

# **Estonian Internet Foundation**

## **Proposals for the amendment of the Domain Regulation Amendments to the list of accepted electronic identification tools**

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## INTRODUCTION

The Estonian Internet Foundation (hereinafter also the **EIF**) has drafted the following proposals for amending the .ee Domain Regulation<sup>1</sup> and amending the list of accepted electronic identification tools.

The objectives set in the Strategy of the EIF for 2022–2024<sup>2</sup> for developing registry services meeting the expectations of the community were taken into account when drafting the proposals for amendments.

The most fundamental of the amendments to the Domain Regulation are connected with a new service offered by the EIF, the eeID.<sup>3</sup> It is a personal identification service that connects national and international authentication solutions and brings them together on one platform. The fact that the level of identity verification of our foreign domain registrants is not as strong as that of the Estonians (who use Smart ID, ID-card, Mobile-ID) is a major point of concern for the EIF. Namely, the accredited.ee registrars can identify foreign registrants (in particular from non-EU countries) of .ee domains either through their banking service or through PayPal Verified. Unfortunately, the PayPal Verified identification service that was introduced into the Domain Regulation in 2015 is no longer relevant today and does not provide the strong identification service characteristic of the.ee register. Identification through a banking service is also rather costly and time-consuming.

In addition, the development of the domain sector is influenced at present by the NIS2 directive<sup>4</sup>, which requires that top-level domain name registers and registrars implement, when possible, the best practices of e-identification within the field when checking the domain name data.

Therefore, the EIF has proposed that the Domain Regulation be amended by removing the PayPal Verified personal identification solution and enabling the registrars to adopt and interface with the new eeID platform, amending the list of accepted electronic identification tools approved by the Management Board of the EIF.<sup>5</sup> The eeID service helps registrars to both introduce and easily apply the electronic personal identification methods in use on the market.

Furthermore, the purpose of the Domain Regulation is to reduce the requesting and collecting of data by the domain registrar. The section dealing with requesting of duplicate data from the registrar has not been updated after the entry into force of the General Data Protection Regulation (GDPR)<sup>6</sup>. It is also proposed that the requesting of two name servers for the domain's technical contact, as name server entries, be made optional.

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<sup>1</sup> The valid .ee Domain Regulation is available [here](#).

<sup>2</sup> The Strategy of the Estonian Internet Foundation (EIF) for the years 2022–2024 is available [here](#).

<sup>3</sup> The eeID personal identification service is available [here](#).

<sup>4</sup> Directive (EU) 2022/2555 of the European Parliament and the Council on measures for a high common level of cybersecurity across the Union is available [here](#).

<sup>5</sup> The Council has approved the powers of the Management Board of the EIF to approve the list of electronic identification tools and unilaterally amend it according to Clause 4.3<sup>1</sup> of the .ee Domain Regulation, which is available [here](#).

<sup>6</sup> The General Data Protection Regulation of the European Parliament and Council 2016/679 is available [here](#).

The amendments are scheduled to enter into force in September 2024, in accordance with the feedback from the registrars and the Internet community, and taking into account that the amendments must be published on the EIF's website at least two (2) months before entering into force.

## **Part A**

Proposals for amendments to the Domain Regulation and its annexes

### **Proposals for amendments to the Domain Regulation**

#### **A1. Amend Clause 4.1.1 of the Domain Regulation**

Currently valid:

*4.1.1 The Registrant is required to disclose the following information in the Domain Name registration application:*

*a) the Domain Name being applied for,*

*b) the name of the Administrative Contact, their personal identification code and the name of the country that issued it (or in the absence of the personal identification code – the date of birth and the name of the country of nationality), telephone number and e-mail address,*

*c) the name of the Technical Contact, their registry code or personal identification code and the name of the country which registered or issued it (or in the absence of the personal identification code – the date of birth and the name of the country of nationality), telephone number and e-mail address,*

*d) in the case of a Registrant who is a legal person – their name, registry code and the name of the country which registered it, telephone number and e-mail address;*

