

# Public consultation

Fight against abuse – Common  
system for verifying holders'  
data

Summary of contributions

December 2023

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# 1. Introduction

The public consultation on the implementation of a common system for verifying holders' data was held from 16 October 2023 to 24 November 2023 online, on our website ([www.afnic.fr](http://www.afnic.fr)).

We received nine contributions to this public consultation.

This document presents a summary of these contributions.

## 2. Reminder of the project

This public consultation concerns the plan to set up a common system allowing us to capitalise on existing procedures for verifying holders' reachability and eligibility data.

The common system will allow the quantity and quality of the data validated in the Registry database to be improved, whether for the .fr TLD or the French overseas TLDs for which Afnic is responsible.

It will be the responsibility of each Registrar to send Afnic the information on holders' reachability, since it is the registrars that are in direct contact with their holder customers and collect their data.

The determination to strengthen the procedures for verifying domain name holders' data reflects a commitment made by Afnic in the context of the agreement that it has signed with the State in its capacity as Registry Office for the national TLD, .fr.

This mechanism also forms part of a wider process of reflection on meeting the requirements of the NIS2 Directive, which will be transposed into French law in the course of 2024.

This project was presented to the Afnic consultative committees on 5 October 2023.

### 3. Categories of respondents

- Registrars
- Users
- Law firms

### 4. Reaction to the project

The project has been very well received and broadcast on social media<sup>1</sup>.

The contributions received come from competent stakeholders concerned by the setting up of a common system.

We have not received any objections to this project. Supplementary ideas were put forward and are included in the following summary.

In general terms, the benefits of strengthening the verification of holders' data are acknowledged, particularly in view of the NIS2 Directive and in order to continue the fight against abuse.

#### Opinion / Contribution

It seems right to me that this information should be checked upon registration and I also agree that this is an obligation of the registrar, by virtue of its registration contract with Afnic.

<sup>1</sup> X (formerly Twitter), LinkedIn, Bluesky, Instagram, Mastodon, Facebook

This would have the dual benefit of quickly getting rid of abusive registrations, under registrars' responsibility, but also, in the context of subsequent checks, of avoiding the loss of domain names due to incorrect information.

It is important to make sure of the integrity of domain name registration data, which is a central element of the proper functioning of the DNS.

## 5. Summary of contributions

### 5.1. Setting up of the common system

#### Opinion / Contribution

A logical and accessible measure for all registrars.

We support the common system proposed by Afnic for the verification of holders' data [...] since all registries - including registries for ccTLDs - wishing to combat abuse effectively using the DNS must step up their efforts to make sure that registration data are complete and correct.

The system seems weak in that it leaves it up to registrars to decide which methods to put in place for verifying ownership.

This strengthening of checks raises fears of cumbersome procedures.

We hope that the launch on 1 January 2024 will be a soft one and that you will grant the registrars the necessary time to implement it. (three months from 1 January).

The date proposed - 1 January 2024 - for the implementation of the new system of verification and declaration seems impracticable. Discussions on the subject of the NIS2 Directive are still ongoing, and the requirements are yet to be defined. We propose synchronising the implementation of the system with that of the NIS2 Directive.

## 5.2. Verification of holders' data

### Opinion / Contribution

The document is vague as to the supporting documents to be provided.

We think that Afnic could give some pointers to help Registrars with limited resources (or even make in-house tools available) in order to:

- check that physical addresses actually exist in all the countries accepted by the Naming Policy;
- check the corporate identity on the basis of a company number.

In order for domain name holders and third parties to have greater possibilities of access to the reachability by email of owners of .FR domain names, do you envisage prohibiting anonymised email addresses of registrants?

What are the consequences for the registrar in terms of liability if the validation or verification of the information is incorrect?

The system seems weak in that it leaves it up to registrars to decide which methods to put in place for verifying ownership.

What documents are acceptable or required for verification?

How are the data of non-French declarants validated? Which methods can be used?

## 5.3. Sending of information: “Eligstatus” and “Reachstatus” tags

### Opinion / Contribution

Our development resources, like those of many registrars, are limited. It is not realistic to ask registrars to implement verification tags at such short official notice and during the holiday season. According to our chief engineer, this will require significant code changes for us as well as new workflows and processes for our support teams that manage domain name registrations.

Changing our systems and procedures for the validation and declaration of data in the space of a month requires considerable technical effort. [...] and according to the extract of the Decree, we should be informed three months in advance of any technical implementation.

## 5.4. Checking of data over the course of the lifetime of the domain name

### Opinion / Contribution

The question of updating and checking these data over the course of the lifetime of the domain name is more sensitive and will require new processes to be put in place by registrars, since at present their obligation is limited to communicating and does not extend to actually checking Whois data.

