Public consultation

16 October 2023 – 24 November 2023

—

Fight against abuse

Common system for

verifying holders' data

Contents

1. Introduction

1.1. Fight against abuse

As France's national TLD, .fr has been perceived from the outset by its users as a zone of trust[1].

Our approach to dealing with abuse has a threefold objective:

- to retain the trust of .fr users in the national TLD;
- to quickly and effectively bring an end to the abusive practices of certain domain name holders while respecting the rights of individuals and maintaining the necessary neutrality of the registry, both of which are indispensable elements of this trust;
- and to develop our practices in consultation with our stakeholders, in particular thanks to innovative means, so as to strengthen the fight against abuse while at the same time maintaining the simplicity, competitiveness and excellence of the .fr domain, in a context of heightened competition.

Afnic offers all users of the .fr domain a comprehensive approach to the fight against abuse, with preventive and supervisory measures and both judicial and extra-judicial procedures.

[1] *Our annual perception survey (.fr TLD perception survey 2022 carried out by MV2) shows that 85% of the French population trust the .fr TLD. The top two reasons given for this trust are:*
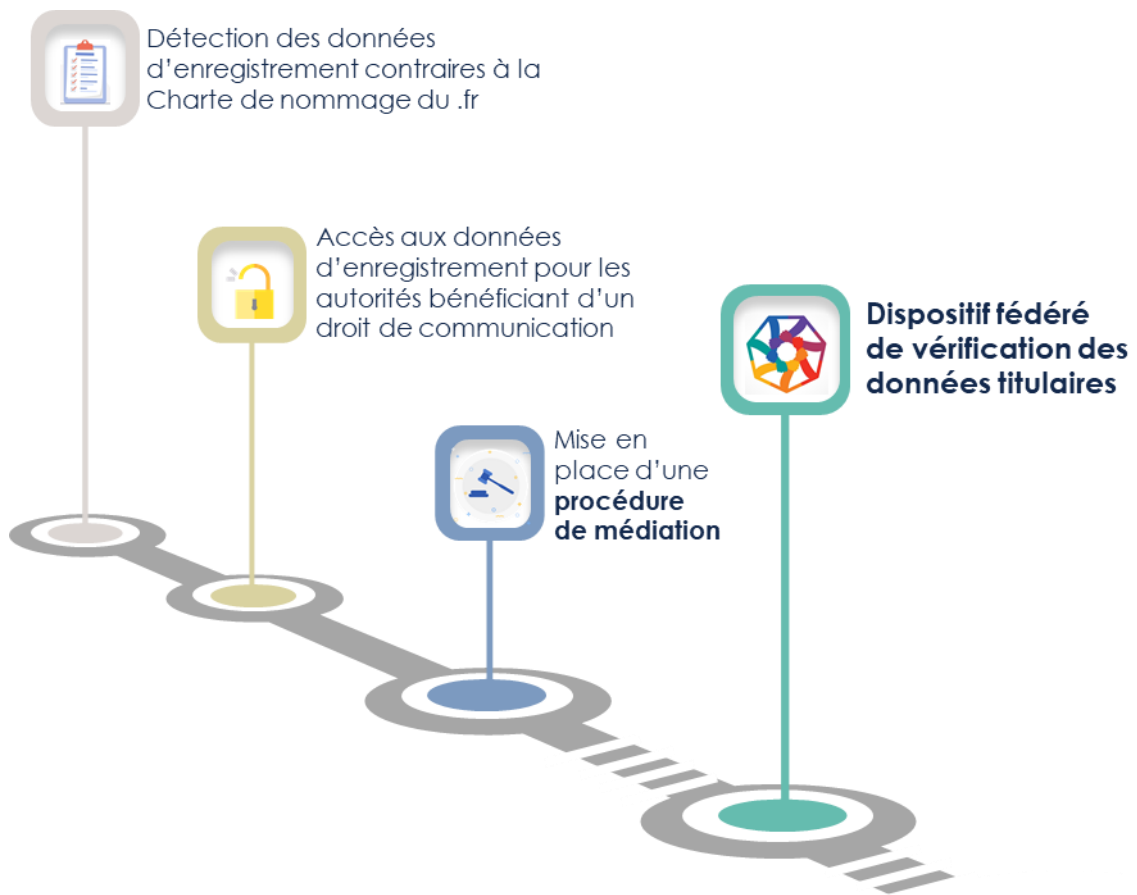*- the security and reliability of the national TLD, managed and hosted in France*
- the fact that there is less abuse and fraud on the .fr TLD

