Contractual Compliance

AP Registrar Outreach

6 April 2013
Agenda

• General Updates
• Contractual Compliance Overview and Discussions
Our Vision, Mission and Approach

ICANN’s Vision
One World. One Internet.

ICANN’s Mission
To coordinate the stable and secure operation of the Internet’s unique identifier systems.

ICANN’s Approach
Open and Transparent Equitable Treatment

Contractual Compliance’s Vision
To be a “trusted” Contractual Compliance service provider

Contractual Compliance’s Mission
To preserve the security, stability and resiliency of the Domain Name System and to promote consumer trust

Contractual Compliance’s Approach
Prevention through collaboration
Transparency through communication
Enforcement
Organization Update

• Contractual Compliance reports to CEO

• 15 Staff members strong
  • Head of Compliance (1)
  • Registrar and Registry Compliance (13)
    ➢ Prevention & Enforcement
    ➢ Operations
    ➢ Performance Measurement and Reporting
  • Risk and Audit Management (1)

• Arabic, English, French, Hindi, Korean, Mandarin, Spanish and Urdu

Link to Contractual Compliance Staff - http://www.icann.org/en/resources/compliance/staff
Three-Year Plan

Strengthen program and operations (Core Operations)
Establish performance measures and improve reporting (Transparency and Accountability)

Assessment Phase
- Stabilize operations
- Assess people, processes, and tools
- Develop improvement plan
- Begin implementation of plan

Transformation Phase
- Grow staff in number and expertise
- Standardize operations
- Plan and develop
  - Systems enhancements/process
  - Global metrics
  - Audit strategy
  - Annual Compliance Report
- New gTLD readiness

Future Phase
- Continuous Improvement
  - Operations
  - Plan for internal audit
- Consolidate Contractual Compliance Systems
- Rollout Annual Audits
- New gTLD readiness (cont.)
Standardize Operations - on plan

Internal Collaboration Tool

- Centralized repository
- Registrar/Registry docs
- Compliance templates, process, validation procedures, etc.

Systems - Process

- Bridge Gap Solution
  - Increased Efficiency & Tracking
- Update current systems to align business process

ONE Compliance Management Tool

- Improve user experience:
  - interface
  - follow-up/thru
  - Multiple complaints
- Efficiency & Effectiveness
  - Scalability
  - Proactive complaint Management
  - New gTLD & Registry Complaint Management

Metrics Data Analytics

- Data Mining
  - Trending & Analytics
- Complaint Management
  - Metrics, KPI and Dashboard
Consolidated Complaint System Update

http://www.icann.org/en/resources/compliance/complaints

✓ Moved complaint submission from Internic.net to ICANN.ORG
✓ Whois Inaccuracy rolled out 25 March 2013
✓ User Friendly & Easier Navigation
✓ Added site navigation based on complaint types
✓ Frequently Asked Questions and Guidance will be in 6 UN languages
✓ Filing a complaint will be in English
✓ Improved email correspondence to the complaint reporter and the Registrar/Registry
✓ Added a follow-up Continuous Improvement Pulse Survey for the reporter and contracted parties
Consolidated Complaint System Update

Phased Approach to rollout:
✓ Tested new complaint processing system with registrars
✓ Launched Whois Inaccuracy
  • Automating Enforcement notices
  • Migrating Transfers (IRTP)
  • Automating UDRP
  • Migrating Renewal/Redemption (EDDP/ERRP)
  • Migrating Whois Access
  • Migrating Registrar Contact
  • Automating Data Escrow with deposit status

Changes for Registrars
Single ‘From’ email address for complaints
Email to Registrar stating complaint closed
Pulse survey included in all closed complaints
Rollout Plan for Consolidated Compliance System

By ICANN 47 - July 2013
• Move remaining complaint forms from Internic to ICANN.ORG
• Complete migration into consolidated complaint application
• Add capability to submit multiple complaints for same complaint type
• Finalize & implement Bulk Complaint into new system

By ICANN 48 - Nov 2013
• Prioritize & Define new Registry complaint technical specifications
• Improve metric reporting application
• Migrate compliance functions into ICANN Enterprise CRM
Contractual Compliance Reporting

Compliance Reporting:

✓ Publish Annual Report found at: http://www.icann.org/en/resources/compliance/reports

✓ Publish Monthly Updates found at: http://www.icann.org/en/resources/compliance/reports