*e) in the case of a Registrant who is a natural person – their first name(s) and surname, personal identification code and the name of the country which issued it (or in the absence of the personal identification code – the date of birth and the name of the country of nationality), telephone number and e-mail address.*

To amend Clause 4.1.1 of Domain Regulation and word it as follows:

*4.1.1 The Registrant is required to disclose the following information in the Domain Name registration application:*

*a) the Domain Name being applied for,*

*b) the name of the Administrative Contact, their personal identification code and the name of the country that issued it (or in the absence of the personal identification code – the date of birth and the name of the country of nationality), telephone number and e-mail address,*

*c) in the case of a Registrant who is a legal person – their name, registry code and the name of the country which registered it, telephone number and e-mail address;*

*d) in the case of a Registrant who is a natural person – their first name(s) and surname, personal identification code and the name of the country which issued it (or in the absence of the personal identification code – the date of birth and the name of the country of nationality), telephone number and e-mail address.*

*The Registrant may also include the following information in the Domain Name registration application:*

*e) the name of the Technical Contact, their registry code or personal identification code and the name of the country which registered or issued it (or in the absence of the personal identification code – the date of birth and the name of the country of nationality), telephone number and e-mail address.*

### **Explanation:**

The amendment is motivated by the aim to make giving information about the Technical Contact when registering a Domain Name voluntary. The Technical Contact is a natural or legal person added to a Domain Name who can perform limited actions on behalf of the Registrant and only add, modify or remove the Name Server entries of the Domain Name in the name servers serving the .ee top-level domain.

When requesting any data from the Registrant, the principles of the processing of personal data set out in Article 4 of the GDPR must be followed. Requests for data from the Domain Name Registrant must be proportionate and justified. Mandatory requests for data must contribute to achieving the desired situation and must not give rise to doubts on the part of the Domain Name Registrant. At the same time, the principle of minimality must be respected, requesting as little information as possible. For example, the EIF has over time received feedback as to why a Registrant has to provide the same information about themselves three times: as the Registrant, as the Administrative Contact and as the Technical Contact. Since the Administrative Contact can also represent the Registrant in matters relating to Name Server entries, in many cases the Administrative Contact and Technical Contact are the same person.

Thus, a mandatory request for a Technical Contact upon registration of a Domain Name is not proportional or appropriate in a situation when the Registrant of a domain and the Technical Contact are the same person. At the same time, the EIF finds that it is not reasonable to abolish the request for a Technical Contact. A Technical Contact will continue to support the situation where a user who is not technically savvy can add a Technical Contact (e.g., IT support, Registrar) to the domain. For example, in the cases where the Registrar is the Technical Contact and the Registrant uses their Name Servers, the Registrar retains the right to modify, add or remove Name Server entries. This is a reasonable measure that supports a user who is not savvy. At the same time it allows a user who is savvy to appoint a Technical Contact.

In view of the above, the EIF proposes that the requesting of a Technical Contact from the Registrant be made voluntary.

## **A2. Add Clause 4.1.2 to the Domain Regulation**

Add Clause 4.1.2 after Clause 4.1.1 of the Domain Regulation and word it as follows (taking into account proposal for amendment A1), changing the numeration of the following Clauses accordingly:

*4.1.2 The Registrant is not obliged to submit the data requested in Clause 4.1.1 b) of the Domain Name registration application if the same data have already been submitted under Clause 4.1.1 d).*

*It is proposed that the numeration of Clauses be amended so that the present Clause 4.1.2 would be Clause 4.1.3, and change the numeration of the following Clauses accordingly so that the present Clause 4.1.7 would become Clause 4.1.8.*

### **Explanation:**

The amendment is motivated by the aim to end the collection of duplicate data and bring it into conformity with the principles of the GDPR. As it was set out above, the principles of processing personal data proceeding from Article 4 must be followed. The requesting of information from the Domain Name Registrant must be proportional and justified, considering the principle of minimality.

The purpose of the Administrative Contact is to act as the legal or authorised representative of the Domain Name Registrant; essentially, they have the same rights as the Registrant in all activities relating to the Domain Name. In a situation where the Domain Name Registrant is a natural person who does not wish to appoint a representative for themselves, such an option is currently unavailable to them, and they must appoint themselves to be the representative in the form of the Administrative Contact. In such a situation, the EIF is requesting data with the same purpose from the user in the Domain Name registration application twice.