1.2. Public consultations on .fr projects

Afnic regularly consults the Internet community as a whole on any far-reaching projects concerning the .fr domain.

In the context of the current debate on how to improve the definition of online abuse and the tools for combating it, we have launched various public consultations:

- in June 2022, an initial consultation on the detection, at the time a domain name is created, of registration data contrary to the .fr Naming Policy;
- in September 2022, a second consultation on access to registration data for authorities having the right of communication.
- In February 2023 we carried out a third consultation, on the establishment of a mediation procedure.

Détection des données d'enregistrement contraires à la Charte de nommage du .fr

Accès aux données d'enregistrement pour les autorités bénéficiant d'un droit de communication

Mise en place d'une **procédure de médiation**

Dispositif fédéré de vérification des données titulaires

The next stage in this process is this public consultation on a "Common system for verifying holders' data", aimed at gathering contributions from all stakeholders interested in improving the procedures for combating abuse.

2. Implementation of a common system for verifying holders' data

This public consultation concerns the setting up of a common system allowing us to define a common procedural basis for verifying holders' reachability and eligibility data while making best use of the existing procedures. Putting this common system in place will lead to improvement in the quantity and quality of holders' data verified in the Registry database.

2.1. The context

The determination to strengthen verification procedures for data of domain name holders reflects a commitment made by Afnic in its Convention with the State, and is part of our general approach to combating abuse presented to the Afnic Consultative Committees on 30 March 2023[2].

This mechanism also forms part of a wider process of reflection on meeting the requirements of the NIS2 Directive in the course of 2024.

As a reminder, this new Directive seeks to harmonize cybersecurity requirements and the implementation of associated measures in the various Member States.

NIS2 obliges top level domain (TLD) registries and registrars to maintain and keep a reliable, resilient and secure domain names system (DNS). To this end, the Directive

[2]https://www.afnic.fr/en/associating-excellence/who-we-are/functioning/reports-of-meetings-of-governing-and-consultative-bodies/

imposes a certain number of obligations, one of which is to keep complete and accurate Whois data and to ensure their integrity (Article 28)[3].

To meet this obligation, Afnic is working in concert with the accredited registrars and the users in order to draw up terms of reference with rules and criteria acceptable to all.

2.2. Description of the project

2.2.1. Why a common system

For several years now Afnic has relied on a process allowing it to make sure of the quality of the data gathered in the process of domain name registration.