✓ Reporting in 6 UN languages

Compliance Global Metrics:

✓ Online Access to Compliance Metrics on MyICANN found at: https://www.mycann.org/
Overall Audit Plan

- Rollout in 2013
- Each Registry and Registrar agreement
- Random selection over a three-year period
  - Year one: 1/3rd of Registry and Registrar Agreements
  - Year two: another 1/3rd from the remaining list
  - Year three: the remaining 1/3rd of all contracted parties
- New agreements may be included, at any time
- May be subject to more than one audit
- Three outreach sessions held in September 2012 with contracted parties
Overview of Phases

2012-2015 Audit Process Flow

Week 1 to Week 12
1. Planning Phase
   - Create Audit Scope
   - Build Audit Schedule (2 Wks)
   - Develop Metrics Goals
   - Establish Roles

Week 13 to Week 15
2. Organizing Phase
   - Assign Resources (1 Wk)
   - Send 2 Weeks Notification to Rg/Ry
   - 1) Request sent for Information-RFI (1-2-3 Process)
   - 2) Collect and Collate Data (3 Weeks)
   - 3) Conduct Audit (6-8 Weeks)- Q&A (2 Weeks)-by CC

Week 16 to Week 28
3. Pre-Audit Notification Phase
   - Reporting
     - Results
     - Statistics
   - Remediation
     - Work w/Rg/Ry

Week 29 to Week 31
4. Audit Phase
   - Stop

5. Reporting Phase
   - Remediation

6. Remediation Phase

*Planning:
*Organizing:
*Organizing (resources):
5 Nov. 2012 to 9 Nov. 2012
*Pre-Audit Notice:
12 Nov. 2012 to 23 Nov. 2012
*Audit (includes collection): 7 Jan. 2013 to 29 Mar. 2013
*Questions/Answers: 1 April 2013 to 12 April 2013
*Report Results:
Approximately 15 April 2013 to 19 April 2013
Remediation Efforts: 22 April 2013 to TBD (to be determined)
Audit Communications to Date

- Pre-Audit Notice emailed on 13 November 2012
- 1st (Nov. 26), 2nd (Dec. 17) and 3rd (Dec. 28) notices both emailed and faxed to 317 Registrars, 6 Registries
- 1) Reminder sent to 317 Registrars and 6 Registries on 4 December, 2012
  2) Reminder sent on 20 March to Batch 1&2 Registrars
- Frequently Asked Questions (FAQ) sent to all Registrars on 10 December 2012

- Newsletter Updates
  - Registrar Audit Report:
    - Batches 1&2 - issued 8 Mar (97 total)
    - Batch 3 - issued 22-26 Mar (62 total)
    - Batch 4 (final) - issued 29 Mar (28 total)
  - Registry Audit Report:
    - Batch 1 - issued 22 Mar (2 total)
    - Batch 2 - issued 26 Mar (2 total)
    - Batch 3 - issued 29 Mar (1 total)
Countries Represented (Year 1)

Registries: 4 US TLDs, 1 Asia, 1 UK

Registrars:

Audit Year 1 – Top 10 Selected Registrar Countries

- United States (178 Registrars)
- Canada (37 Registrars)
- India (19 Registrars)
- China (11 Registrars)
- Germany (8 Registrars)
- Australia (6 Registrars)
- South Korea (6 Registrars)
- Sweden (5 Registrars)
- United Kingdom (4 Registrars)
- Turkey (4 Registrars)
- Other (*constitutes 39 Registrars within 25 countries)

*Total count on countries covered- 35 Countries
### RFI Phase - Breach Letters
(11 Jan 2013 - 31 Mar 2013)