Therefore, we propose that if the natural person Registrant of the Domain Name is the same person as the Administrative Contact, it is not reasonable to request the same data twice when registering the Domain Name. In the future, it will be necessary when the Domain name is registered by a minor, a legal person or in other cases when a legal representative is necessary. In such cases, appointing an Administrative Contact will be mandatory. In other cases it will be voluntary for the Domain Registrant.

### **A3. Clause 5.3.4.2 of the Domain Regulation. Amending the requirement for Name Server entries**

Currently valid:

*5.3.4.2 In order to add the Domain Name into the zone, at least two servicing domain names of Name Servers must be related to the Domain Name. The IP address of the Name Server servicing the Domain Name is only published in addition to the domain names if the Domain Name of the Name Server is a Sub-domain of the Domain Name being registered.*

To amend Clause 5.3.4.2 of the Domain Regulation and word it as follows:

*5.3.4.2 In order to add the Domain Name into the zone, at least one servicing domain name of the Name Server must be related to the Domain Name. The IP address of the Name Server servicing the Domain Name is only published in addition to the domain names if the Domain Name of the Name Server is a Sub-domain of the Domain Name being registered.*

#### **Explanation:**

The amendment is motivated by the practical need to replace the requirement for two Name Server entries with one entry.

Name Server denotes a computer that stores and transmits information related to domain names and their corresponding IP addresses on a public data network. A domain name is accessible via a designated Name Server.

The recommendation of two Name Servers results from the practice of the domain sector under RFC<sup>7</sup> 1034 § 4.1, according to which the Domain Name to be added into the zone could be accessible through two separate operating Name Servers. This principle has been in place since 1987, and the premise of the recommendation is that name servers must exist physically separately. Ideally, the servers could also be geographically separated and located in different domains.

At the ICANN77 meeting, Sweden's .se registry introduced the Zonemaster pilot project, which was implemented on 1.5 million domains in the .se zone.<sup>8</sup> The project revealed the fact that 65% of the examined domains had their name server records located on one device.

Keeping in mind that the Domain Name is accessible and DNS also works with one Name Server entry, we propose that it be amended as such in the Regulation. In the opinion of the EIF, it is not important how many operating

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<sup>7</sup> The technical recommendations for the domain sector are determined by RFC. Available [here](#).

<sup>8</sup> The .se registry presentation by ICANN77 on "Using Zonemaster for quality checks of all .se domain names" is available [here](#).

Name Servers are attached to the domain. In any case, the Name Server attached to the Domain Name must be in working order and usable, so that the Domain Name would be accessible in the public data network. In the context of the RFC recommendation, the request to have two Name Servers requires the user that the Name Servers have to be in separate networks, physical locations, etc. We therefore want to simplify the procedure for Domain Name Registrars, so that in the future only one operating Name Server would be mandatory because the Domain name would be in the zone and accessible too.

The requirement of two Name Servers continues to be an official recommendation of the EIF because it ensures greater reliability for the services behind the domain. On the other hand, we would like to change the principle of the obligation of name servers in such a way that the domain rules do not stipulate technical requirements for the addition of two name server records to the domain zone. This allows EIF to manage the zone to ensure its reliability and data reliability. Our aim is to avoid a situation where, due to a problematic Name Server detected during the audit of name servers (in a situation where there is only one functioning name server attached to the domain), the domain name registration should be stopped due to a violation of the domain rules (according to point 6.1.4 of the .ee rules) in the event that the name server's record is correct failure to do so will result in the domain being removed from the zone and ultimately deleted.

When making the proposal, we also take the domain rules of the .se top-level domain registry as an example, according to point 5.1.4, the number of records of name servers attached to the domain is not directly required. In the domain rules, Sweden states essentially only that the name server record for the .se zone must be technically suitable and in working order. Thus, similar to the .se registry, we would like to resolve the situation in the .ee domain rules, according to which one name server record would be sufficient to add a .ee zone in the future.