This process, known as Qualification, allows us to verify the eligibility and reachability of a domain name holder. It comprises two distinct sub-processes, namely the validation process and the substantiation process.
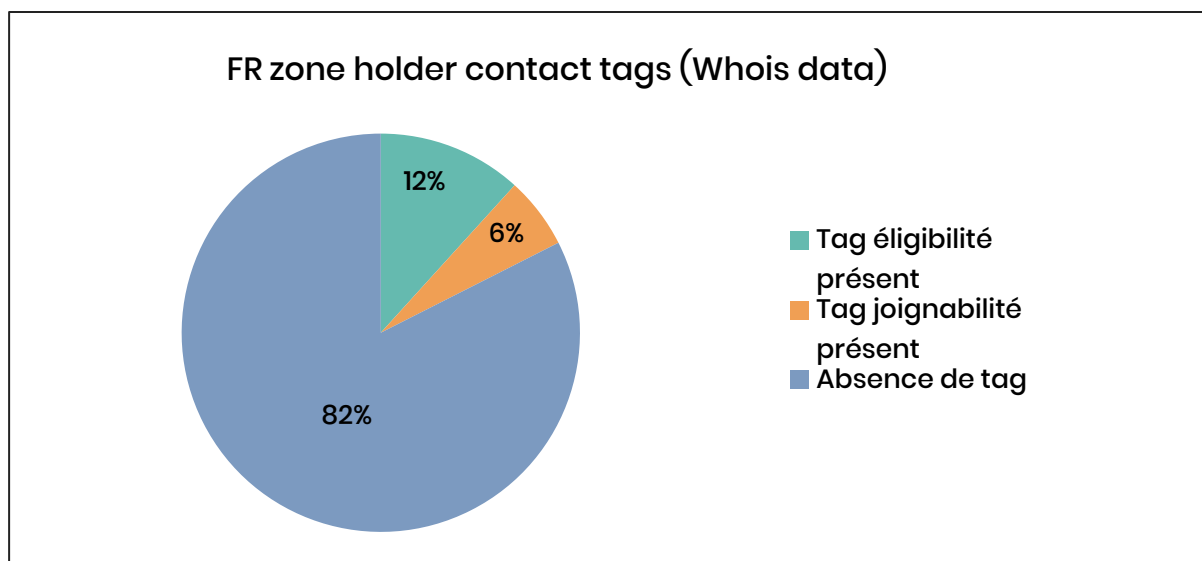
- Validation consists in verifying a holder's eligibility and reachability:
    - <u>The eligibility data</u> are the postal address for the place of residence, the company name and/or identifier for the existence and legally active status (only for legal persons)
    - <u>The reachability data</u> are the email address and/or telephone number
- Substantiation consists in asking the registrar for a number of documents in support of the holder's data.

In practice, Qualification may go through only one of these two phases, or one after the other.

---

[3] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022L2555#d1e3964-80-1

Validation takes place either when Afnic so decides or on the initiative of a registrar wishing to qualify the data of the holder contacts in its portfolio[4]. This phase of the Qualification ends with the addition of a "tag" in the Whois database, thus confirming the eligibility and reachability of the holder.

The tags for eligibility ("eligstatus") and reachability ("reachstatus") are currently insufficient in number: of a total of 3,235,528 holder contacts registered in the FR zone, approximately 380,000 have an eligibility tag and 188,000 a reachability tag.

FR zone holder contact tags (Whois data)

- Tag éligibilité présent — 12%
- Tag joignabilité présent — 6%
- Absence de tag — 82%

With the common system for verifying holder's data, we aim to develop the Validation carried out on the registrars' initiative so as to improve the quantity of holder contacts validated in the Whois database.

However, we note that not all registrars currently have the same practices as regards verification of holders' data. Our project has multiple objectives:

- To increase the number of validations of domain name holders' data;
- To ensure that procedures for verifying holders' data are carried out properly;

---

[4] Article 3.2, paragraph 66 of **Afnic's Naming Policy**

- To design a joint system allowing registrars and Afnic to benefit from sharing information gathered in carrying out these verifications with an appropriate level of confidence.

2.2.2. The advantages of a common system

The common system allows a collaborative approach to be taken, with common goals and methods.

This translates into improved exchange of information between registrars and Afnic.

The practices developed by the network of accredited registrars will ensure data quality and proper control of data as well as the maintenance of up-to-date, verified Whois data.

