in section I.A.3) is still achievable as the registrar does not need to rely on publicly available data. 5. Transfer Policy section II.B.1, Availability of Change of Registrant, provides that "Registrants must be permitted to update their		6. Request EPDP Phase 1 IRT to remove references to Administrative Contact

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	registration/Whois data and transfer their registration rights to other registrants freely." This language may be updated to clarify what updating registration data means, i.e., whether requirements differ according to whether a change of registrant changes anything that is displayed. 6. Transfer Policy section II.B.1.1.4 references the Administrative Contact. The context of this provision is to define a change of registrant as a material change to certain fields, including "Administrative Contact email address, if there is no Prior Registrant email address." This section may no longer be necessary, as, under the new Registration Data Policy, Administrative Contact data is no longer collected by the registrar.		
Transfer Dispute Resolution Policy (TDRP) *This policy addresses disputed domain name transfers between registrars, and all ICANN-accredited registrars must abide by its procedures and decisions.*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. TDRP section 3.1.4 (i)(b) references a "copy of Whois output." The context for this provision is a listing of documentary evidence to be annexed to a complaint by the gaining registrar. This requirement may need to be further defined for clarity on what data the registrar must copy and include. Applying the definition of "Whois data" to have the same meaning as "Registration Data" as provided in EPDP recommendation 24, this would include all data elements that were collected by the registrar. 3. TDRP section 3.1.4(ii)(c) enumerates the materials to be annexed to a complaint by the losing registrar. This provision specifies that the losing registrar is expected to provide a history		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2. Request Transfer Scoping Team to consider this issue as part of its scoping effort 3. Request Transfer Scoping Team to consider this issue as part of its scoping effort 4. Request Transfer Scoping Team to consider this issue as part of its scoping effort

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	of any Whois registration data changes made to the applicable registration. This requirement may need to be further defined as to what constitutes Whois modifications i.e., changes to public and/or non-public data elements. This provision may also need to be revised to clarify the scope of history available to the registrar, as it can only go as far back as data is retained. If the relevant data retention policy and uses of registration data including TDRP were disclosed to the data subject at the time of registration, this should cover such disclosure within the applicable period. 4. TDRP section 3.2.4 provides that a panel appointed by a TDRP provider will "review all applicable documentation and compare registrant/contact data with that contained within the authoritative Whois database and reach a conclusion not later than thirty (30) days after receipt of Response." This provision relies on comparison with the "authoritative Whois database," which does not have a clear analogue in the new Registration Data Policy. The purpose of this provision appears to be for the panel to validate the information provided to them by the registrars; however, it is not clear what source a panel would use as a basis for comparison with the registrar submissions under the new policy. The TDRP provides for the panel to match what the registrars provide with its own lookup; this does not seem to be possible unless a) the panel requests non-public data from the registrar in a similar manner as a UDRP provider, which would result in		

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	duplicative data or b) the complaint only includes publicly accessible data, and the panel is able to request and obtain the non-public data from the registrar. Registration data held by the registry operator is not referenced in this section except to note that in cases where the Registrar of Record's Whois is not accessible or invalid, the applicable Registry Operator's Whois should be used, except in the case of a thin Registry, in which case the dispute should be placed on hold. It may be necessary to establish what is authoritative and what sources the panel should use in considering a TDRP complaint. Alternatively, the provisions of this section could be restated at a higher level to define what the panel is being asked to do. The specific steps regarding comparison of various registration data sources may not be the basis for the panel's determination; rather, the panel is asked to consider the facts and circumstances and evidence presented by the parties to the dispute to determine whether a violation of the Transfer Policy has occurred.		
Rules for Uniform Domain Name Dispute Resolution Policy (UDRP Rules) *The UDRP Rules provide the baseline procedural requirements that must be followed for each stage of a dispute*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. UDRP Rules sections 1 and 2 reference the "Whois database." The context of this provision is a definition for "Mutual Jurisdiction," noting that this refers to either (a) the principal office of the registrar, or (b) the domain-name holder's address as shown in the Registrar's Whois database at the time the complaint is submitted, as appropriate. If changes are		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2-11 Request RPM Phase 2 to consider these items

