

Text of Recommendation in revision 1.6	Support listed in Revision 1.6	Individual viewpoint of Avri Doria, a member of the WG	Section	Line #
<p>An OPOC must be one of the following:</p> <ul style="list-style-type: none"> <li>● the Registrant</li> <li>● the Registrar</li> <li>● any third party appointed by the Registrant.</li> </ul>	Agreed	Support	2.1	132
<ul style="list-style-type: none"> <li>● The OPOC should have a consensual relationship to the Registrant with defined responsibilities.</li> <li>● There will need to be a change to both the Registrar Accreditation Agreement (RAA) and subsequently Registrar-Registrant's agreements to reflect this relationship.</li> </ul>	Agreed	Support bullet 1 Do not support. bullet 2. I support the notion of a designee with a presumption of consent. I am not sure I accept the second bullet's requirements for a change to the RAA based on this issue.	2.2	141
<ul style="list-style-type: none"> <li>● Verification of an active e-mail address at the time of registration must be obtained by the Registrar. It would be up to each Registrar to implement this in any way they choose.</li> <li>● Name registration may be completed before verification of the OPOC active e-mail address.</li> <li>● In order to enhance certainty and accuracy, verification of an OPOC's active e-mail address at the time of registration must be obtained before enabling a web site to resolve based on the registered name.</li> <li>● Failure to obtain that verification in a given time period must result in a failure of the registration.</li> <li>● Once verification is obtained, web-site resolution must be rapid.</li> </ul>	Support	While I would support the notion of sending an email and insuring that it is a valid email that does not bounce, I would not favor requiring a reply to implicitly indicate consent. I also accept the notion that anything done in this area would increase expenses for registrar and that ultimately that would be passed on to registrants. I do not agree with any policy that puts the burden for paying for LEA services on the shoulders of registrars or by cost shifting, registrants .	2.3	164
<p>Ultimately, it is the Registrant who is responsible for having a functional OPOC in the way described below.</p>	Agreed	Support	2.4	198
<ul style="list-style-type: none"> <li>● Given the OPOC should have a consensual relationship to the Registrant with defined responsibilities, the OPOC must consent to being an OPOC.</li> <li>● Name registration may be completed before consent is obtained.</li> <li>● In order to prevent fraud, consent must be obtained before enabling a web site to resolve based on the registered name.</li> <li>● Failure to obtain that consent in a given time period must result in a failure of the registration.</li> <li>● Once consent is obtained, web-site resolution must be rapid.</li> </ul>	Support	I do not support this. While I support consensual relationships, I support the presumption of this consent and do support the requirement for explicit consent. In any case of a implicit consent, I would not support consent being required prior to completing registration.	2.4	202
<p>The Registrar must obtain consent.</p>	Support	I do not support Reasons discussed above, I support the presumption of consent.	2.4	227

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In order to avoid a third layer between the underlying Registrant and the OPOC, where a proxy service exists, the proxy and the first designated OPOC must be one and the same.	Agreed	Support However, I would be just as comfortable, if not more so, with replacing 'must' with 'should' as there may be cases or occasions that would merit exception.	2.5	267
Simplification must be an objective should the OPOC proposal move forward.	Agreed	Support	2.6	277
<ul style="list-style-type: none"> <li>● The technical contact should continue to be displayed when the Registrant contact details are displayed.</li> <li>● When the Registrant contact details are not displayed, then the technical contact details will also not be displayed.</li> </ul>	Agreed	Support. Remembering that OPOC means Operational Point of contact, it seems reasonable that she should be able to handle any issues that may arise.	2.6	290
<ul style="list-style-type: none"> <li>● The role of the admin contact is currently poorly understood.</li> <li>● There seems to be no over-riding reason for the future display of both admin and OPOC.</li> </ul>	Agreed	Support, for the same reasons listed above. Personally I still see the OPOC as a role, with defined responsibilities, that can be assigned to either of the existing contacts.	2.6	297
<ul style="list-style-type: none"> <li>● The OPOC must have current contact information of the Registrant.</li> <li>● The OPOC must RELAY an information request to the Registrant in a timely manner.</li> <li>● The OPOC must meet certain implementation requirements for relaying messages from the Requester to the Registrant.</li> </ul>	Agreed	Support in principle I do not, however, support an implementation guideline that requires 24/7 responsiveness. If I am my own OPOC, as I am now the admin and tech contact for some of my own registrations, I do not wish to be penalized for sleeping or going on vacation without my computer. I believe that some of these recommendations are so focused on stopping the very few bad guys that we forget that most private registrants are just regular people who try to live decent lives and most legal person registrants are just trying to run a business or association. We should remember the principle that hard cases make bad law.	3.1	315

