Summary of the 3rd meeting of the working group on cooperation between Punktum dk and registrars in relation to Article 28 of the NIS2 Directive

Present: Prudence (MarkMonitor), Tom (Simply.com), Patrick (CSC), Stefan (INWX), Benoit (Gandi), Rieke (one.com), Morten (team.blue), Elin (.dk), Laila (.dk), Lars (.dk), Erwin (.dk) and Mette (.dk).

1. Approval of agenda

The agenda was approved.

2. Approval of summary of the 2nd meeting

The summary was approved.

3. Find a desirable model for how to avoid duplication of work in the future in collecting and maintaining correct and complete domain registration data together with the methods for verification of domain name registration data.

Collection of up-to-date information

The working group agreed following at its last meeting in relation to collection of up-to-data information:

1. Domain name is handled by the registrar = the registrar collects updated information
2. Domain name is handled by the registrant = .dk collects updated information

It was discussed whether there should be an exception to nr. 1 in regard to name and address. The reason for this is that Punktum dk today updates name and address on all registrants residing in Denmark ("DK registrant") automatically. This can be done by locking registrants towards the Danish CPR and CVR registers. Punktum dk also locks DK registrants towards CPR to ensure that addresses are not made public in WHOIS, if a registrant is registered in the Danish Civil Registration System as having name and address protection. This is a requirement according to the Danish Domain Law.

Simply.com was not interested in locking the registrants towards CPR and CVR themselves.

Exception to collection of up-dated information

It was agreed:

- If it is possible to change the Danish Domain Law, whereas the registrants address is excluded or should not be automatically protected (made anonymous) when possible, there should be no exemption to nr. 1 - meaning the registrar always collects updated information
- If it is *not* possible to change the Danish Domain Law – DK registrants will be locked towards CPR and CVR by Punktum dk as it is done today.

  If so One.com would like to receive up-dated information on DK registrants locked to CPR and CVR.

Punktum dk noted that it can be necessary to consult/get approval from the National Regulatory Authority, other registrars and the internet society in regard to the working groups agreed models. In regard to sharing of information it will be discussed later in the working group - it may also be necessary to consult the Data Protection Authority.

Validation of domain name registration

What data should be validated

It was agreed:

- Data mention in NIS2 and the Danish Domain Law need to be validated. Addresses will be challenged.

Who should validate data

It was agreed:

- There should be a hybrid model where registrars can choose, if the registrar validates data or the validation should be done by Punktum dk.
- To ensure the most flexible model registrars should be able to choose *pr. domain name*, whether they want to carry out the validation, or if it should be done by Punktum dk. However, if it later should turn out that this will not be feasible or it will make more sense with another model, e.g. validation per registrant, all parties agreed that it could be changed.

When should data be validated

It was agreed:

- Data should be validated at registration.
- Data should be validated after registration, when:
    - A registrant's information is updated.
    - A domain name is transferred/change of "owner".

  Other activities were not discussed.

<u>How should data be validated</u>

Punktum dk asked whether ENISA's resent Report on DNS identity and verification of domain name holders could be used in the working group. It was, dismissed due to the scope of the report.

Following validation methods were hereafter discussed in regard to:

Validation of name and identity:

- eID
- Risk assessment
- Passport
- Central validation service cross Europe

Validation of e-mail:

- Active response by sending a link to an e-mail address.

Validation of phone number:

- Active response by sending a sms. One.com mentioned it will be possible to send a code to a phone number.

Simply.com mentioned that they would like risk assessment to be enough for all registrants. If there is a risk that data is not accurate further control could be made. It was discussed what would be enough to be compliant with NIS2 and the Danish Domain Law, including whether it will be necessary to validate all information.

MarkMonitor mentioned, it is important that registration of a domain name does not become so difficult that users no longer want a .dk domain name. It is therefore important that unnecessary obligations/burdens are not imposed on registrants.

3. Date and topic for the next meeting.

It was agreed that next meeting will not be earlier that primo/ medio September. A new meeting will not be relevant before Punktum dk has reached out to CENTR and other administrators in EU to hear their views/best practices on validation and publication of data. Punktum dk will also try to setup a meeting with the NRA and the working group.

4. AOB

Nothing.