In order for holders' data to be kept up to date effectively, the holder would need to be required to perform a positive action, as opposed to merely being asked to confirm the data once a year, a procedure which in practice is considered to have been successfully concluded simply on the basis of the holder's not updating the information.

Make an interface available, allowing the holder to confirm or update the holder's data.

While responsibility for keeping the data up to date undoubtedly rests with holders, the registrar's scope of responsibility certainly includes actions to raise its holder-customers' awareness of the importance of updating data and undertaking all the necessary actions to do so whenever the data so require.

Afnic should have a system for alerting registrars when a domain name remains too long without verification status.

Rather than carrying out random checks, it would be preferable to take a moment in the life of a domain name as the basis for carrying out a check; in other words an action linked to an active use of the domain name, which therefore presupposes that the holder is behind this action and is therefore reachable at this time.

## 5.5. Modi operandi

### Opinion / Contribution

A system of ex post verification of registration has significant side-effects, in particular in the case of:

- non-delivery of verification emails in a process requiring the holder to opt in: (emails going into spam, not received, etc.)



- the holder's not taking any positive action in response to a verification request (freezing of the NDD, non-availability, etc.)

What are the consequences for the registrar in terms of liability if the validation or verification of the information is incorrect?

If Afnic or IONOS wrongly blocks a domain name, the holder may sue Afnic or IONOS. [...]

It is important to clarify these questions of responsibility that are still open in order to ensure that Afnic and domain name holders are aware of their rights and obligations.

In order to protect the personal data of holders, whether natural or legal persons, it would be appropriate to provide an individualised customer space with secure access.

Afnic needs to receive assurance that the registrars warrant having trained their employees on the protection of personal data. Furthermore, registrars should put in place limited and secure access in their offices in order to avoid holders' personal data and the associated supporting documents being freely accessible to all their employees.

## 5.6. Categorisation and differentiated treatment

### Opinion / Contribution

It seems to us important for Afnic to make a distinction as to how it deals with registrars based on their types of customers:

- mass market registrars, whose clientèle consists mainly of private individuals and small businesses,

- niche market registrars who address a clientèle of businesses of a certain size. By their very nature, the latter have a policy of permanent data verification, since this forms an integral part of their service. The checking and updating of data takes place at various stages in the commercial relationship between a registrar and its major corporate customer.

This distinction should give rise to a differentiated treatment on the part of Afnic, leading ideally to recognition of the fact that, by default, data provided by niche market registrars concern holders that are eligible and reachable.

Niche market registrars could then make an additional, contractual, commitment to Afnic defining the obligations they undertake to fulfil in order to maintain this privileged status.

## 6. Conclusion

In the context of the application of the common system as presented for public consultation, the opinions and contributions reproduced above contain some particular points to be taken into consideration in consolidating our system for verifying holders' data.

The responses received to this consultation confirm that the implementation of a common system for verifying holders' data is of value in the fight against abuse, even though some concerns were expressed regarding the complexity of the process.

In this regard, we wish to reiterate some points of clarification on the project:

- the common system uses a procedure that already exists in the Naming Policy, namely the substantiation (Article 3.2 of the Naming Policy) carried out by the registrars, without any particular requirement on the part of Afnic as to how this is

done. Afnic leaves the registrars free to verify holder's data by any means they wish, automatically or manually.

The Registry's only requirement has to do with how this information is sent to it, using the appropriate EPP protocol tags (also available through the web services and APIs put in place by Afnic). The idea is to consolidate all the verification methods used by the registrars and the registry in order to improve visibility and transparency of the number of holders whose reachability and eligibility have been verified.

- This system is intended as encouragement and there is no sanction attached to it. It is based on the shared determination of the registrars and Afnic to benefit jointly from their respective data quality procedures in order to consolidate them in the .fr database.

You are nonetheless reminded that a system of graduated sanctions, unrelated to this system, does exist. Thus if certain registrars were to be remiss in sending information on reachability and eligibility verifications to the registry, or if this information were found by Afnic to be erroneous, Afnic would contact them to discuss how to remedy the situation and would remind them of their contractual commitments to the registry. This could lead to the imposition of sanctions as provided in the registration contract.

- Our intention in introducing this system is to encourage the sending of information to the Registry and thus to improve the quality of the data and the visibility of the checks carried out. We hope to convince registrars that it is in their best interests to do more (Article 28 of the NIS2 Directive), and to let those who have already put verification systems in place make this known.

The other responses as a whole showed a desire for collaboration between Afnic and the registrars with the aim of maintaining accurate and complete Whois data and ensuring their integrity.

The contributors also encourage us to go further with the possibility of pooling and sharing information, which follows the lines already identified: the possibility of evolving the system towards a common trust-based model that would allow for the sharing of qualification information based on enhanced identification data (digital identities, trusted third parties) to be shared in a 3R (Registry, Registrar, Registrant) model.