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resolution administrative proceeding, such as required notice to a Respondent, time for filing a response, and appointment of the administrative panel for a UDRP proceeding.	considered to these rules as a result of GNSO policy work, it may be beneficial to update this terminology to specify the intended source of the registrant's address. 3. UDRP Rules section 1 includes definitions of terms used. If changes are considered to these rules as a result of GNSO policy work, it may be beneficial to update this to include the term and definition for "Registration Data Directory Services." 4. UDRP Rules section 2(a)(i) and 2(a)(ii)(A) include references to the Administrative Contact. The context of this provision is the UDRP provider's responsibility to use available means to achieve notice when notifying a registrant that a UDRP complaint has been filed. The references to Administrative Contact can be removed without altering the substance of the requirement. 5. Also in UDRP Rules section 2, the stated principle is that "it shall be the Provider's responsibility to employ reasonably available means calculated to achieve actual notice to Respondent." Given this aim, it may be beneficial to clarify that the Provider should continue to send the notice to all contacts publicly available in RDDS, and also to note that, per EPDP Recommendation 23, the UDRP provider may also request non-public registration data from the registrar, which may aid the provider in enabling the notification to the registrant. 6. UDRP Rules section 3(b) describes the required elements for submission of a complaint under the UDRP. These include, in item (v), "the name		

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	of the Respondent (domain-name holder) and all information (including any postal and email addresses and telephone and telefax numbers) known to Complainant regarding how to contact Respondent or any representative of Respondent, including contact information based on pre-complaint dealings, in sufficient detail to allow the Provider to send the complaint as described in Paragraph 2(a)." Per the EPDP Team's Phase 1 recommendation 23, this provision may be updated to clarify that a complaint will not be deemed administratively deficient for failure to provide the name of the Respondent and all other relevant contact information. 7. Current practices relating to amending a UDRP complaint vary. In one instance, a provider requires the complainant to amend its complaint to reflect the registrant information received from the registrar so that the proceeding can go forward. If the complainant does not amend the complaint, the UDRP complaint is dismissed. In another, a provider strongly encourages the complainant to amend its complaint, however, a complainant's failure to do so would not be treated as a formal deficiency under the UDRP Rules. This process may benefit from some clarification to ensure consistency among UDRP providers. The EPDP Team's recommendation 21 provides that: "... the GNSO Council instructs the review of all RPMs PDP WG to consider, as part of its deliberations, whether there is a need to update existing requirements to clarify that a		

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	complainant must only be required to insert the publicly-available RDDS data for the domain name(s) at issue in its initial complaint. The EPDP Team also recommends the GNSO Council to instruct the RPMs PDP WG to consider whether upon receiving updated RDDS data (if any), the complainant must be given the opportunity to file an amended complaint containing the updated respondent information 8. UDRP Rules section 4 provides that a UDRP provider submits a verification request to the registrar for the domain name(s) that are the subject of the complaint, which verification request includes a request to lock the domain name registration. Per EPDP recommendation 23, this provision may be updated to clarify that along with the verification request, the provider may also request the non-public registration data for each of the specified domain names, which shall be provided to the provider upon its notifying the Registrar of the existence of a UDRP complaint. 9. UDRP Rules section 16(b) require the panel to publish the full decision and the date of implementation on a publicly accessible website, as well as the portion of any decision determining a complaint to have been brought in bad faith. Concerning the publication of decisions, it may be useful to reference Purpose 6-PA5 in the Final EPDP report regarding publication of registration data elements used for complaints on Dispute Resolution Provider websites.		

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	10. UDRP Rules section 21 provides for amendments to the rules, noting that "The version of these Rules in effect at the time of the submission of the complaint to the Provider shall apply to the administrative proceeding commenced thereby. These Rules may not be amended without the express written approval of ICANN." 11. Feedback from some stakeholders in June 2019 during an ICANN65 session noted the work plans of the RPM PDP Working Group, but posed the question of whether there were some procedural quick fixes to the UDRP Rules that could be adopted without waiting for the policy development process to complete. The GNSO may wish to consider this feedback in determining next steps.		
Uniform Rapid Suspension System Procedure (URS) *The Procedure explains how to file a URS claim against a domain name registration, including fees, filing requirements, and steps involved in the process.*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. URS section 1.2 includes various references to "Whois." The context of this provision is a description of the contents of a complaint submitted to a URS provider. References include section 1.2.3, describing Name of Registrant and available contact information available in Whois. Section 1.2.4 requires inclusion of the specific domain names that are the subject of the complaint, accompanied by "a copy of the currently available Whois information." 3. URS section 1.2 provides that a service provider make space in the complaint form for the enumerated information associated with the URS complaint. Per the EPDP Team's Phase 1 recommendation 23, this provision may be		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2-9 Consult with the RPM PDP WG to determine which, if any, of these items have already been addressed, or could be easily addressed, without compromising the timeline. Based on feedback, determine appropriate next steps.