Given the nature and purpose of domain name registration, it is the domain registrant's responsibility to ensure the availability of its services. That said, EIF continues to recommend that users add two or more nameserver records to a domain that serve it, in order to comply with domain reliability principles. EIF stands for the good quality of the data, and in our opinion it is not reasonable to remove the domain name from the zone in a situation where the domain name essentially also works with one name server. We also see that anycast services are becoming more and more available, and when using them, there are hundreds or even thousands of servers around the world behind a single nameserver record. In our opinion, the Anycast service is a better solution than, for example, two name servers running on the same machine and network.

In addition, EIF additionally consults with the State Information Systems Agency (RIA) on cyber security issues related to changing the name server.

On the basis of the above, we propose that the Domain Name Registrant should have the option of registering the Domain Name by designating an entry of one operating Name Server. At the same time the Registrant will continue to have the right to attach more Name Servers to their Domain Name. Based on practical considerations, the EIF wishes not to request it separately, but to simplify the procedure.

#### **A4. Amending the requirements for personal identification and identity in Clause 4.1.4<sup>1</sup> of the Domain Regulation**

Currently valid:

*4.1.4<sup>1</sup> for each Registration Service applied for, pay the Registrar a Registration Service fee by separate transfer from the PayPal account registered in the name of the Registrant or the Registrant's representative (Administrative Contact) and verified by PayPal, and specify in the details of payment the relevant Domain Name or the number of the invoice issued by the Registrar showing the relevant Domain Name. The Registrar has the right to request from the Registrant additional proof regarding the verification of the PayPal account.*

To delete Clause 4.1.4<sup>1</sup> of the Domain Regulation and the amend the numeration following it accordingly.

**Explanation:** The PayPal Verified personal identification solution that was introduced in the Domain Regulation in 2015 is no longer appropriate and does not provide the strong identification solution characteristic of the .ee register. It has been a major point of concern for the EIF that the foreign domain Registrants lack personal identification (approximately 10%) that is as strong as that of the Estonians. When the PayPal Verified account introduced in 2015 meant that the person behind the verified account is the verified holder of the account, similar to banking services, then in 2016, PayPal announced that they would be terminating verification of users in this way. This means that the PayPal Verified identification service is no longer equal to personal identification by banks and is not a strong method of identification from the point of view of the EIF.

Therefore, it took time for the EIF to find alternatives to the PayPal Verified solution and they have not wanted to remove this solution incorporated by Registrars from the Domain Regulation before it has been replaced by a new system. Today we have a new eeID service and we propose that the PayPal Verified solution be removed from the Domain Regulation and updated.

As it is known to us that several accredited.ee registrars use the PayPal Verified service, and that the introduction of the new eeID service will take time, we propose that the PayPal Verified solution be temporarily included for the



transition period in the list of accepted electronic identification tools approved by the EIF's Management Board. When it is clear after the transition period that the accredited.ee registrars have adopted eeID instead of PayPal Verified, we will remove it from the list.

## **Part B: Amending the list of accepted electronic identification tools<sup>8</sup>**

The Council has decided to grant the Management Board of the EIF, under Clause 4.3<sup>1</sup> of the Domain Regulation, the powers to approve the list of accepted electronic identification tools and to unilaterally amend it, reporting the amendments on the EIF's website at least one (1) month prior to their entering into force.

The Management Board of the EIF hereby amends the list of accepted electronic identification tools, providing the following overview.

Currently valid:

*Pursuant to clause 4.3<sup>1</sup> of the Domain Regulations the Management Board of the Estonian Internet Foundation approves the list of electronic identification means accepted for signing the application pursuant to clause 4.1.2<sup>1</sup> of the Domain Regulations and/or to identify a person in the registrar's self-service environment in accordance with clause 4.6<sup>1</sup> of the Domain Regulations.*

*The Management Board of the EIF hereby establishes the list:*

- 1. ID card of the Republic of Finland;*
- 2. ID card of the Republic of Lithuania;*
- 3. ID card of the Kingdom of Belgium;*
- 4. ID card of the Republic of Latvia;*
- 5. eIDAS<sup>9</sup> certified Smart-ID.*

To amend the list of accepted electronic identification tools approved by the Management Board of the EIF and word it as follows:

*Pursuant to clause 4.3<sup>1</sup> of the Domain Regulation, the Management Board of the Estonian Internet Foundation approves the list of electronic identification tools*

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<sup>8</sup> Available [here](#).

