Registrar and User Consultative Committee Meeting

Minutes of the plenary meeting

20/11/2019

Contents

1. Attendees

Registrars: 10 (out of 41 members)

CSC	HAUSS	Patrick	
GANDI	FRANQUINET	Arnaud	
IKOULA	CLOSSON	Alain	
MEYER & PARTENAIRES	FUHRMANN	Steve	Remote
NAMEBAY	LANTONNET	Eric	
NORDNET	JUNG	Scott	
ONLINE	MICHOT	Jean-Claude	
ORDIPAT	KORN	Jennifer	
ORDIPAT	DESTENAVE	Sylvie	
ORANGE	JEAN-GILLES	Sophie	
SAFEBRANDS	GUILLEMAUT	Frédéric	

Users, natural and legal persons: 6 (out of 42 members)

ASS. E-SENIORS	BACHOLLET	Anne-Marie	
	BACHOLLET	Sébastien	
	BOUTIGNON	Antoine	
	CHAUMONT	Eugénie	Remote
	LOUIS	Benjamin	
	PORTENEUVE	Elisabeth	

Other members:

Chairman	GODEFROY	Beauvallet	
Trustee	OUMTANAGA	Souleymane	
Trustee	SACCAVINI	Luc	

Afnic

Pierre BONIS, Sophie CANAC, Richard COFFRE, Loïc DAMILAVILLE, Clémence DAVOUST, Floriane DUEL, Marianne GEORGELIN, Régis MASSE, Lucile RAVASSE, Emilie TURBAT

2. Agenda

09h30: Introduction

09h45: Exchanges on the issues discussed

- Change in Afnic's registry policies on .fr: How to adapt to the evolution of abuses?

10h45: Separate Consultative Committee meetings

12h00: Feedback from the Consultative Committees

13h00: Lunch and networking

14h00: Extraordinary General Meeting

15h00: Break

15h30: Presentation of information update and discussion items with members

- Young people's programme
- Update on Avenir
- Market trends in domain names

17h15: End

3. Minutes

3.1. Welcome

Godefroy Beauvallet, Chairman of the association, was present at the consultative committee meetings. He was happy to be able to go into depth on the aspects of the business and thanked members for their commitment to the association.

The trustees elected to represent users, Sebastien Bachollet and Benjamin Louis, and those representing the registrars, Frédéric Guillemaut and Eric Lantonnet, welcomed members in the auditorium and those joining remotely. They reminded members of the importance of everyone's being able to speak and take part in the debates.

They stressed that the subject of "abuse" at the heart of today's consultations in the context of a change in Afnic's registry policies had also loomed large in the discussions at ICANN among others, and that it was useful to have discussions among users, registries and registrars and to express a common French view.

Pierre Bonis introduced the session by recalling the items on the agenda and reminding members that an extraordinary general assembly would take place in the early part of the afternoon before the resumption of the consultative committee meetings.

3.2. News update

Pierre Bonis reminded members of the legislative context:

The .fr Naming Charter has evolved with case law over the years and the legal framework was stable.

For some years now there had been an appreciable increase in the expectations of certain stakeholders (the administration, intellectual property advisers, consumers' associations) calling for digital players to take more responsibility for site contents. The debates are also becoming more heated (for example between States and platforms such as Facebook).

And registries and registrars, who are more "anonymous", are being called out too. With regular requests from administrations and forces of order to be quick with cut-offs…

The laws dealing with abuse are also developing in Europe: the GDPR, already applies, but also the European consumer protection regulation, the measures of which highlight registries but in an imprecise manner that creates a situation of unease.

In France, the Avia Bill aims to provide tools for combating "hate speech" on the Internet. One of the articles in the bill indicates that "providers of domain names" are concerned, but it is by no means clear to whom this term refers, since access providers are already concerned. The authorities could require content to be made inaccessible (including mirror content), addressing themselves to web hosts, access providers, registries or registrars, which could lead to blockings and significant side effects.

➔ All this illustrates the demands of authorities and consumers for rapid recourse against abuse.

This has led Afnic and its stakeholders to consider changes: it is no longer possible to simply say 'it is not our problem', or to hide behind technology at the risk of having rules imposed that would not suit us or would be difficult to implement. It is therefore preferable to take the initiative and make proposals while further developing tools already proving effective.

3.3. Discussion item

3.3.1. Change in Afnic's registry policies on .fr: How to adapt to the evolution of abuses?

Marianne Georgelin, head of legal affairs, would first of all present an overview of what has been done by certain of our counterparts, while stressing that the context and legal framework specific to each country meant that these practices were often not transposable. She would then talk about the justification procedure for .fr.

Detecting and combating abuses in Europe

EURid

EURid has an automated first filter between registration and delegation, so blocking in case of abuse is done before the domain name is made public. A second filter is applied after a few days or at any time; if there is any doubt, EURid initiates a verification procedure of the holder's data but EURid does not have the power to suspend the domain name other than by means of this procedure.