Summary of for the 4th meeting of the working group on cooperation between Punktum dk and registrars in relation to Article 28 of the NIS2 Directive

Present: Prudence (MarkMonitor), Benoit (Gandi), Rieke (one.com), Emil Stahl (Team.blue), Elin (.dk), Laila (.dk), Lars (.dk), and Mette (.dk).

1. Approval of agenda

The agenda was approved.

2. Approval of summary of the 3rd meeting

The summary was approved.

3. Update from Punktum dk on NIS2 implementation in some other countries in Europe

Punktum dk have asked other countries in CENTR on their implementation of the NIS2 Directive.

7 countries have answered.

Most countries foresee a hybrid model, where verification of domain name registration data can be done by either the registry or the registrar.

Most countries would like to see the same model across Europe but believe that this is only realistic in the longer term.

Most imagine a risk-based approach, where the registry makes the risk assessment.

Several use active responses for phone number and email validation.

The big challenge is that many countries are waiting for the national implementation of the NIS 2 directive.

4. Further discussion .verification of domain name registration data

It was discussed how to validate email-addresses and telephone numbers.

- I was agreed to validate through active response. The working group agreed to ask the regulator on the next meeting whether it is sufficient to validate either the email-address or the telephone number or whether both the email-address and the telephone number must be validated.

Verification of postal addresses was discussed.

Today Punktum dk verifies postal addresses for registrants outside Denmark based on a risk based approach.

One.com stated, that the risk assessment could continue to be made by Punktum dk to get a uniformly risk assessment and that the actual verification then could be made by the registrar, if so wished.

One.com also informed, that she had talked with the German working group who are willing to share their methods for verification and that it would be desirable to do as Germany to use the same methods as at least one other country.

MarkMonitor agreed that the risk assessment could be done by the registry and stretched the need for flexibility concerning the methods for verification.

Team.Blue and Gandi agreed with One.com.

- It was agreed that Punktum dk should make the risk assessment.

The time for verification was discussed.

Punktum dk informed, that on the last meeting, Punktum dk forgot to inform about a legal provision under which anyone can send a report to Punktum dk, if they have reasoned suspicion that a registrant's information in the database is not correct. Such a notification may initiate an identity check.

Punktum dk informed, that Punktum has not yet seen the provision misused and will only initiate a check of identity and contact information of the registrant if Punktum dk finds that the report is so well founded that a further investigation should be initiated.

To the next ordinary meeting (the 6th meeting) Punktum dk will draw a model based on the discussions and a list with suggestions for documentation, that can be used to control of a registrant's identity and contact information.

5. Preparation of the 5th meeting in the working group with participation from Finn Petersen from the Danish Agency for Digital Government

Punktum dk informed, that Punktum dk has had a preliminary meeting with the regulator. At the meeting Punktum dk told the regulator about the existence of the working group, the terms of reference, what we have discussed so far and inform about the questions we so far expected the group would like to ask him.

At the meeting the regulator informed that the implementation of the NIS2 Directive into Danish law has started, but that he does not know the status of it.

It was agreed to ask the regulator the following questions:

- Will the Danish Domain Act will be changed so that it is no longer required to verify the registrant's postal address?
- Will it be enough to validate either the registrant's email-address or telephone number and not both?
- Will the Danish Domain Act be changed so that data on registrants no longer will be public available in the WHOIS-database unless the NIS2-direktive demands it?
- Will all registrants resident in Denmark still have to verify themselves with the Danish eID or can verification of registrants resident in Denmark be done based on the risk based approach?
- Who is the point of contact administering the domain names?

- Can the control of the registrant's identity and contact information be done after the domain name is put in the zone or must it be done beforehand?
- What happens on the regulatory side?
- Does the regulator have questions to the registrars?

Based on One.com's question Punktum dk informed, that Punktum dk is still looking into the possibility to remove to have a proxy on a domain.

There was a discussion about when the domain name should be put in the zone.

One.com expressed, that it would be best to continue as it is today, where the domain is post-poned from the zone, if there is high-risk for incorrect data.

Gandi stated that it was ok to post-pone that the domain name was putted in the zone for high-risk for incorrect data.

MarkMonitor stated, that both solutions ware fine for them.

Team.blue expressed a wish to keep things as they are today on this matter.

6. AOB

Nothing.