<table>
<thead>
<tr>
<th>IANA</th>
<th>Registrar</th>
<th>Cure Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>282</td>
<td>Central Registrar, Inc. DBA Domainmonger.com (last login: 1/14)</td>
<td>Termination Status</td>
</tr>
<tr>
<td>439</td>
<td>USA Webhost, Inc.</td>
<td>15 January 2013</td>
</tr>
<tr>
<td>475</td>
<td>R. Lee Chambers Company LLC d/b/a DomainsToBeSeen.com (insufficient data)</td>
<td>Termination Status</td>
</tr>
<tr>
<td>1039</td>
<td>Cheapies.com Inc. (insufficient data)</td>
<td>1 February 2013</td>
</tr>
<tr>
<td>1155</td>
<td>Power Brand Center Corp. (Owe $17K- breach extended to 2/8)</td>
<td>29 January 2013</td>
</tr>
<tr>
<td>1405</td>
<td>Internet NAYANA Inc.</td>
<td>17 January 2013</td>
</tr>
<tr>
<td>1421</td>
<td>Lime Labs LLC (to be de-accredited/terminated)</td>
<td>Termination Status</td>
</tr>
<tr>
<td>1428</td>
<td>Homestead Limited dba Namevault.com</td>
<td>1 February 2013</td>
</tr>
<tr>
<td>1509</td>
<td>Korea Electronic Certification Authority, Inc. (Crosscert, Inc.)</td>
<td>17 January 2013</td>
</tr>
<tr>
<td>1586</td>
<td>Mat Bao Trading &amp; Service Company Limited d/b/a Mat Bao</td>
<td>15 January 2013</td>
</tr>
</tbody>
</table>
### Audit Phase - Statistics (Year 1)

<table>
<thead>
<tr>
<th>Test Area</th>
<th>Mar 8, 2013 % Registrars w/ Potential Deficiencies</th>
<th>Mar 27, 2013 % Registrars w/ Potential Deficiencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.16 Registrar public contact details not found on Registrar website</td>
<td>0.0%</td>
<td>9.3%</td>
</tr>
<tr>
<td>3.3.1 to 3.3.5  Whois free public search not found on website or redirects</td>
<td>0.0%</td>
<td>37.1%</td>
</tr>
<tr>
<td>4.3.1 Inter-Registrar Policy (IRTP): No FOA or Authinfo Code doc was provided</td>
<td>23.7%</td>
<td>20.6%</td>
</tr>
<tr>
<td>4.3.1 IRTP: TEAC: Phone # discrepancies between RFI and RADAR</td>
<td>18.6%</td>
<td>18.6%</td>
</tr>
<tr>
<td>3.4.2 Registration Agreement not provided</td>
<td>18.6%</td>
<td>18.6%</td>
</tr>
<tr>
<td>3.4.2 Payment documentation not provided</td>
<td>10.3%</td>
<td>7.2%</td>
</tr>
<tr>
<td>3.10 Insurance Certificate of Insurance</td>
<td>14.4%</td>
<td>14.4%</td>
</tr>
<tr>
<td>3.3.1 to 3.3.5 Whois-Port43/Web: Registrar Identity not returned in Whois query search results</td>
<td>12.4%</td>
<td>12.4%</td>
</tr>
<tr>
<td>4.3.1 IRTP: TEAC: Email discrepancies between RFI and RADAR</td>
<td>4.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>4.3.1 IRTP: TEAC: Mailing address discrepancies between RFI and RADAR</td>
<td>3.1%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

**Top Test Areas with Most Deficiencies (Batch 1 & 2)**
Audit Phase - Statistics (Year 1)

Top Test Areas with No Deficiencies – Batch 1 & 2

1. 3.7.5.3 to 3.7.5.6  EDDP-Domain name renewal: Domain is referenced in payment documentation and documentation of deletion notification

2. 3.12  Reseller agreement fully addresses provisions 3.12.1, 3.12.2, 3.12.3, and 3.12.5

3. 4.3.1  Consensus Policies – Inter-Registrar Transfer Policy (IRTP): Authinfo code documentation reference the domain name

4. 4.3.1  Consensus Policies - IRTP: Transfer Emergency Action Contact (TEAC) : Contact information populated in RADAR
Audit Phase – 8 January to 12 April (Year 1)

+ Review all uploaded documents (about 20,000) collected from 317 Registrars, as well as data files from the Registries
+ Issue an Audit Report directly to each contracted party
  + No Deficiencies, No Further Action Required
  + With Deficiencies, Will require Remediation Plan (will follow 1-2-3 Notice Process)
+ Audit Phase Survey
Reporting Phase (Year 1)

“Public” Reports to be published by June 2013
+ List of Registrars/Registries
+ Statistics Reports (see Remediation section):
  + RFI Phase Completion %, Audit Phase Completion %
  + % Registrars with Deficiency (per provision)
  + Breach Notice

“Non-Public” Reports
+ Audit Report results to every registrar and registry at Audit Phase completion
Reporting Phase (Year 1)

