

Contractual Compliance @ ICANN

An Overview for Newcomers
23 October 2011



Agenda

- What is contractual compliance?
- How we ensure and enforce registry and registrar compliance
- Why it matters?



What is contractual compliance?



- Use CONTRACT as a COMPLIANCE tool
 - Contracted parties adhere to:
 - ✓ a set of rules;
 - ✓ a standard of performance
- set out in a CONTRACT

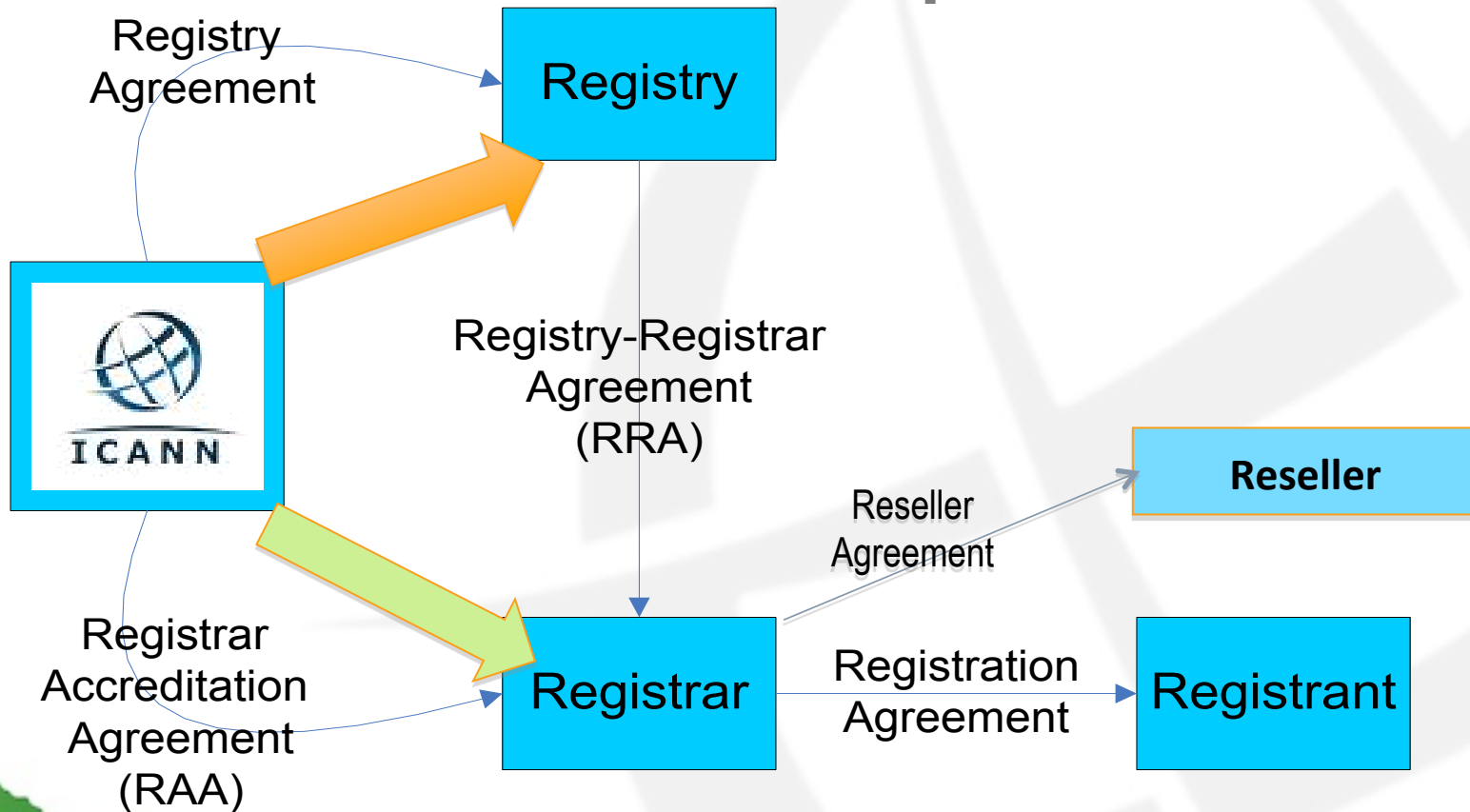


Why Contractual Compliance at ICANN?