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<p>In defence of retaining both functions the following was agreed:</p> <ul style="list-style-type: none"> <li>● Requesters may need to know the contact information of the Registrant in order to serve legal notice.</li> <li>● If a Registrant had originally provided inaccurate data, then direct Access to the Registrar would be useless. It may be only the OPOC would have accurate contact information for the Registrant.</li> <li>● Registrars inform that there is a significant cost issue if all requests go via the Registrar.</li> <li>● Registrars inform that there is a scalability issue if all requests go via the Registrar.</li> <li>● There is a concern that if the Access function were to be subject to an authentication mechanism, then REVEAL may be needed in particular for the pursuit of criminal activity.</li> </ul>	Agreed	I do not support a reveal function that does not either involve consent of the registrant or due process.	3.2	381
<p>REVEAL must take place when there is ONE OF the following conditions:</p> <ul style="list-style-type: none"> <li>● “reasonable evidence of actionable harm” suspected fraudulent activity, suspected intellectual property infringement, suspected false declaration as to being a natural person, or where other criminal, civil or administrative laws may be infringed.</li> <li>● OR reasonable evidence of inaccurate WHOIS data</li> <li>● OR when RELAY had failed after a specified time period.</li> </ul>	Agreed	I do not support the reveal function as stated above. However, if a reveal function is created then I would argued that the last bullet should be and'ed instead of or'ed; ie. (A.or.B).and.C	3.2	404
<ul style="list-style-type: none"> <li>● Because the OPOC would be either the Registrant or in a consensual relationship with the Registrant, it would be inappropriate for the OPOC to be the actor for a REMEDY that may not be in the interests of the Registrant or for which the Registrant does not consent.</li> <li>● The OPOC should be the actor for REMEDY when the Registrant consents. Such a case may be when a web site is a large host site and the Request made is to remove specific pages from the site placed there by a third party. In these circumstances the OPOC would be acting in the interests of the Registrant.</li> <li>● In these circumstances REMEDY must be timely.</li> </ul>	Agreed	Support Though I would recommend changing adding the phase 'might be' before 'would be inappropriate'	3.3	436

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<p>When there has been a failure of action or time-limit by the OPOC to fulfill a RELAY or REVEAL request, the Requestor may contact the Registrar and request one or more of the following (depending on the nature of the failure):</p> <ul style="list-style-type: none"> <li>● REVEAL of the Registrant's full WHOIS data.</li> <li>● Immediate suspension of the name records for the subject domain and /or suspension of website DNS.</li> <li>● Immediate locking of the registered domain so that it cannot be transferred for a set period.</li> </ul>	Agreed	<p>I do not support bullet 1. I do support bullets 2 and 3. As stated above, I do not support a reveal without due process. However, I do support actions taken to temporary suspend a name that is being used in a criminal manner when timely response by the OPOC cannot be obtained. I also support locking a record in this event.</p>	4	468
<p>In contrast to the Access function (described later) it was generally felt that this service should be free of cost to the Requester as it relates to a failure of the OPOC to perform. Thus any additional costs for this service would be factored into the fees charged by Registrars to all Registrants.</p>	Agreed	<p>I do not support As I argued above registrants should not have to bear the cost of investigations against them. I especially do not agree with the idea that all registrants would need to share these costs. The costs of law enforcement should be borne by those who create the laws being enforced. I.e., as a tax payer, I agree, at least implicitly to the requirement for law enforcement and can hopefully have a meaningful voice in such decisions. In this case, as a taxpayer, I should pay for it.</p>	4	478
<ul style="list-style-type: none"> <li>● From an implementation perspective, it would make sense for all Registrants (both legal and natural persons) to appoint an OPOC.</li> </ul>	Agreed	Support	5.1	504
<p>A distinction between legal and natural persons must be made.</p> <ul style="list-style-type: none"> <li>● This distinction must be made by the Registrant at the moment of registration.</li> <li>● There is no need for validation or a challenge mechanism to this self- declaration at the moment of registration so long as a post registration mechanism exists.</li> </ul>	Agreed	Support	5.1	519
<p>The implication of this declaration is that the public display of WHOIS records must be different in the following way:</p> <ul style="list-style-type: none"> <li>● Legal person Full display of all WHOIS records</li> <li>● Natural person Limited display of WHOIS records</li> </ul>	Agreed	Support	5.1	530