Batch 1 & 2 (97 Registrars)

- 79.4% Registrars with No Deficiencies
- 6.2% Registrars with 1 to 3 Deficiency Areas
- 3.1% Registrars with 4 to 6 Deficiency Areas
- 7.2% Registrars with 7 to 9 Deficiency Areas
- 4.1% Registrars with 10+ Deficiency Areas

As of 27 March 2013
Remediation Phase (Year 1)

Status Types:

+ In remediation
+ Complete with no deficiencies
+ Have not responded
  + Escalated to Enforcement
Agenda

• General Updates

• Contractual Compliance Overview and Discussions
Contractual Relationship Overview

**Registrars**: register domain names (~967)

**Registry operators**: keep the master file for all domain names that end in a particular suffix (18)

**Registrant**: registered name holder (legal domain name owner)
Contractual Compliance Model and Approach

Culture of Compliance
1. Bottom-up
2. Multi-stakeholder

INFORMAL RESOLUTION
Inquiries & Notices
(1-2-3 Process)

PREVENTATIVE ACTIVITIES
Monitoring, Audits, Education & Outreach

FORMAL RESOLUTION
Enforcement
PUBLISHED

NOT in Good Standing

Good Standing

Enforcement

Non-Renewal, Suspension, Termination

Breach

Final Inquiry

2nd Inquiry

1st Inquiry

Process
General Approach & Turn Around-Time

**Turn Around Time in Business days**

- **1st Inquiry or Notice**
  - Email
  - Phone call

- **2nd Inquiry or Notice**
  - Email
  - Phone call

- **Final Inquiry or Notice**
  - Email
  - Phone call
  - Fax

**Check other non-compliance**

**Good Standing**

**NOT in Good Standing**

- **Breach Notice**
- **Suspension (Rr)**
- **Termination**
- **Non-renewal**

**PREVENTATIVE**
- Monitor, Audit, Educate & Outreach

**INFORMAL RESOLUTION**

**FORMAL RESOLUTION**

**ENFORCEMENT**

- **Publish on website**
- **Check other non-compliance**

**Turn Around Time in Business days**

- **5 / 15**
- **5**
- **5**
- **15**

- **5** General Complaints
- **15** Whois Inaccuracy Complaints
## Contractual Compliance

### Complaints per Domain Volume

**October 2012 - February 2013**

<table>
<thead>
<tr>
<th>Region</th>
<th>Domain Volume/Million</th>
<th># Complaints</th>
<th>% Complaints per Domain Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. America</td>
<td>99.4M</td>
<td>4,820</td>
<td>.005%</td>
</tr>
<tr>
<td></td>
<td>721</td>
<td>237</td>
<td>32.9%</td>
</tr>
<tr>
<td>Latin America</td>
<td>1.2M</td>
<td>314</td>
<td>.025%</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>13</td>
<td>56.5%</td>
</tr>
<tr>
<td>Europe</td>
<td>22.7M</td>
<td>1,354</td>
<td>.006%</td>
</tr>
<tr>
<td></td>
<td>155</td>
<td>90</td>
<td>58.1%</td>
</tr>
<tr>
<td>Asia/A/P</td>
<td>22.3M</td>
<td>3,467</td>
<td>.016%</td>
</tr>
<tr>
<td></td>
<td>152</td>
<td>96</td>
<td>63.2%</td>
</tr>
<tr>
<td>Africa</td>
<td>3,743</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

### LEGEND

- **# registrars per region**
- **# registrar w/ Complaints**
- **% registrars with complaints per region**

**Note:** “# registrars per region” data may contain some obsolete registrars but is retained for reporting history.
## Contractual Compliance Complaint Volume

### Asia Pacific

**October 2012 - February 2013**

### Prevention Phase

<table>
<thead>
<tr>
<th>Issue Type</th>
<th>Global Quantity</th>
<th>Asia/ Australia/Pacific</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Service</td>
<td>3,503</td>
<td>257</td>
</tr>
<tr>
<td>Data Escrow Audit Invalid</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Data Escrow Miss</td>
<td>63</td>
<td>4</td>
</tr>
<tr>
<td>Transfer</td>
<td>2,412</td>
<td>1,487</td>
</tr>
<tr>
<td>UDRP</td>
<td>280</td>
<td>53</td>
</tr>
<tr>
<td>Renewal / Redemption</td>
<td>398</td>
<td>66</td>
</tr>
<tr>
<td>Whois Access</td>
<td>116</td>
<td>15</td>
</tr>
<tr>
<td>Whois Inaccuracy</td>
<td>5,963</td>
<td>1,582</td>
</tr>
<tr>
<td><strong>Total Complaints</strong></td>
<td><strong>12,744</strong></td>
<td><strong>3,464</strong></td>
</tr>
</tbody>
</table>