Summary of for the 6th meeting of the working group on cooperation between Punktum dk and registrars in relation to Article 28 of the NIS2 Directive

Present: Prudence (MarkMonitor), Benoit (Gandi), Rieke (one.com), Emil (Team.blue), Patrick (CSC), Morten (Team.blue), Tom (Simply), Yuliya (Tucows) Elin (.dk), Laila (.dk), Lars (.dk), Erwin (Punktum dk) and Mette (.dk).

1. Approval of summary of the 5th meeting

The summary was approved.

2. Flow charts

Punktum dk had drawn 4 flow charts. The flow charts were reviewed.

Re. flow chart – Collection data

There were no comments to this slide.

Re. flow chart – Create domain name

It was asked whether Punktum dk consider removing the possibility for a registrant to order a domain name without entering the agreement with Punktum dk at the same time (Flow 2).

Punktum dk answered that the question can be raised when the working group's model is to be sent for consultation with the other registrars. Furthermore, the question will also need to be brought before the board before a decision can be made.

Re. flow chart – Updating customer information

There were no comments to this slide.

Re. flow chart – Registrant id check

It was agreed that the flow charts lack the possibility for a registrar to make the ID check before creating the domain name. Punktum dk will update the flow charts with this.

Punktum dk informed that there are possible two models for how the registrars can get access to the risk assessment made by Punktum dk. Either the registrar can via an API ask whether the registrant must pass an id check before the application is sent to the registry or

the risk assessment can be done after the registration of the domain name by the registry followed be a request to the registrar for ID checking.

Some registrars expressed a wish for the first solution.

- It was agreed that Erwin, Tom and Rieke will talk separately about such an API.

There was a talk about the deadline of 25 days to complete the id check and the deadline for suspension.

The deadline for suspension derives indirectly from the deadline for a registrant to complain to the complaint board and the deadline for ID check indirectly from the article 15 in the administrative order on the internet domain .dk. However, the deadline here is 30 days. Punktum dk gives the registrants a deadline of 25 days to have time to process the cases.

- It was agreed that Punktum dk shall change the deadline for the registrars to make the ID check to 30 days.
- It was agreed that if the registrar wants to make the ID check, the registrar can as well as Punktum dk let the registrant have as many attempts to pass the ID check as they like within the deadline.
- It was agreed that the registrar can let a third party make the ID check if the ID check complies with the requirements that the group eventually will agree upon. The registrar / Punktum dk has the obligation in the relationship between the registrar and Punktum dk regardless of whether the ID check has been carried out by a third party, e.g. reseller.

When the registrar sends an application for a domain name, the registrar can flag on the user if it/he/she has already been verified by an ID check. There was a discussion on whether it will be necessary to mark which method has been used in the ID check as e.g., DENIC does not demands information about the method.

- Nothing was concluded. Punktum dk will investigate whether Punktum dk finds it necessary.

It will be based on trust that the party who undertakes to perform the ID check makes the ID check and according to what will be agreed upon. On a later stage the working group must discuss how the registrars and Punktum dk shall audit each other on this point.

General about the flow charts

Some registrars expressed that the flow charts were not detailed enough. Punktum dk will draw some more detailed flow charts before the next meeting.

3. Methods for verification

Punktum dk had drawn a list of suggested methods for verification of the registrant's identity and address.

The list was briefly reviewed.

- It was agreed that Punktum dk will talk with DNS Belgium about payment and due diligence as methods for making ID checks and investigate if DNS Belgium's demands for these methods, can be used.

4. Next meeting

On the next meeting the flow charts will be discussed further along with the methods for making ID check.

5. AOB

Nothing.

Summary of for the 7th meeting of the working group on cooperation between Punktum dk and registrars in relation to Article 28 of the NIS2 Directive

Present: Prudence (MarkMonitor), Benoit (Gandi), Petra Novakova (Gandi), Chloé Borné (Gandi), Leila E. (Gandi), Emil (Team.blue), Patrick (CSC), Tom (Simply), Yuliya (Tucows) Elin (.dk), Laila (.dk), Lars (.dk), Erwin (Punktum dk) and Mette (.dk).

Punktum dk presented slides, that partly summarized earlier work and partly were new.