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	updated to clarify that a complaint will not be deemed administratively deficient for failure to provide the name of the Respondent and all other relevant contact information. 4. URS section 3.3 provides that "Given the rapid nature of this Procedure, and the intended low level of required fees, there will be no opportunity to correct inadequacies in the filing requirements." URS section 3.4 provides that "if a Complaint is deemed non-compliant with filing requirements, the Complaint will be dismissed without prejudice to the Complainant filing a new complaint. The initial filing fee shall not be refunded in these circumstances. This provision may be modified to clarify that a Complainant's complaint will not be deemed administratively deficient for failure to provide the name of the Respondent and all other relevant contact information. A question to consider is whether URS sections 3.3 and 3.4 should be updated to allow for amendment of a URS Complaint. Per the EPDP Team's Phase 1 recommendation 21, the GNSO Council instructs the review of all Review of All Rights Protection Mechanisms in All gTLDs (RPMs) PDP Working Group to consider whether (a) there is a need to update existing requirements to clarify that a complainant must only be required to insert the publicly-available RDDS data for the domain name(s) at issue in its initial complaint, and (b) upon receiving updated RDDS data (if any), the complainant must be given the opportunity to file an		

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	amended complaint containing the updated respondent information.		
	5. URS section 4 describes requirements for notice and locking of a domain name. Section 4.2 notes that, within 24 hours after receiving a Notice of Lock from the registry operator, a URS provider notifies the registrant of the complaint by sending a hard copy "to the addresses listed in the Whois contact information." This may be revised to clarify that the provider should continue to send the notice to all contacts publicly available in RDDS; however, along with the Notice of Lock, the Provider may also request the non-public registration data for each of the specified domain names from the registrar, which shall be provided to the Provider upon the Provider notifying the Registry or Registrar of the existence of a complaint.		
	6. URS section 6 contains a procedure for default cases. Section 6.2 requires that "During the Default period, the Registrant will be prohibited from changing content found on the site to argue that it is now a legitimate use and will also be prohibited from changing the Whois information." Updates to this section may be considered to provide clarity on the information that may not be changed by a registrant, i.e., public and non-public data elements.		
	7. URS section 9.4 requires that "Determinations resulting from URS proceedings will be published by the URS Provider on the Provider's website in accordance with the Rules." Concerning the publication of decisions, it may		

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	be useful to reference Purpose 6-PA5 in the Final EPDP report regarding publication of registration data elements used for complaints on Dispute Resolution Provider websites to Internet users. 8. URS section 10.2 requires that "The Whois for the domain name shall continue to display all of the information of the original Registrant except for the redirection of the nameservers. In addition, the Registry Operator shall cause the Whois to reflect that the domain name will not be able to be transferred, deleted or modified for the life of the registration" This language may be updated to refer to registration data rather than Whois. 9. Feedback from some stakeholders in June 2019 during an ICANN65 session noted the work plans of the RPM PDP Working Group, but posed the question of whether there were some procedural quick fixes to the UDRP and URS that could be adopted without waiting for the policy development process to complete. The GNSO may wish to consider this feedback in determining next steps.		
Uniform Rapid Suspension System Rules (URS Rules) *The URS Rules describe how service providers will implement the URS in a consistent manner.*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. URS Rules section 1 includes definitions of terms used. If changes are considered to these rules as a result of GNSO policy work, it may be beneficial to update this to include the term and definition for "Registration Data Directory Services. 3. URS Rules section 2(a)(i) includes references to the Administrative Contact. The context of this		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2. Consult with the RPM PDP WG to determine which, if this item has already been addressed, or could be easily addressed, without compromising the timeline. Based on feedback, determine appropriate next steps