- ❑ ICANN is NOT a regulator, NOT a government agency or law enforcement agency
- ❑ ICANN's authority is contractual and limited by contracts with:
 - Registrars - companies that register domain names
 - Registry operators – keep the master file for all domain names that end in a particular suffix



Contractual Relationship Overview



- 995 Registrar Accreditation Agreements (RAA)
- 18 Registry Agreements
- New gTLDs



Agenda

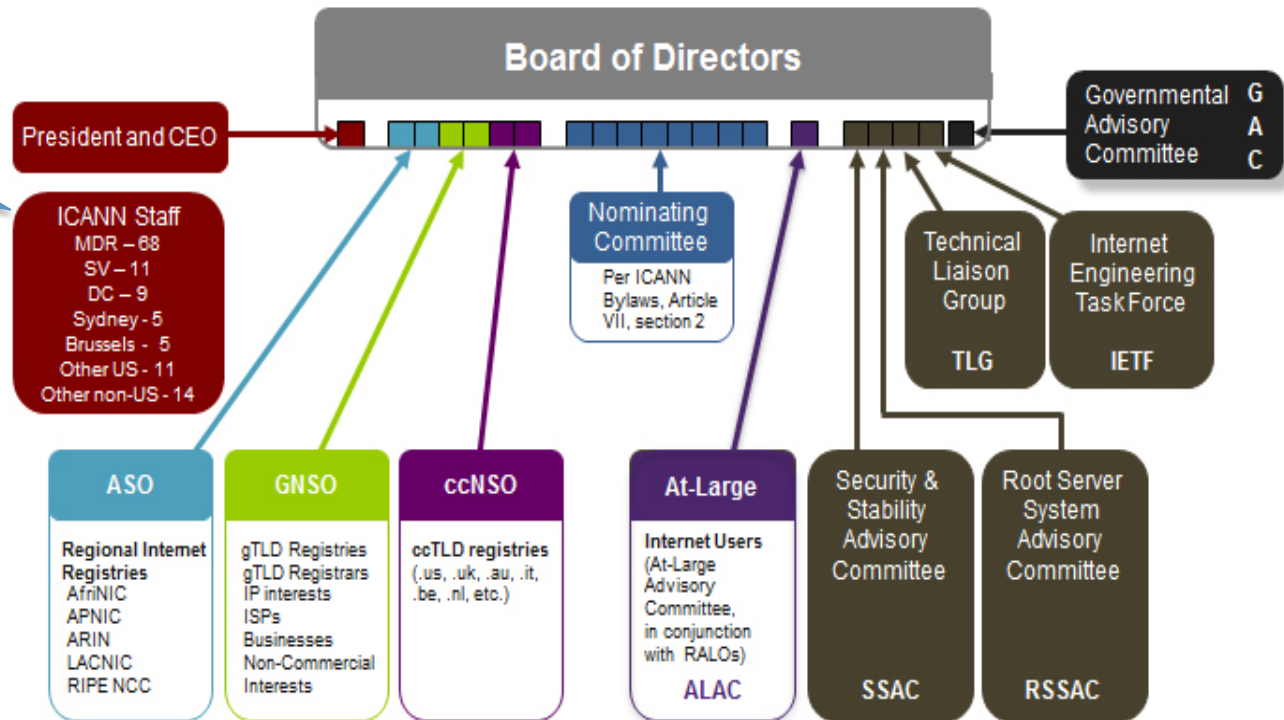
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ICANN Organization Structure

ICANN Multi-Stakeholder Model

Contractual Compliance



Our Vision, Mission and Approach

ICANN's Vision

One World. One Internet.



Contractual Compliance's Vision

To be a “**trusted**”
Contractual
Compliance
service provider

ICANN's Mission

To coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems.