2.3. The steps for putting a common system in place

2.3.1. Workshops

On 21 April and 12 May last, we held two workshops with our User and Registrar members, in which we worked towards a better understanding of the context and expectations and the preparation of a common procedural basis for verifying holders' data.
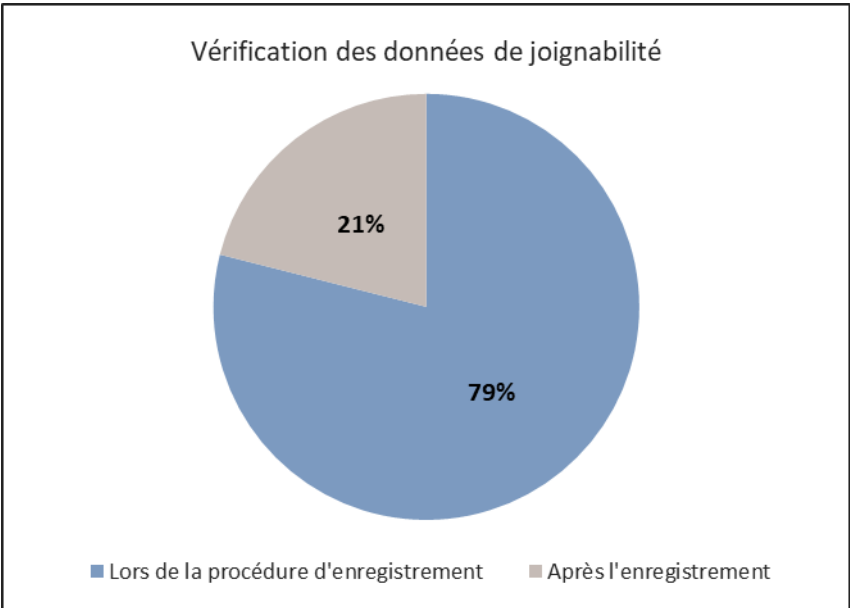
2.3.2. Survey of Afnic-accredited registrars

Following these workshops, and ahead of this public consultation, we sought to continue these discussions and go more deeply into the matter with our accredited registrars.
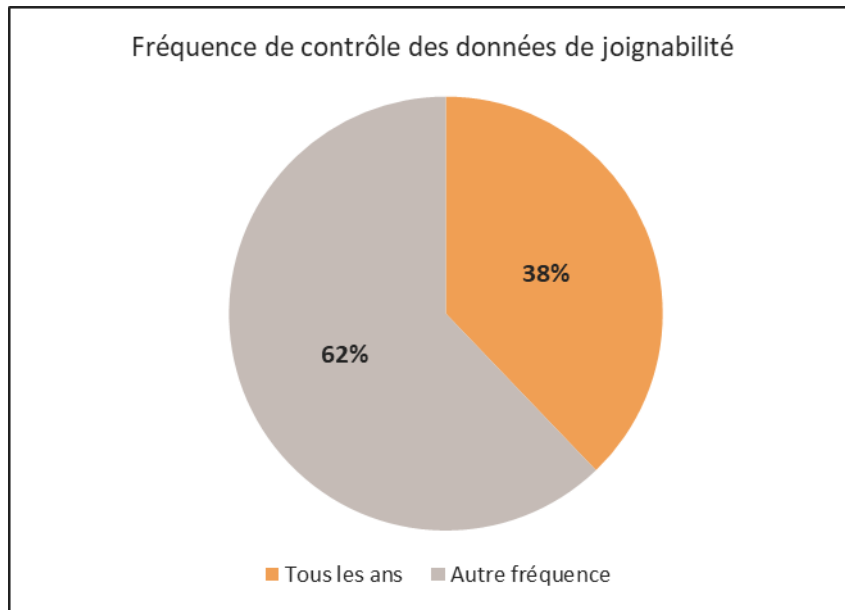
We therefore asked each of them to describe in greater detail their practices as regards verification of domain name holders' data.

Points arising from the survey
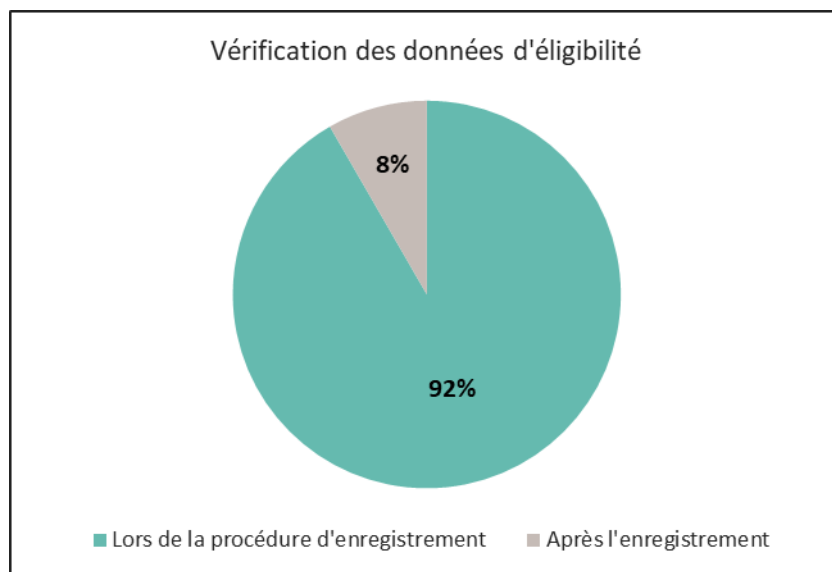
- Reachability