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This access should continue in its present form and would result in access to the full data records for legal persons and the limited data records for natural persons.	Agreed	Support Though I do think the recommendation could use a rewrite for clarity; e.g. it is unclear what the 'this' at the beginning refers to in a standalone recommendation.	6.1	576
<ul style="list-style-type: none"> <li>There were circumstances where LEAs must have access described above (one or more of 6.2, 6.3, 6.4) and that private actors must have access 627 described above (one or more of 6.2 and 6.3). These circumstances broadly include suspected terrorist, fraudulent or other illegal activity, suspected consumer harm and suspected intellectual property infringement.</li> </ul>	Agreed	I do not support While I can support the occasional need of an LEA for type 6.2 access without prior due process, I have difficulty accepting a need for 6.3 access without due process and 6.4 level access at any time, but certainly not without due process. I also do not support any such access for private actors without due process.	6.5	625
<ul style="list-style-type: none"> <li>There were circumstances where private actors may need access described above (under 6.4).</li> </ul>	Support	I do not support	6.5	632
<p>It was agreed that broadly there are two mechanisms for means of access:</p> <ul style="list-style-type: none"> <li>Self-declaration by the Accessor (probably backed-up by a challenge procedure by the Registrar).</li> <li>Authentication of the Accessor by a third party.</li> </ul>	Agreed	I do not support. I do not support self declaration in any case of allowing access to private information.. In the event that LEA or private actors are permitted access without due process, I believe it should only be by duly accredited and bonded actors. I understand that creating a system for such accreditation involves further study, but except in the case of due process, I believe it is essential.	6.6	654
<ul style="list-style-type: none"> <li>The feasibility, practicality and cost-effectiveness of authentication mechanisms for LEAs and private actors should be an area for further study</li> </ul>	Agreed	Support	6.6	675

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<ul style="list-style-type: none"> <li>● In the absence of a known method of authentication today the group recommends access be granted to LEAs and private agencies based on self-declaration by the Accessor.</li> <li>● A system of safeguards to prevent abuse of this Access is needed such as a challenge mechanism by Registrars. 686</li> </ul>	Agreed	<p>I do not support</p> <p>While I agree with the second bullet that a system of safeguards must be created around any system that allows access to private information, I do not agree to self declaration for access to such information. If a system is created that allows LEA, and possibly even other actors, to obtain information by-passing due process then that system must require bona-fide accreditation and strict rules and penalties for abuse of that accreditation.</p> <p>I also do not believe that implementation of the OPOC needs to wait until a full accreditation system is created. We still have due process and do have at least some means of allowing many LEA's to indicate their accreditation by reference to international, national, regional or local charters.</p>	6.6	681
<p>There should be no assumption that Access services would be entirely free of cost to Accessors.</p>	Agreed	<p>Support</p> <p>I support the positive statement that all costs for creating and maintaining a system that allows access to private information must be paid by those desiring such information.</p>	6.7	718