Nominet

Nominet also has an automated process between registration and delegation, but it is human intervention that then sorts the domain names detected and checks whether the domain name has been suspended, triggering the classic checks on the holder.

DNS Belgium

DNS Belgium applies a verification procedure in respect of the holder at the request of the public authorities; DNS Belgium redirects the incriminated website to an alert page of the authority during the verification procedure. In the end it is the authorities that take the decision to definitively remove the domain name. The authorities cannot request this of the registry until they have exhausted all other available procedures.

The justification procedure for .fr

Reminder of its functioning and legal bases

The registration rules applying to .fr are:

Eligibility criteria

The registration or renewal of a domain name can be requested by any natural person residing and any legal person having its registered office or main establishment:

- in one of the European Union member states;
- or in one of the following countries: Iceland, Liechtenstein, Norway or Switzerland.

Article L 45-1 of the CPCE (Code des postes et des communications électroniques)

"Domain names shall be registered on the basis of the declarations made by the applicant and under said applicant's responsibility."

It is important to recall that Afnic does not carry out any ex ante checks on eligibility.

The .fr Naming Charter allows the registry to carry out eligibility and contactability checks on the holder. A third party requesting that this procedure be set in train must provide Afnic with a justification together with the request.

The legal framework of this procedure is:

Article L. 45-5 of the CPCE

"The registry operator and the registrars "collect the data necessary for identifying the natural or legal persons registering names (…)

The provision of inaccurate data by the holder may entail the removal of the registration of the corresponding domain name."

Removal cannot take place until the registry operator has given the holder a chance to regularise the situation.

The CPCE does not grant Afnic the power to:

- Carry out general checks on the well-foundedness or legality of the choice of terms requested on registration;
- Check the legality or conformity of the documentary evidence provided by the applicant in support of the request for registration or any other transaction ("Kbis" Trade & Companies Register extract, receipt from INPI (National Institute of Industrial Property) or prefecture, etc.).

Article 3.2 of the Naming Charter:

Afnic may carry out checks in the context of classification operations to make sure of the **eligibility** and/or **contactability** of the holder of the domain name.

The process of justification is initiated:

- by decision of Afnic (assessment); or
- following a reasoned complaint by a third party using the verification form available on the Afnic website.

This request is sent to Afnic accompanied by the documentary evidence.

- The request is made using the form that can be found on the Afnic website and sent to **qualification@afnic.fr**.
- The purpose is to ask Afnic to verify the **eligibility** and **contactability** of the holder; the request must be accompanied by documentary evidence of the inaccuracy of the holder's data.
- A notification is sent to the person requesting the check at the beginning and at the end of the procedure.

The justification procedure is indeed the instrument allowing the registry to block and/or remove a domain name on its own initiative.

This procedure is based on objective, irrefutable data, namely the identification particulars provided by the holder.

The procedure takes two months in all.

The stages in the procedure are:

- **Freezing of the domain name** for a maximum of 30 days
  On receipt of the request for verification, the domain name is frozen (the holder's name can no longer be changed but the holder may continue to use the domain name) for 30 days.
- **Blocking of the domain name** for a maximum of 30 days
  The blocking of the domain name (and of any other domain names of the holder with the same registrar) means that the website will not work, so the holder will react rapidly (statistics).
- **Removal from the portfolio of domain names**
  Removal then concerns not just the domain name but the holder's entire portfolio with the registrar. The verification concerns a holder, it is the holder's eligibility that is verified, so in the end it is the holder's portfolio that is removed.

If the holder is contactable and has provided the relevant supporting documentary proof:

- the information concerning him/it (only address, telephone and email) can be altered, through the registrar.

If the holder is not contactable/eligible and/or cannot provide the necessary documentary evidence:

- Afnic removes the domain name and the whole portfolio of domain names of the holder.

Proposed changes

Why change this procedure?

- ○ Increase in and 'industrialisation' of abusive practices of the fake webshop type:
  - ○ volume and various side effects,
  - ○ image impact for Afnic,
  - ○ the reactions of the registry must be more systematic.
- ○ Our procedures do not allow us to provide suitable case-by-case responses.

Proposed change:

Shorten the procedure to one month and a half or one month by reducing the freezing period to 15 or 7 days.

With this change to the length of the freezing period:

- Blocking takes place **sooner**.
- The holder still has **30 days** from the blocking in which to provide the documentary evidence required.
- The **criteria** for launching the justification procedure remain **unchanged**.

The procedure thus modified complies with:

- the CPCE;
  - Removal of the inaccurate holder data cannot take place "until the registry operator has given the holder a chance to regularise the situation."
- the Naming Charter
  - and the periods of the freezing phase: "Afnic proceeds to freeze the domain name holder's portfolio for a period of thirty (30) days **maximum**."

