PROTECTIONS FOR REGISTRANTS

ICAN Public Forum
Cairo
6 November 2008

Protection of Registrants Projects

- Registrar Accreditation Agreement Amendments
- Registrar Data Escrow
- Terminated Registrar Procedure
- Registry Continuity / Failover
- Contractual Compliance Program
RAA Amendments

Registrar Accreditation Agreement

- Community consultation process produced 15 proposed amendments – significant input from IPC, ALAC
- Public comment period completed on proposed amendments, summary is available at http://forum.icann.org/lists/raa-consultation/
- Advice sought from GNSO and ALAC (received)
- Amendments can be adopted by a mechanism described in the contract
Four Categories of Amendment

- Enforcement Tools
  - Graduated sanctions
  - Provision for audits
  - Group liability
- Registrant Protections
  - Escrow of data underlying proxy registrations
  - Reseller compliance
- Promoting stable & competitive registrar marketplace
  - Operator training
  - Address accreditation by purchase
- Agreement modernization

Registrar Data Escrow
Registrar Data Escrow

- ICANN is enrolling all registrars with domain names under management in the data escrow program
- Over 95% of all gTLD registrations are enrolled in this program, with registration information on deposit at an approved escrow provider
- ICANN provides escrow services through Iron Mountain
- Third Party Provider, NCC Group, has also been approved
- Audit procedures have been developed; will start within months

Registrars Enrolled & Depositing Data
Registrar Data Escrow

- 855 registrars have elected a data escrow provider (either Iron Mountain or NCC Group)
- 806 registrars have executed enrollment agreements
- 759 registrars are making routine deposits
- 73 registrars are not obligated to participate as they have no names
- Compliance efforts underway for registrars that have not enrolled according to schedule

Registrar Transition Procedure
Terminated Registrar Transition Procedure

- **Purpose:** To facilitate transition of gTLD registrations of de-accredited registrars
  - Terminated registrars in good standing may propose a successor
  - If no proposed registrar approved, a Request for Information is posted on ICANN website in order to find an appropriate recipient registrar
- **Has been used 6 times since June 2008**
- **Formally approved by ICANN's Board on 1 October 2008**

Registry Continuity / Failover
gTLD Registry Continuity Planning

- As part of protections for registrants, ICANN completed a gTLD Registry Continuity Plan in consultation with ccTLD and gTLD registries, SSAC and other technical experts
- The plan seeks to provide protection for registrants by:
  - Ensuring adoption of “best practices”
  - Provide a mechanism for the transfer of names under management in the event of registry failure
- Testing of the plan will continue

Registry Continuity in New gTLDs

- An emphasis in the evaluation criteria and scoring on:
  - Contingency planning
  - Financing of continued operations
  - Continuity planning & technical capacity
  - Data escrow
- Pre-delegation check on certain operational elements
- Draft registry agreement contains:
  - Improved Registry Data Escrow Specification
  - Draft Registry Interoperability, Continuity & Performance Specification
Contractual Compliance Activities

Contractual Compliance Communications

- Monthly Compliance Newsletters
  - Responses to Questions Posed at UDRP Compliance Workshop in Paris
  - Whois Data Accuracy Study Update
  - Why Domain Name Issues are Not Always a Matter of Contractual Compliance
  - Consumer Complaint Escalation Procedure
  - Compliance Enforcement Actions
  - Registrar/Registry Audit Activities

- Semi-annual reporting on compliance audits, results and actions taken as a result
Enforcement Actions (Q2 2008)

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<tr>
<th>Action Taken by ICANN</th>
<th>Reason for Action</th>
<th>Total</th>
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<tr>
<td>Notice of Breach</td>
<td>Whois Non-Compliance</td>
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<td>Notice of Termination</td>
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<td>Re-Accreditations Denied</td>
<td>Failure to Escrow Data</td>
<td>2</td>
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Whois Data Investigations

- Whois Data Accuracy Study
  - in collaboration with the National Opinion Research Center
- Registrar Privacy/Proxy Registration Services Study
  - to Assess the extent to which registrants are using Privacy/Proxy registration services
- Whois Data Problem Report System (WDPRS) Redesign
  - ICANN currently investigating the results of reports
  - measuring effectiveness of registrars in investigating complaints