Contractual Compliance's Mission

To preserve the security, stability and resiliency of the Domain Name System and to promote consumer trust

ICANN's Approach

Open and Transparent
Equitable Treatment



Contractual Compliance's Approach

Prevention through collaboration
Transparency through communication
Enforcement

Contractual Compliance Regime within the Multi-stakeholder Model

2012 Focus Areas

- Process Mapping
- Standardized Procedures
- Exploring new Metrics
- Enhance Communications
- Enhance Collaboration
- New gTLD Readiness

**FORMAL
RESOLUTION**
Terminations
Breach Notices

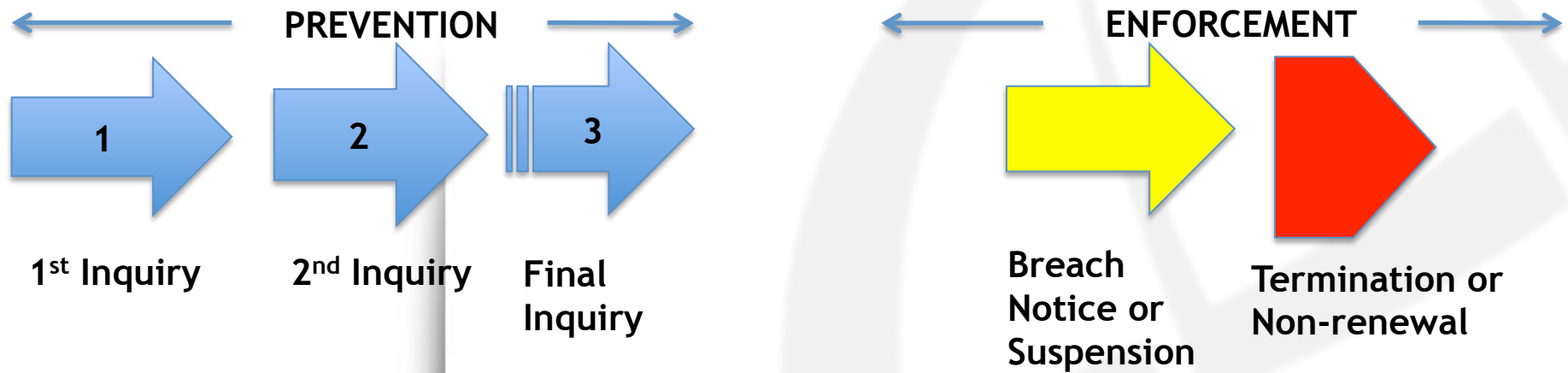
INFORMAL RESOLUTION
Inquiries & Warnings
Advice & Persuasion

PREVENTATIVE ACTIVITES
Monitoring Audits
Education & Outreach

SELF-REGULATION
Annual Self-assessment
Industry Best Practice



Contractual Compliance Cycle



- 8 Full Time Employees
- Combined about 100 years of experience
- 5 languages: English, French, Arabic, Mandarin and Spanish
- 3 Open Positions

Current Program Overview

Prevention

- ✓ Manage Consumer Complaint Systems
- ✓ Investigate Claims of Non-Compliance
- ✓ Conduct Contract Audits
- ✓ Monitor and Address Compliance Issues

Enforcement

- ✓ Investigate Claims of Non-Compliance
- ✓ Communicate with Contracted Parties to Resolve Outstanding Contract Breaches
- ✓ Establish Remedial Plans and Terms for Suspensions
- ✓ Send Escalated Compliance Notices (Notices of Breach or Suspension, Termination or Non-Renewal)



Current Program Overview (cont.)