While reachability is established in general terms, in most cases at the time the domain name is created, post-creation verification is limited (~20% of respondents) and fewer than half of respondents subsequently check reachability at least once a year.

Vérification des données de joignabilité

- 21% — Lors de la procédure d'enregistrement
- 79% — Après l'enregistrement

Fréquence de contrôle des données de joignabilité
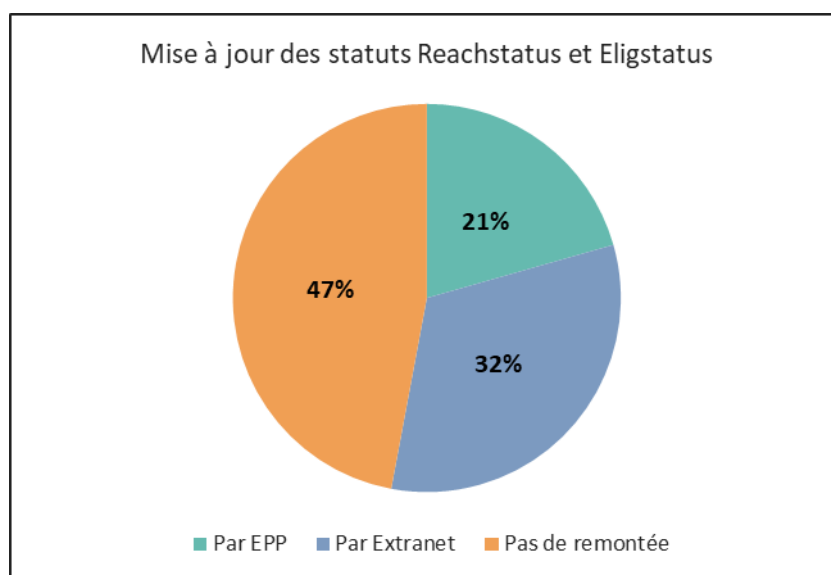

38%

62%

■ Tous les ans ■ Autre fréquence

- Eligibility

Eligibility is overwhelmingly established during the registration procedure, although there are a few registrars that establish it post-creation.

Vérification des données d'éligibilité

8%

92%

■ Lors de la procédure d'enregistrement ■ Après l'enregistrement

- Use of eligibility and reachability tags in Afnic:

More than half of respondents say they do not currently send this information to Afnic (via EPP or the Extranet).

Mise à jour des statuts Reachstatus et Eligstatus

21%

32%

47%

■ Par EPP ■ Par Extranet ■ Pas de remontée

2.3.3. Presentation of the mechanism envisaged

2.3.3.a/ Reminder of the rules

Holders' data must be up to date and accurate at the time of creation and throughout the life cycle of the domain name (name, address, telephone number and email address). Responsibility for keeping data up to date and accurate lies with the domain name holder.

Registrars for their part must ensure that holders fulfil this obligation.

It is therefore important to define together a process for verifying data.

2.3.3.b/ Mechanism submitted to consultation

Our aim is that, with effect from 1 January 2024, registrars should beef up their validation actions and report this information to Afnic for each holder contact within one month of its creation.