To open the consultation with members, the following questions were posed with a view to guiding the discussions within the committees:

- Do you share our perception of increasing abuse?
- What advantages and drawbacks do you see in changing this procedure?
- Do the periods need to be shortened? If so, what time frame should we use?

Pierre Bonis asked members whether they needed any clarification before the committees met separately. In response to members' questions, Pierre Bonis and Marianne Georgelin clarified the following points:

- The law obliges us to give the other party a chance to make its arguments, so the freeze cannot be reduced to just a few hours.
- DNS abuse is technical abuse (spam, phishing, etc.).
- The only tool available to the registry is verification of the holder, but the registrars can include in their general conditions the possibility of blocking and removing a domain name without prior notice in the event of doubt as to its use.
- The only faster case of cut-off is linked to the procedure for identity theft.
- If Afnic were to detect things and inform the registrars, it would be for them to carry out the removal.
- The only blockings made by Afnic before delegation relate to reserved names. A refusal to register (except in the case of reserved names) would be seen as abuse of power by the registry (see ruling of the Constitutional Council).
- An *ex ante* verification would not suffice since the websites would not yet exist. One feature of the abuse we are currently faced with is that it cannot be detected at the time of registration. The problem is not the domain name *per se* but the way it is used.
- 97% of holders do not react during the freeze period but wait until the domain name is blocked before contacting registrars.

The challenge is to preserve a certain equilibrium while making the procedure still more effective, but without reverting to excessive justification on registration (as was the case when .fr first started).

Feedback from the committees:

Users' position:

Concerning the growth in abuses, the feeling was shared by users faced with the industrialisation and professionalisation of spam and fake webshops.

There was a concern that users' behaviour might change in due course, tending to stick to familiar ground like Amazon because of trust and confidence issues, which would cause problems for smaller online merchants.

Users were aware of the practices of Nominet and EURid and thought that Afnic could look into this subject in depth.

Concerning the change to the freezing period in the justification procedure, switching from 30 days to 7 did not seem to have much effect. However, if it would help avoid some cases of abuse and if it was good for the reputation of .fr, then it was to be welcomed.

The subject of combating abuse was a matter of education and raising awareness of domain names…

Users were also concerned about changes in results pages of search engines (before, Google used to show the complete URL, now it shows only the domain name, tomorrow perhaps nothing…). Also, in the commercial links, the domain name is not shown, so users do not know whether they are going to be taken to the website of a hotel or to a reservation centre.

Concerning the prices of .fr, increasing prices is not the solution for combating abuse, and nor a deposit in guarantee system.

Registrars' position:

The registrars considered that an increase in the price of .fr could be a weapon against cybercrime.

Internet abuse is increasing, but the registrars considered that this affected .fr less than the gTLDs which carry out promotions, for example.

Concerning the change in the justification procedure, the registrars pointed out that the legal limits did not allow radical procedures. They wished the freeze to be reduced as much as possible since it is an ineffective period.

It would be interesting to have statistics on the proportion of holders notified reacting during the freeze and during the blocking.

Lastly it could be useful to have an indication of names at risk, which would alert registrars and allow them to choose whether or not to continue with the registration procedure.

To conclude, Pierre Bonis noted that members wanted Afnic to be more radical and to go further in combating abuse, that as regards the reduction of the freezing period in the justification procedure there was neither any particular enthusiasm nor opposition and that members would not be opposed to the re-establishment of some form of *ex ante* verification (between registration and delegation).

He recalled that the reduction of the freezing period could be carried out without having to amend the .fr naming charter; it would simply be necessary to put in place a process for informing registrars and holders of the change.

Lastly the increase in the number of justifications had and would continue to have an impact on registrars' support services too, and there remained the problem of registrars that allocated one NIC handle per domain name instead of one per holder.

The registrars responded that those registrars must be called to order since this practice is in breach of the rules.

3.4. Information update

3.4.1. Young people's programme

Lucile Ravasse presented the young people's programme which has been added to the *Réussir en .fr* scheme. She explained that it was important to adapt and fortify discourse with this target group.

The young people's programme is a key lever in the context of the .fr development plan.

> **Target**: young people age 16 to 25

> **Objective**: to make them aware of the stakes involved in a well-controlled online presence in which .fr is an ally

> **Role of Afnic**: to continue to educate and cultivate the future generation of domain name holders, preparing them for the challenges they will face as future employees or entrepreneurs

Arguments for raising awareness:

> In a context in which employment is a persistent challenge for young people, **employability through personal branding** is a hot topic and **mastery of digital tools and know-how** is becoming crucial

> .fr offers assurances in terms of **protection of personal data** and **independence** which are not the same as those offered by the social network platforms or webmail tools

> The **Internet is the medium most consumed*** by young people and Afnic can contribute pertinent explanations of its functioning, its means of governance, etc.

