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LAW ENFORCEMENT DUE DILIGENCE RECOMMENDATIONS FOR ICANN - SEOUL

Summary of due diligence recommendations for ICANN to adopt in accrediting registrars and registries and proposed amendments to the RAA, supported by international law enforcement.

Law Enforcement Due Diligence Recommendations

Introduction: Below is a summary of due diligence recommendations for ICANN to adopt in accrediting registrars and registries and proposed amendments to the Registrar Accreditation Agreement (RAA), supported by the following international law enforcement agencies:

- Australian Federal Police;
- Department of Justice (US);
- Federal Bureau of Investigation (US);
- New Zealand Police;
- Royal Canadian Mounted Police;
- Serious Organised Crime Agency (UK)

The recommendations are considered to be required in order to aid the prevention and disruption of efforts to exploit domain registration procedures by Criminal Groups for criminal purposes. The proposed amendments take account of existing EU, US, Canadian and Australian legislation and those countries commitment to preserving the individual's rights to privacy.

1) **Due Diligence**

- a. ICANN should perform due diligence investigations on all Registrars and Registries upon accreditation and periodically thereafter;
- b. The RAA should require Registrars to collect accurate and complete data of all Registrants upon domain name registration and periodically thereafter, in which the Registrar will validate to ensure such Registrant data is accurate and complete.

2) **WHOIS**

In accordance with the ICANN's 2006 JPA Affirmation of Responsibilities, and the 2009 Affirmation of Commitments, all gTLD domain name WHOIS information must be accurate, detailed and public. Although LE does not support the use of proxy/privacy registrations, the LE agencies urge ICANN to exercise the following on proxy/privacy registrations:

- a. The proxy/privacy registrant is a private individual using the domain name for non-commercial purposes only, and ;
- b. The proxy/privacy registration service has been accredited by ICANN using the same due diligence process as a Registrar/Registry, and
- c. Information from the WHOIS database can be provided to law enforcement authorities when the information will assist in the prevention, detection, investigation prosecution or punishment of criminal offences or breaches of laws imposing penalties, or when authorised or required by law.

3) **Transparency and Accountability**

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- a. ICANN should require all domain name resellers and all third party beneficiaries to be held to the same terms and conditions and due diligence requirements as Registrars and Registries;
- b. ICANN should require all registrars, registries, proxy services, resellers and all third party beneficiaries of any contracts, policies of ICANN to publicly display ownership, parent companies, subsidiaries and business associations.

Conclusion: The international law enforcement community views the above-referenced recommendations as vital in preventing crimes involving the DNS. The law enforcement community has consulted with the Registrar and Registry community in preparing this document. It is imperative that law enforcement and ICANN work together to ensure a safe and secure Internet.