This involves registrars verifying the following holder data:

- Postal address (NP):

- o Existence and consistency of the information forming an address, namely the street, the post code, the municipality and the country.
- Company name (LP) and identification data of the organisation:
  - o Company registration number with the Trade Registry
- Email and/or telephone
  - o Email address and/or telephone number

The registrars may check the data in any way they have available, automatically or manually.

The information thus verified must then be uploaded to the Whois database with a status update tag, by EPP, Extranet or API.

Afnic will keep track, by registrar, of the number of new holder contacts and holder contacts tagged "OK" or "pending" or not tagged.

Afnic reserves the right to carry out checks on registrars' portfolios of holder contacts for which the "eligstatus" and/or "reachstatus" is tagged "OK", for purposes of control and assessment. Registrars must also make sure that records do not remain in "pending" status for more than one month; if they do, this will be considered a failure to verify the data.

In the event of a divergence being detected between the data provided by the registrar and the result of Afnic's checking procedures, Afnic will contact the registrar with a view to taking any specific measures that may be necessary to support the registrar in improving its validation process and/or imposing sanctions in view of the insufficiency of the steps taken by the registrar to comply with its duty of verification.

Registrars carrying out eligibility and reachability checks on holder contacts created before 1 January 2024 must also upload the positive results of verifications, tagged "OK", to the Whois database.

2.3.3 d/ The development of a common system

At present, electronic identification is covered by the European Regulation on Electronic Identification and Trust Services (eIDAS). The main purpose of eIDAS certification is to facilitate electronic exchanges among the various member countries of the EU by means of mutual recognition of electronic identities.

Depending on how the regulatory framework evolves and on the measures remaining to be implemented, the common system could evolve towards a mutual trust-based model that would allow qualification information based on enhanced identification data (digital identities, trusted third parties) to be shared in a 3R (Registry, Registrar, Registrant) model.

We are therefore also seeking your opinion on the inclusion of information from the use of digital identities as a means of verifying domain name holders' data in parallel with our usual means of checking.

3. Arrangements for the public consultation

3.1. Your contributions

You can forward your contributions and comments on these plans up until 24 November 2023 at the latest by connecting to the following address:

https://www.afnic.fr/en/observatory-and-resources/public-consultations/public-consultation-fight-against-abuse-common-system-for-verifying-holders-data/

In this form, you will be asked to provide certain elements of identification that will enable us to take better account of your contribution, which will be anonymised in the summary report that we will publish following this public consultation.

Lastly, if you would like to discuss the projects of the .fr domain in the fight against abuse in greater depth and to become a stakeholder in the search for and implementation of the solutions discussed in the consultative committees, we invite you to become an Afnic member: https://www.afnic.fr/en/become-an-afnic-member/

3.2. Additional resources

- **Naming Policy**
- **The guide to procedures for registrars**
- **The Agreement between the State and Afnic**
- **NIS2, Article 28**

3.3. Glossary

Eligibility: eligibility to register or renew a domain name, in each of the TLDs, corresponds to all natural persons residing and all legal persons having their registered office or main place of business in one of the Member States of the European Union or one of the following countries: Iceland, Liechtenstein, Norway and Switzerland.

Reachability: means contactability by email or, failing that, by telephone.

Substantiation: corresponds to the phase of the Qualification process the outcome of which is either a positive Validation or the deletion of the portfolio and the holder contact.

Nic-handle: chain of characters identifying a contact. It is generated by Afnic and held by a single registrar.

Legal Person, LP: legal entity, company.

Natural Person, NP: private individual person.

Portfolio: set of domain names of a holder identified by a Nic-handle. Qualification process: process initiated by Afnic in response to a complaint or whistleblower's report or on Afnic's initiative. This process consists of two distinct phases: validation and substantiation. In practice, Qualification may go through only one of these two phases, or one after the other.

Holder: natural or legal person registering and maintaining a domain name. Pursuant to the French Postal and Electronic Communications Code, domain names are registered and renewed on the basis of declarations made by the applicant and under said applicant's responsibility. The same applies to the use and exploitation of a domain name, which is the sole responsibility of its holder.

Validation: a phase of the Qualification process the outcome of which is the updating of the Whois database by tags.