Objectives:

> To design a suitable multi-channel programme in 2019 and carry out tests over one quarter
  -> Test phase under way in Q4
> Initial stock-taking year-end 2019 to make any necessary adjustments to the programme and prepare for larger scale roll-out in 2020 -> Reflection under way on possible contributions from registrars to enrich the programme in 2020
> Number of young people to be covered by the awareness-raising programme each year: 3,000 in 2020 / 3,500 in 2021 / 4,000 in 2022 / 4,500 in 2023

The three levers of the young people's programme:

> Workshops held in universities, schools, etc.
  Via student associations and by setting up a network of ambassadors
  > > 20 workshops planned for 2019
  > > A peer-to-peer approach
  Fun presentation with a quiz and explanations
  > > Providing the keys to an effective and well thought-out online presence

> A dedicated universe on réussir-en.fr
  Provision of a space for young people, with a dedicated graphic universe
  > > Start with réussir-en.fr: **https://réussir-en.fr/commence/**
  Contents in a number of different formats on a variety of topics
  > > 'Man-on-the-street' interview videos, articles
  > > "Twitter, Facebook, can we do without them?" "What does your email address say about you?

> Partnerships
  With the Educnum association
  > Contributions, particularly of content
  > Application in process
  With the CFA: apprentice training centre
  > Contact in process

Afnic will approach registrars to offer packages to ambassadors, or indeed to all young people who have been through the awareness raising programme.

Types of package possible: Domain name + 1 personal email address + 1 redirect or 1 web page. Any other proposals are welcome (work experience, give-aways, online CV, etc.)

A call for proposals will be launched officially at the end of November for all registrars.

Pierre Bonis concluded by reminding members that young people are an important target group since it was they who are the biggest users but are not really aware of the stakes involved.

The members found the programme interesting and thought that it should not be confined to higher education but should cover secondary schools too. Emilie Turbat replied that it was difficult to get into secondary schools but that Afnic already had contacts in CFAs and Afnic was also working on lower secondary schools through the digital patent. Certain members had proposals both for increasing the number of ways of raising young people's awareness and for the promotional packs.

3.4.2. Update on the Avenir project

Régis Massé recalled the objectives of the Avenir programme: to deliver developments to customers faster, to optimise infrastructure costs and to strengthen the resilience of the system and its capacity for growth.

The first milestone, passed in January 2019, was the Minimum Viable Product (MVP), the second, at the end of 2019, would be the migration of a closed TLD:

- The technical infrastructure is ready

- Important phase of acquisition of knowledge of management of services in production

- The new software platform is operational for a registry with limited activity

Richard Coffre gave members an overview of 2019:

- January: delivery of the MVP

- February-March: refactoring: homogenisation of the code, dissemination of best practices and fine tuning of the functionalities of the standard model

- April: launch of the development phase of the standard model

- September: strengthening of the development team, roll-out of demonstrations throughout Afnic, workshops on screen interfaces for registrars and registries

- November: interactions with the registrars and registries concerning the screen interfaces

- December: sandboxing of the developments of the standard model

The new SRS is based on a modular, scalable architecture:

- Use of Docker containers and of the Kubernetes container orchestrator:
  - All the functionalities are modular, the extensions completing the standard system.
  - Addition/disconnection of complementary services (dashboards, surveillance systems, scalability, etc.)
- Implementation of a hybrid architecture (virtual machines and Kubernetes)

Every two weeks all employees can attend a demonstration of what has been achieved: this is an additional opportunity for receiving feedback.

More and more regularly, themed workshops are held to:

- Present the possible choices
- Collect information/feedback
- Make sure current needs align with initial needs

There would also be exchanges with the registrars and the registries in November to make sure that the interfaces corresponded to customers' needs.

The forecast schedule for the third year of the programme was:

- December 2019: delivery of the Afnic sandbox
- January 2020: first TLD switched to standard system
- July 2020: last TLD switched to standard system
- November 2020: completion of developments of .fr
- December 2020: switches of Geo and open TLDs completed
- December 2020: completion of the .fr migration plan

Régis Massé reminded members that Avenir was a transformative programme for the association that will change the way of working for the technical teams but also for the tools used by the in-house teams and external customers (registrars and registries). Life cycles will be more in line with customers' needs and will enable Afnic to respond faster to market expectations and standards.

3.4.3. Market trends in domain names

Loïc Damilaville presented the market trends in domain names.

3.5. Conclusion

The next consultative committee meetings would take place on Thursday 26 March 2020 at Afnic's offices.

The general assembly would take place on Friday 5 June in the morning in Paris and the annual dinner would be held that same evening.

The registrar and user consultative committee meeting ended at 17:15.