1. <u>Slides re. collecting and maintaining Damian Name Registration Data</u>

Punktum dk presented the slides.

There was a discussion about the registration of a user and why the slides differentiated between a user and a registrant. Punktum dk explained that a "user" in the flow chart is a "contact" in the creation process and can be another person than the registrant e.g. a proxy.

Apart from that, there were no comments.

- It was agreed to keep the distinction between a user and a registrant. The model in the slide for collecting and maintaining Damian Name Registration Data was approved.

2. <u>Slides re. ensuring correct and complete Domain Name Registration Data</u>

There was a discussion about the slide "Implementation Hybrid Model".

The slide illustrated that if the registrar wants to do the verification of the domain name registration data, the registrar could choose it for

- all its DK-registrants and/or
- non-DK-registrants and/or
- for either name and address and/or
- for email-addresses and telephone numbers.

The slide illustrated who will do the verification if the registrar does not flag that it has already been done, when the domain name is registered.

If a registrar chooses not to do the verification for all registrants, the registrar can still do the verification up front and flag that verification has been done. In that event Punktum dk will not do the verification as it has already been done.

There was an overall wish from the registrars to keep it as simple as possibly so that a registrar chooses to do all the verification (for all users and all data) or chooses not to do any of the verification.

- Registrars preferred an "all-or-nothing" solution, which was agreed.

It was asked whether the registrars must check both the e-mail address and telephone number. Punktum dk informed that on the meeting where Finn Petersen participated, he said that the obligation to ensure correct data goes for both the e-mail address and telephone number.

3. Re. Publication

Punktum dk informed that Punktum dk will publish all the data that NIS2 requires to be published. The registrars can refer to Punktum dk if asked how they fulfill the obligation of publishing data.

- It was agreed that Punktum will publish the required data.

It was asked how Punktum dk will determine whether an e-mail address is personal data or not.

Punktum dk informed that there are no methods for this and that Punktum dk has asked the Danish Data Protection Agency for a meeting about the issue. For now, Punktum dk considers informing the registrants that the e-mail address will be publish and must not contain personal data.

It was asked if the WHOIS and RDAP information will be the same as today. Punktum dk informed that it will.

Punktum dk asked for the registrar's opinion on publishing the data about whether a registrant has been ID-controlled or not. It is not a part of NIS2, but the question might come up. No registrars supported that information being published.

4. Technical working group

Punktum dk suggested to establish a technical working group that will work on the technical solutions. In the technical working group other employees from Punktum dk's technical department will participate. Laila or Mette will still act as secretary for the group.

The registrars were encouraged to write to Mette if they want to participate in the technical working group, if possible, with names and e-mail addresses for the participants.

5. Next meeting

The next meeting will be on Monday 29th of January.

The agenda will be:

1. Approval of summaries for the 6th and 7th meetings
2. Process for verification
3. Methods for verification
4. Timetable for the working groups work

6. <u>AOB</u>

Punktum dk asked if the registrars had started the implementation of NIS2. None of the present registrars had.

It was asked how much of the issues the working group discussed that are absolute obligations. Punktum dk informed that NIS2 directive's text set in stones, but apart from that nothing is certain. There is still no proposal for the national law that will implement the directive, still no guidelines etc.

It was asked if the Registrars Contract will be sent to the registrars for their comments when the necessary adaptions are made or if Punktum dk will just make the adaptions without the registrars having anything to say. Punktum dk informed that the draft contract will be sent to the registrars for their comments.

It was asked if there is a cross-border technical group. Punktum dk informed that right now there is not. It is an obstacle that the registries work in different tempi on the matter.

Summary of for the 8th meeting of the working group on cooperation between Punktum dk and registrars in relation to Article 28 of the NIS2 Directive

Present: Prudence (MarkMonitor), Petra (Gandi), Chloé (Gandi), Leila (Gandi), Emil (Team.blue), Tom (Simply), Yuliya (Tucows), Rieke (Group One), Morten (Team.blue), Laila (.dk), Lars (.dk), Erwin (Punktum dk) and Mette (.dk).

Punktum dk presented slides that partly summarized earlier work and partly were new.

The slides from the meeting are enclosed this summary.

1. <u>Approval of summaries from the 6th and 7th meetings</u>

- The summaries were approved.