<sup>9</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ 28.08.2014 L 257/73)

*accepted for signing the application pursuant to clause 4.1.2<sup>1</sup> of the Domain Regulation and/or to identify a person in the registrar's self-service environment in accordance with clause 4.6<sup>1</sup> of the Domain Regulation.*

*The Management Board of the EIF hereby establishes the list:*

- 1. ID card of the Republic of Finland;*
- 2. ID card of the Republic of Lithuania;*
- 3. ID card of the Kingdom of Belgium;*
- 4. ID card of the Republic of Latvia;*
- 5. eIDAS certified Smart-ID;*
- 6. eeID service (electronic identification service) of the Estonian Internet Foundation, which can be used to authenticate users with specified eID tools;*
- 7. PayPal Verified account. To verify identity and establish the will of the Registrant, the Registrant or their representative must pay the Registrar the registration fee for each Registration Service applied for via a separate transfer from the PayPal account registered in the name of the Registrant or the Registrant's representative (Administrative Contact) and verified by PayPal, and specify in the details of payment the relevant Domain Name or the number of the invoice issued by the Registrar showing the relevant Domain Name. The Registrar has the right to request from the Registrant additional proof regarding the verification of the PayPal account.*

*The solution set out in clause 7 is meant for the transition period and shall remain valid until the users have adopted the eeID service.*

**Explanation:** The EIF wishes to amend the list of accepted electronic identification tools approved by the Management Board of the EIF by adding the new service offered by the EIF, the eeID.<sup>10</sup> It is a personal identification service that connects and brings together on one platform other national and acknowledged authentication solutions.

In Estonia alone there are four different electronic methods for strong identification – ID card, Mobile-ID, Smart ID, and bank link. These will be complemented by eIDAS, which will also allow the use of the eID methods of other EU states, and enable the integration of a range of private sector solutions – bank IDs, Agrello, eParaksts, etc. Some of these solutions are free, others charge a fee. The adoption of any of these methods requires connection, interfacing and the management of keys – therefore the EIF has chosen to address the fragmentation through a single platform, eeID, which enables authentication service with a single interface. In this way, the most common authentication methods can be accessed, ensuring that solutions and contracts are managed and keys are updated. The Fido ID solution, which is standard,

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<sup>10</sup> eeID personal identification service is available [here](#).

using security keys (replacing the username and password solution), is added to the eeID solution.

As mentioned above, the EIF has been concerned about our foreign domain registrants, especially U.S. and Chinese users, who are not as strongly identified as Estonians. Therefore, we want to solve this problem with eeID through a FIDO ID user account, identifying the foreign user through the Veriff video solution.

Currently, the development of the domain sector is also strongly influenced by the NIS2 directive (must be transposed by Member States by 17 October 2024, at the latest),<sup>11</sup> which requires that the registries and registrars of top-level domains must, where possible, implement the best practices of the field of e-identification when verifying domain name data.

NIS2 will make top-level domain registries essential service entities and registrars important service entities. Thus, it is necessary to substantially rethink, in the light of NIS2, how to identify the person behind the domain by using the best possible e-identification solutions.

Therefore, the EIF is presenting a proposal for amendment that would enable the registrars to take into use and interface with the new eeID platform. The eeID will enable the registrars to easily introduce and implement the electronic identity verification methods that are in use on the market. PayPal Verified has been added to the list for the transition period, until the registrars have developed an interface for themselves within a reasonable period of time and adopted the eeID solution.

In conclusion, the aim of amending the list of accepted electronic identification tools is to keep the PayPal Verified solution for the transition period (removing it from the Domain Regulation) and add eeID.

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<sup>11</sup> Directive (EU) 2022/2555 of the European Parliament and the Council on measures for a high common level of cybersecurity across the Union is available [here](#).