### Enforcement Phase

<table>
<thead>
<tr>
<th>Issue Type</th>
<th>Global Quantity</th>
<th>Asia/ Australia/Pacific</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breach</td>
<td>19</td>
<td>4</td>
</tr>
<tr>
<td>Suspension</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Terminated/ Non-Renewal</td>
<td>8</td>
<td>0</td>
</tr>
</tbody>
</table>

### Pie Chart

- **Whois Access** 0%
- **UDRP** 1%
- **Transfer** 28%
- **Renewal/Redemption** 1%
- **Customer Service** 5%
- **Data Escrow Audit** 0%
- **Data Escrow Miss** 0%
- **Whois Inaccuracy** 65%

### Total Complaints

- **3,464 Complaints**
- **4 Enforcement Actions**

---

Source: BEIJING NO. 7114 APRIL 2013

[ICANN]
Complaints per Notification Cycle
Asia Pacific - Oct 2012 - Feb 2013

<table>
<thead>
<tr>
<th>Global Complaint Summary</th>
<th>Sept Carryover Complaints</th>
<th>Oct - Feb Total Complaint Received</th>
<th>Oct - Feb Complaints Closed</th>
<th>Oct - Feb Complaints Remaining Open</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>6,936</td>
<td>12,744</td>
<td>18,020</td>
</tr>
</tbody>
</table>

**Closed Before 1st Notice** = # tickets received AND closed without any notice being sent to a registrar
## Enforcement Activity
### Asia Pacific - Oct 2012 - Feb 2013

<table>
<thead>
<tr>
<th>Notice Type</th>
<th>Internet NAVANA Inc. 1405</th>
<th>Korea Electronic Certification Authority, Inc. 1509</th>
<th>Mat Bao Trading &amp; Service Company Limited d/b/a Mat Bao 1586</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional concern-conduct re. Contractual Compliance audit program</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional concern-failure to respond to UDRP verification requests</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Escrow registration data (RAA 3.6)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Link to ICANN's registrant rights &amp; responsibilities website (RAA 3.15)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintain and provide communication records (RAA 3.4.2/3)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pay accreditation fees (RAA 3.9)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide a reasonable opportunity to unlock the domain name (IRTP 3)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide AuthInfo code (IRTP 5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide communication records (RAA 3.4.3)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide documents within 15 days (RAA 5.9.2)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide Whois Services (RAA 3.3.1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respond to audits (RAA 3.14)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As of Feb 28, 2013

- **Cured**
- **Not Cured**
- **Terminated**
**Registrar Obligations Related To:**
- Inter Registrar Transfer (IRTP)
- Whois Accuracy
- Expired Domain Deletion (EDDP)
- Expired Registration Recovery (ERRP)
- Whois Updates
- Commands to Registry

**Potential Events:**
- Transfer Dispute Resolution (TDRP)
- Ownership Disputes and UDRP

**Registration**

**Record Retention – Life of Domain name + 3 years**

1-10 years

- **Expiration**
  - 0–45 days
  - 30 days
  - 5 days

- **Auto-Renew**

- **Delete**
  - Pending Delete
  - Redemption Grace Period (RGP) Pending Delete Restorable
Registrar Contact Data

Point of contact with registrar and where compliance communications, notices and enforcement are sent

- Keep the contact information in ICANN’s Registrar Database (RADAR) up-to-date

To change/update Primary Contact

For questions regarding contact data, please contact registrar@icann.org.
Registrar Web Posting Obligations

• Provide valid contact details including e-mail and mailing addresses

• Provide a link to ICANN’s Registrant Rights and Responsibilities page at:
  http://www.icann.org/en/resources/registrars/registrant-rights-responsibilities

• Use the ICANN-accredited registrar logo
Registrar Data Escrow (RDE)

- Registrars with registered names are required to deposit registration data into escrow
- ICANN monitors the data deposits to ensure that they:
  - Are made on schedule (daily/weekly)
  - Correspond to each registrar’s requirements (full deposit only vs. full and incremental deposits)
  - Are valid in format and completeness
- Manual data escrow audits are performed upon request
How Does Data Escrow Work?