2. <u>Slides regarding model for collection and verification</u>

The slides ensuring correct and complete Domain Name Registration Data were reviewed.

2.1 Re. Slide "Hybrid-model with registrar – registration of a user".

Punktum dk asked whether it is acceptable that if the verification of the data is done <u>after</u> the registration of a user, the registrar only can perform the verification on registrants that are registrar managed.

- This was acceptable for the registrars. At the same time, the registrars stated that the exact time for when the registrars can no longer perform the verification depends on Punktum dk's internal processes and systems and that Punktum dk therefore can determine the exact time themself depending on what suits Punktum dk best.

Group One asked whether a registrar can do the verification up front even that the standard setting in the registrar profile is that verification is done by registry.

Punktum dk answered that the registrar always can do the verification up front.

Group One would like this to be clearer in the slide.

Group One does not approve with the "all-or-nothing-model" regarding that the registrar must verify all data if the registrar does the verification. Group One would like to be able to verify e.g. e-mail and telephone number but not name and address.

- Punktum dk informed what was discussed at the last meeting and that Group One's point of view was noted. There will be a consultation of other registrars of the whole model. They might also comment on this.
- Punktum dk also informed that an all-or-nothing model might be initiated first and reviewed after a certain period to investigate whether is should be more flexible.

2.2 Re. the slide "Hybrid-model with registrar – update of user data non-dk resident"

It was asked if the registrar must indeed update the address for registrar managed registrants resident in Denmark with protected name and address.

- Punktum dk informed that this is correct. Punktum dk does not receive information from the CPR-register on updated addresses for people with protected name and address.

It was asked whether the registrar can mark that the registrar has not verified such updated address.

- Punktum dk informed that the registrar can mark that. In this case the registrar setting determines whether the registrar or Punktum dk will do the verification.

2.3 Re. the slide "Registration of a domain name"

It was asked what determines whether there is a high risk or low risk that data is not accurate.

Punktum dk informed that it is the risk assessment. The risk assessment gives the registrant a score based on various criteria. It is confidential which criteria gives a score. Furthermore, the criteria are continually adapted to known abuse patterns.

There was a wish among several registrars to know more about the criteria in order not to trigger a verification of data unnecessarily.

Punktum dk informed that Punktum dk cannot share the whole algorithm behind the risk assessment but will share more information about the various criteria at next meeting.

- It was agreed that the risk assessment will be discussed at the next meeting.

2.4 Re. the slide "Detailed flow chart"

Punktum dk noted that the name and address can be changed during the verification with MitID. In that event Punktum dk will inform the registrar on the changes.

There were no comments to the rest of the slides about ensuring correct and complete Domain Name Registration Data.

3. Slides regarding approved verification methods

3.1. Re. the slide "Natural registrant resident outside Denmark"

It was asked what a "recent" selfie is.

Punktum dk informed that we don't have a precise definition of when a recent selfie is. The selfie must make a link between the picture in the passport, driving license etc. and the

person. The selfie must therefore not be too old or be the picture from the passport/driving license.

It was asked why the address must be verified as it is not a demand in the NIS2 Directive and whether this is a new demand.

Punktum dk informed that the address derives from the Danish Domain Act and has been a demand for .dk domains for about 10 years.

3.2 Re. the slide "Legal registrant resident outside Denmark"

MarkMonitor expressed that the demand that they cannot comply with the demand that the documents must not be publicly available as it is written in the slide. Likewise, does e.g. daughter-companies not necessarily have a bank account. The current model in the slide does not consider a lot of business forms.

Group One agreed that the demands in the slides are – for some types of companies – impossible to comply with. Group One suggested that a company should be able to verify itself by a business certificate combined with verification of the identity of e.g. the CEO of the company.

Some registrars expressed that in their opinion that it is only a requirement that the data is correct, not that the data matches the registrant of the domain name. The demands to the verification should not be higher that the requirements in the law as it is not the responsibility of the registrars and registry to prevent identity theft. Punktum dk informed that the data much match the registrant.

- It was agreed to discuss the methods for verification of a legal resident outside Denmark at the next meeting.

4. Timetable for the working group

The timetable for the working group, consultation of other registrars and technical implementation were reviewed. The timetable is enclosed this summary.

- The timetable was agreed upon.