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	provision is the UDRP provider's responsibility to use available means to achieve notice when notifying a registrant that a UDRP complaint has been filed. The references to Administrative Contact can be removed without altering the substance of the requirement. 4. Also in URS Rules section 2(a), the stated principle is that, when forwarding a complaint, "it shall be the Provider's responsibility to employ reasonably available means calculated to achieve actual notice to Respondent." Given this aim, it may be beneficial to clarify that the Provider should continue to send the notice to all contacts publicly available in RDDS, and also to note that, per EPDP recommendation 23, the provider may also request non-public registration data from the registrar, which may aid the provider in enabling the notification to the registrant. 5. URS Rules section 3(b)(iv) require a complaint to include the domain name(s) that are the subject of the Complaint and "a copy of the currently available Whois information." This may be updated to clarify that a complaint will not be deemed administratively deficient for failure to provide the name of the Respondent and all other relevant contact information. 6. URS Rules 4(b) provide that the Notice of Complaint sent to the registrant shall be transmitted in English and translated by the provider into the predominant language used in the registrant's country or territory, as determined by the country(ies) listed in the Whois record when the Complaint is filed. This		3. Request EPDP Phase 1 IRT or establish new IRT to address removal of reference to administrative contact 4-8 Consult with the RPM PDP WG to determine which, if this item has already been addressed, or could be easily addressed, without compromising the timeline. Based on feedback, determine appropriate next steps

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	provision may not be affected by the new Registration Data Policy because the country field is still publicly displayed. With regard to 4(b), it may be beneficial to clarify that the provider may also request non-public registration data from the registrar upon presentation of a complaint. 7. URS Rules section 15.4 requires that, with certain exceptions, "the Provider shall publish the Determination and the date of implementation on a publicly accessible web site." Concerning the publication of decisions, it may be useful to reference Purpose 6-PA5 in the Final EPDP report regarding publication of registration data elements used for complaints on Dispute Resolution Provider websites to Internet users. 8. Many of the points discussed here mirror those discussed in the URS Procedure analysis, above. If changes are considered to these rules as a result of GNSO policy work, it may be beneficial to more clearly differentiate the content of the procedure and the rules to avoid redundancies.		
Whois Data Reminder Policy (WDRP) *At least annually, a registrar must present to the registrant the current Whois information for each domain name registration, and remind the registrant*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data) 2. Per the EPDP Team's Phase 1 recommendation 4, "requirements related to the accuracy of registration data under the current ICANN contracts and consensus policies shall not be affected by this policy." The policy would accordingly be expected remain in place; however, some clarifications may be needed to harmonize the WDRP policy requirements with the new Registration Data Policy requirements.	Note, this policy has never been reviewed. Noting the issues identified, it may benefit from an overall review following which the Council could decide whether to initiate a PDP or follow another path to effectuate changes.	1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates 2-6 Request GDD staff to prepare a Policy Status Report which, amongst others, will include this issues, following which the Council will determine the most appropriate path to pursue.

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that provision of false Whois information can be grounds for cancellation of the domain name registration. Registrants must review their Whois data, and make any corrections.	3. In considering how such requirements carry over to the new policy environment, this analysis relies on the definition of "Registration Data" in section 2 of the Temporary Specification, namely, "Registration Data" means data collected from a natural and legal person in connection with a domain name registration. Accordingly, to meet the policy objective, the requirement would be for the notice to contain the data that is collected by the registrar. 4. The Registration Data Policy does not speak to whether optional data elements should be included in the WDRP notice; however, under the definition of Registration Data above, optional elements are part of the data collected by the registrar and thus should be included, supporting the policy goal of enabling the registrant to keep its information current. 5. It should be noted that the WDRP text consists of only two sentences, followed by several Notes sections. If additional policy work is pursued by the GNSO to update this policy, ICANN org would recommend additional changes to the Notes accompanying the policy with the GNSO's acknowledgement of such, for example, the WDRP section on Time for Coming into Compliance may be eliminated as obsolete. 6. The policy is accompanied by a model WDRP notice that includes Administrative Contact, Technical Contact, and Registrant Organization. If updates to the model notice are being considered as a result of GNSO policy work, it may be beneficial to clarify that the notice		

Policy / Procedure	Type of changes required[4]	Comments	Possible next step
	should contain the elements that are required to be collected by the Registration Data Policy. Additionally, if changes are considered to the model notice as a result of GNSO policy work, the contact information shown for the ICANN organization example needs to be updated. The Registration Data Policy does not appear to preclude registrars from adding more data elements to the notice than are included in the model notice; this point may be clarified.		
Whois Marketing Restriction Policy *This policy is a revision to the third-party bulk access provisions in ICANN's 2001 Registrar Accreditation Agreement to restrict the use of WHOIS data for marketing and re-use.*	1. Consistency of terminology (WHOIS/RDS/Whois data/Registration data)		1. Request EPDP Phase 1 IRT or establish new IRT to address terminology updates