3-Party Escrow Agreement

ICANN requires Registrars to
Escrow data with an
approved Escrow Agent

Registrar and
ICANN sign an
escrow agreement
with IM

IM sets up FTP
account for
Registrar

IM and Registrar
exchange encryption keys

IM verifies receipt of
the deposit

On-Boarding Process
Data Escrow Audit Process

Audit Process

1. ICANN requests IM audit a Registrar
2. IM audits the Registrar using last full deposit and audit rules outlined by ICANN
3. IM makes audit results available to ICANN
4. ICANN reviews audit results
5. If PASSED, ICANN does not notify Registrar
6. ICANN will request additional Registrar audits periodically
7. If FAILED, ICANN notifies Registrar of non-compliance
8. Registrar works with ICANN and IM to resolve non-compliance
9. ICANN requests a second audit to ensure compliance

Resolution Process
How To Avoid Common Errors

Most typical errors:
- Data in deposit does not match Whois lookup
- Whois lookup blocked
- Incomplete header row (missing ICANN required fields)
- Deposit file is empty or only contains a header row
- Deposit file name is incorrect
- Handle file (if required) is missing from the deposit
- Not comma de-limited
- Full file and Handle file contains no header row
How To Avoid Common Errors

Before you send your first deposit (in either a ZIP/TAR file), **VERIFY** it’s contents.

- Ensure it complies with the **ICANN RDE Specification**
- Periodically **CHECK** your deposits
- If you receive a ‘Fail Audit’ inquiry from ICANN, work with ICANN and Iron Mountain to resolve the issue ASAP
Complaint Distribution by Region

Transfers - October 2012 - February 2013

- North America: 24.9%
- Latin America / Caribbean: 1.7%
- Africa: 0.0%
- Asia / Australia / Pacific: 61.7%
- Europe: 5.2%
- Unknown Continent: 6.5%
ICANN CONSENSUS POLICIES
Inter Registrar Transfer Policy

Registrars must:

• Provide Auth-Info codes within 5 days of request, or
• Provide means for registrants to retrieve Auth-Info codes from control panel
• Receive FOA from Transfer Contact (registrant or admin contact), when acting as gaining registrar
• Provide means for registrants to unlock domains, or
• Unlock domain within 5 days of request
ICANN CONSENSUS POLICIES
Expired Domain Deletion Policy (EDDP)

Registrar is required to:

- Send at least 2 renewal reminders prior to the expiration of a domain name
- Inform registrants of the policy
- Publish the domain auto-renewal and deletion policy
- Post fees for recovering domains in Redemption Grace Period
ICANN CONSENSUS POLICIES

Expired Registration Recovery Policy (ERRP)

• Effective Date: 31 August 2013
• Purpose
  – Establish minimum communication requirements for registrars
  – Make renewal and redemption of registrations uniformly available in prescribed circumstances
  – Align registrant expectations with registrar practices
• Link: http://www.icann.org/en/resources/registrar-consensus-policies/errp
ICANN CONSENSUS POLICIES
Expired Registration Recovery Policy (ERRP)

Communication Requirements

Old:
Send two renewal notices prior to expiration. EDDP

New:
• Specific times for sending renewal notices (1 month and 1 week prior to expiration).
• 3rd renewal notice required after 5 days (if no renewal and name is not deleted by Registrar).
• Renewal notices must be provided in the language of the registration agreement.
• Renewal notices must be communicated in a manner that does not require affirmative action to receive the notice.
ICANN CONSENSUS POLICIES
Expired Registration Recovery Policy (ERRP)
Communication Requirements (cont.)

Old:

• Registrar required to provide notice to each new registrant describing its deletion and auto-renewal policy. If Registrar operates a website, details of Registrar's deletion and auto-renewal policies and any fee charged for recovery during the Redemption Grace Period (RGP) must be displayed on the website. EDDP

New:

• Renewal, post expiration renewal and redemption/restore fees must be clearly displayed on registrar’s website and a link included in the registration agreement
• Registrars must ensure fees are displayed on resellers’ websites
ICANN CONSENSUS POLICIES

Expired Registration Recovery Policy (ERRP)

Renewal and Redemption

Old:
- No standard renewal requirements.