5. Next meeting

The next meeting will be on Tuesday the 27th of February.

The agenda will be:

1. Approval of summary from the 8th meeting
2. Risk assessment
3. Methods for verification
4. Compliance and audit
5. Any updates of the slides.

6. AOB

The technical working group will have its first meeting on Friday the 2nd of February.

Simply wanted the fee for a registrant changing their business number abolished. Punktum dk expressed that the question must be discussed outside this working group.

There was a discussion about the terminology "transfer" that in the slides means "registrant transfer". Some registrars would prefer the terminology "owner change" as it is a normal used expression among registrars. Punktum dk suggested "registrant transfer" as it is the definition from CENTR and found by cooperation between registries and registrars at that time. Furthermore, owner change can refer to change of user-id that does not necessarily include a change of registrant.

Summary of for the 12th meeting of the working group on cooperation between Punktum dk and registrars in relation to Article 28 of the NIS2 Directive

Present:

Prudence Malinki (MarkMonitor), Nicolai Bach (e-studio), Jonathan Bouthier (Gandi), Tom Sommer (Simply), Søren Jensen (e-studio), Jakob Flink Schwartz (team.blue), Margaux Simonin (Gandi), Alessia Apruzzese (Gandi), Emil Stahl (team.blue), Rieke Poppe (Group One), Morten Arnholtz Larsen (Team.blue), Vilma Jachimaviciute (Ascio), Katrin Meisenheimer (Tucows), Laila Jensen (.dk), Lars Nielsen (.dk), Erwin (Punktum dk), Nikolaj Ravn Hansen (.dk), Elin Smeby (.dk) and Mette Spangsberg (.dk).

Punktum dk presented slides. The slides from the meeting are enclosed with this summary.

1. <u>The recommendations from the NIS2 cooperation group and the significance of it, including</u>

   o <u>How do the other registries and registrars interpret the recommendations</u>

   o <u>What we know about the implementation of the directive into Danish law</u>

   o <u>Actions</u>

Punktum dk presented slides highlighting the recommendations from the NIS2 cooperation group that vary from the things agreed upon in the working group.

Punktum dk informed that the Recommendation refers to ICANN's rules which require active response when demanding practices for ensuring the contactability for emails and telephone numbers.

Punktum informed that they have asked other ccTLD's how they expect the recommendations to be implemented in their countries. The answers show that there is a lot of uncertainty regarding this.

Group One pointed out that to their knowledge it is still unknown whether they will make an active response on both e-mail and telephone number in Belgium. At the moment they only make active responses on the email.

Punktum dk informed that it is Punktum dk's assessment that the Recommendation goes beyond the NIS2 Directive in their demands.

The slide on "28-recommendations and NIS2" is Punktum dk's assessment and best guess on how the implementation on article 28 will be across Europe.

The Recommendations are not legally binding and must be implemented through an executive order in Denmark. This executive order will be out for public consultation. Punktum dk will inform the registrars when the public consultation takes place and invite the registrars to comment on it, if they do not agree with the regulation. This will be a way to influence national regulation on this matter and the registrars can also better comment on how the different regulations across Europe effects their business

2. <u>Update on technical implementation</u>

Punktum dk presented a slide with an update on the verification flow.

Punktum dk informed that what seemed to be simple in reality is very complex with many possible scenarios. Punktum dk is therefore drawing a quick reference sheet to give an overview. The quick reference sheet will be sent later.

Punktum dk informed that it is not possible to finalize the technical implementation before the precise legal demands are known. The work continues regardless of this, and the overall concept remains the same.

However, it has become clear that it is technically not possible to have only one data point to handle registration of whether identity and contact information of the registrant has been verified.

This implementation will therefore consist of three separate data points to signal state of verification: one for identity and postal address, one for email and one for telephone numbers. It is still an all-or-nothing solution as agreed upon so that all three data points must be marked as completed for registrant verification, for proxies only the data points concerning email and telephone number.

3. <u>Next step</u>

Punktum dk presented a slide with a timeline. There is a lot of uncertainties because the actions in the timeline depends very much on the timeline for the Danish legislation, which is still uncertain.

For now, Punktum dk continues the technical implementation and reaches out to our national authority.

4. <u>AOB</u>

Nothing.