New Renewal Requirements:
- Beginning at the time of expiration until the time the registrar deletes the domain name, the registrant must be permitted by the registrar to renew the expired registration.
- Registrars may delete registrations any time after exp.
- DNS Resolution Interruption Periods in the ERRP
  - Registrar deletion 0-8 days after expiration – registrar must interrupt the resolution path upon expiration
  - Registrar deletion 8 or more days after expiration – last 8 consecutive days after expiration, registrar must interrupt the resolution path
Renewal and Redemption (Cont.)

Old:
No standard redemption requirements

New Redemption Requirements:
• Registries must offer a Redemption Grace Period of 30 days immediately following the deletion of a registration, during which time the deleted registration may be restored at the request of the registrant by the registrar that deleted it.
ICANN CONSENSUS POLICIES
Uniform Domain Name Dispute Resolution Policy (UDRP)

Registrar must provide the following when responding to an ICANN inquiry regarding a UDRP matter:

- The correspondence in which they communicated to ICANN, the service provider and the parties
- The date for the implementation of the Decision & findings of the complaint
- The steps taken to address the complaint
- Link to UDRP providers -
UDRP Procedural Issues

- Registrar not responding to verification requests from service providers
- Complexity of matters involving “Mutual Jurisdiction”
- Complainants not providing information for registrars to update Whois
Registration Data & Records

Registrars are:

- Required to maintain and provide registration data and records of written communications
- Registrars are responsible for maintaining data and documents and providing them to ICANN regardless of the business model (reseller)
Examples of records

• Time stamped log of the execution of the Registration Agreement (per domain), or a paper copy
• Communications with the Registered Name Holder related to:
  – Auth-Info codes
  – FOAs
  – Renewal Reminders
  – WDRP Notices
• In electronic form, records of the accounts of all Registered Name Holders with Registrar, including dates and amounts of all payments and refunds
Registration Agreement

- Agreements should include all of the provisions required by Section 3.7.7 of the RAA -

  - **To be in compliance:** Must include the same or equivalent language in Sections 3.7.7.1 - 3.7.7.12 of the RAA.

Note: 3.7.7 Registrar shall require all Registered Name Holders to enter into an electronic or paper registration agreement with Registrar including at least the following provisions ...
Whois Access

Access -

All ICANN-accredited registrars are required to provide public access to contact details for each domain name via the web and Port 43
Whois Inaccuracy

- Registrars are required to take reasonable steps to investigate and correct Whois data inaccuracy claims.

- To validate ICANN requests:
  - Etc.
  - The correspondence with the registrant, including dates and times and means of inquiries (To/From), telephone number, e-mail addresses, and postal addresses used.
Whois Inaccuracy

ICANN's end goal is to obtain a fact-based response from the registrar that supports their actions to address the complaint.

Some fact based acceptable responses:

- A statement from the registrar stating that the updated data is accurate, because the domain is owned by the registrar itself.
- Whois changes showing that the domain has actually been suspended or cancelled.
- For registrant changes of Whois data or when registrants confirm that the information is accurate, ICANN requests copies of the communications (email or phone log) containing the DATE/TIME/TO/FROM fields.
- Other information available to registrar to confirm or correct the Whois data.
Whois Inaccuracy

Not acceptable:

- ‘Still attempting to verify’.
- ‘Registrant confirmed accurate’ but no communications provided.
- Copy of communication provided, but not showing who it was sent to and from.
- ‘Data updated’ but Whois unchanged.
Complaint Distribution by Registrar Region

Whois Inaccuracy

October 2012 - February 2013

- North America: 52.3%
- Latin America / Caribbean: 3.7%
- Africa: 0.0%
- Europe: 16.6%
- Asia / Australia / Pacific: 26.5%
- Unknown Continent: 0.8%
Improper or invalid reports are:

- Domain use issues, such as spam or website content
- “Known” domain name
- Irrelevant/Invalid comment (i.e., there is no requirement for a domain registrant to respond to inquiries)
- Privacy/proxy protection service - What if the privacy service does not include an address or provides an invalid address? This type of complaint should be processed by ICANN.
- Contains profanity or other offensive comments.
- Not consistent with the current Whois data
- For a country code top level domain (ccTLD) name
- Incomplete (i.e., lacks sufficient detail)
- Too broad (i.e., lacks sufficient specificity)
- Duplicate of another prior pending ticket
Enforcement Phase

ENFORCEMENT

FORMAL RESOLUTION

Breach Notice → Suspension (Rr)
Termination
Non-renewal

Publish on website

NOT in Good Standing

15 → case by case
Registrar Suspension Update

Suspension Criteria (section 2.1 in 2009 RAA)

... suspend a registrar’s ability to create new registered names or initiate inbound transfers of registered names for one or more TLDs for up to a twelve (12) month

Suspension Duration:
1. X days up to 12 months
2. Suspend until termination
   - Not cured and/or No or little effort
3. Suspend pending cure
   - Work underway to cure and/or Work not completed

Frequently Asked Questions Link
**Suspension Communication**

**Breach Notice Period**
- Monitor progress during breach period
- Heads-up to potential registry operators re a “potential” suspension

**Suspension Notice**
- Communicate Suspension to registrar
- Communicate Suspension to potential registry operators
- Publish suspension notice

**Suspension Period**
- Validate with registrar (checkpoint)
- Monitor the registrar’s registration activities
- Inform relevant registry ops of next steps
Wednesday Outreach Sessions Room

Room: Function Auditorium

11:00 - 12:30 Contractual Compliance Update
Additional Resources

• Learn more about ICANN Compliance

http://www.icann.org/en/resources/compliance
Thank You & Questions?

Please send questions to Compliance@icann.org
Subject line: ICANN46 AP Compliance Outreach Meeting
ICANN Consensus Policies

1. Uniform Domain Name Dispute Resolution Policy
   - A fast, cost effective mechanism to resolve cybersquatting claims
   - Neither registrar nor ICANN are parties to proceedings
   - ICANN’s role is to ensure registrars implement UDRP decisions

2. WHOIS Data Reminder Policy
   - Intended to improve WHOIS accuracy
   - Registrars’ obligation is to send an annual reminder to registrants

3. Inter-Registrar Transfer Policy
   - To provide domain portability and better consumer choice

4. WHOIS Marketing Restriction Policy
   - Registrars to provide third party bulk-access to WHOIS under an agreement
     and set maximum annual fees chargeable by registrars at $10,000
   - Prohibit use of WHOIS data for certain marketing purposes
ICANN Consensus Policies

5. Restored Names Accuracy Policy
   Requires registrars to place “Registrar Hold” status on a domain name until the registrant has provided updated and accurate Whois information under certain circumstances

6. Expired Domain Deletion Policy
   Requires registrars to delete domain names if registrants do not consent to renewal after 2\textsuperscript{nd} renewal reminder, barring extenuating circumstances
   Requires registrars to post on their websites renewal fees and policy

7. Registry Services Evaluation Policy
   Process and criteria for evaluating new registry services proposed by a registry operator

8. Add Grace Period Limits Policy (AGP)
   Intended to curb domain tasting

9. Expired Registration Recovery Policy
   Ensures that renewal and redemption of registrations are uniformly available in prescribed circumstances
Registry Compliance Obligations

- Compare SLA requirements with actual performance measures in Monthly Reports
  - DNS Availability/Performance/Outages
  - Whois Availability/Performance/Outages
  - SRS Availability/Performance/Outages
- Registry Data Escrow
- Provide Whois service web and Port 43 access
- Provide Bulk Zone File Access
- Provide Monthly Reports to ICANN

Stacy – please provide more details in here; for ex. Listing all required fields; Review data escrow for x; for actual performance, review and compare for ...
Registry Compliance Obligations

- Timely Provide Monthly Reports
- Compare SLA requirements with actual performance measures in Monthly Reports
  - DNS Availability/Performance
  - Whois Availability/Performance/Outages
  - SRS Availability/Performance/Outages
- Escrow Registry Data
- Provide Whois service web and Port 43 access
- Provide Bulk Zone File Access
- Comply with Reserved Names Requirements
- Pay Required Fees
ICANN Contractual Compliance
New Complaint Navigation, FAQ & Whois Inaccuracy Form

- Moved complaint submittal from Internic to ICANN.ORG
- Reorganized Complaint Navigation
- Improved Frequently Asked Question (FAQ) content
- Add Take Action column to search data or submit complaint
- Expands for remaining compliance complaints

http://www.icann.org/en/resources/compliance/complaints