- Communications
 - ✓ Website
 - ✓ Performance metrics
 - ✓ Reporting

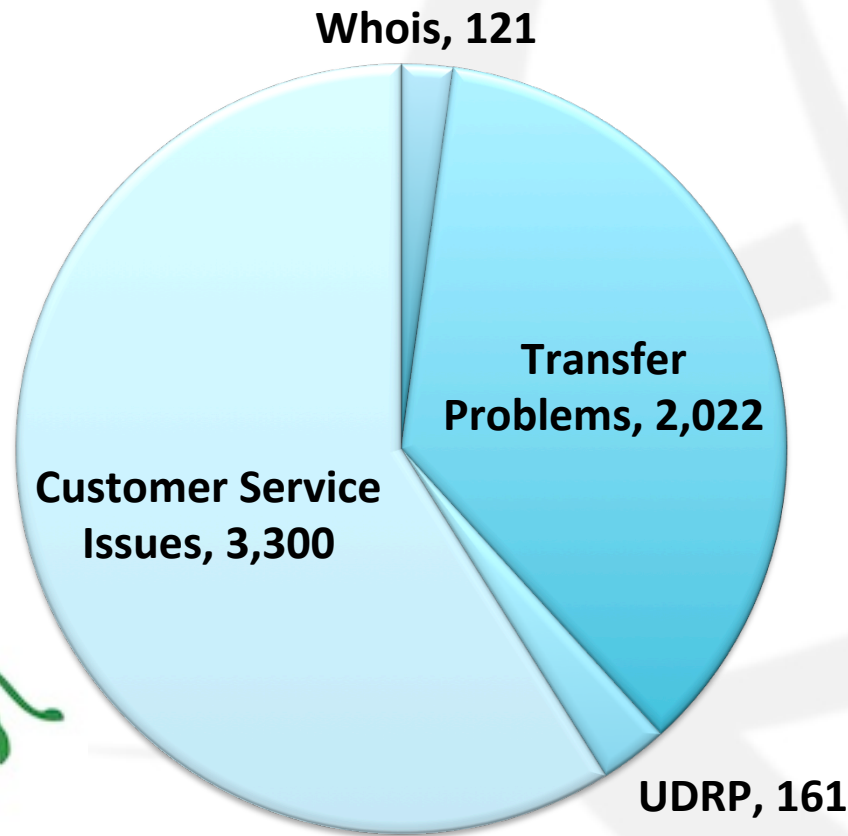
- Referrals to LE or other agencies, if appropriate



5,604 Consumer Complaints

June - September 2011

C-Ticket
System



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Registrar Data Escrow (RDE)

- ❑ **What** - Each ICANN-accredited registrar (who has names) is required to escrow registration data. The data is released to ICANN under limited circumstances.
- ❑ **Why - Registrant protection**
In case of a registrar failure, the data can be used for a bulk transfer from the failed registrar to another ICANN-approved recipient (gaining) registrar
- ❑ **How** - Compliance monitors RDE deposit and data audit reports from Iron Mountain and actively works with registrars to address problems and help them become compliant



Whois Access and Accuracy

- ❑ **Access** - All ICANN-accredited registrars are required to provide public access to contact details of the domain name holder
 - ✓ Port 43 Whois Service Monitoring Tool
 - ✓ Audits of Registrar websites

- ❑ **Accuracy** - Those who register domain names must provide accurate contact details concerning themselves and registrars must investigate claims that the data is inaccurate
 - ✓ Whois Data Problem Report System



Uniform Domain Name Dispute Resolution Policy (UDRP)

- What** - The UDRP provides an alternative dispute resolution to address “cybersquatting” problem
- Why** - A cost effective alternative (to litigation through courts) for resolving disputes for the past 10 + years
- How** - Contractual Compliance assists IP attorneys or affected parties and actively works with registrars to ensure compliance (maintain status quo, implement decisions, etc.)



Inter-Registrar Transfer Policy (IRTP)

- ❑ **What** - The policy sets out a procedure for domain name holders to transfer their names from one ICANN-accredited registrar to another, should they wish to do so
- ❑ **Why** - To promote competition and consumer choice through enhanced domain name portability, resulting in greater consumer and business choice and enabling domain name registrants to select the registrar that offers the best services and price
- ❑ **How** - Contractual Compliance investigates claims of non-compliance with the policy and ensure registrars take corrective actions



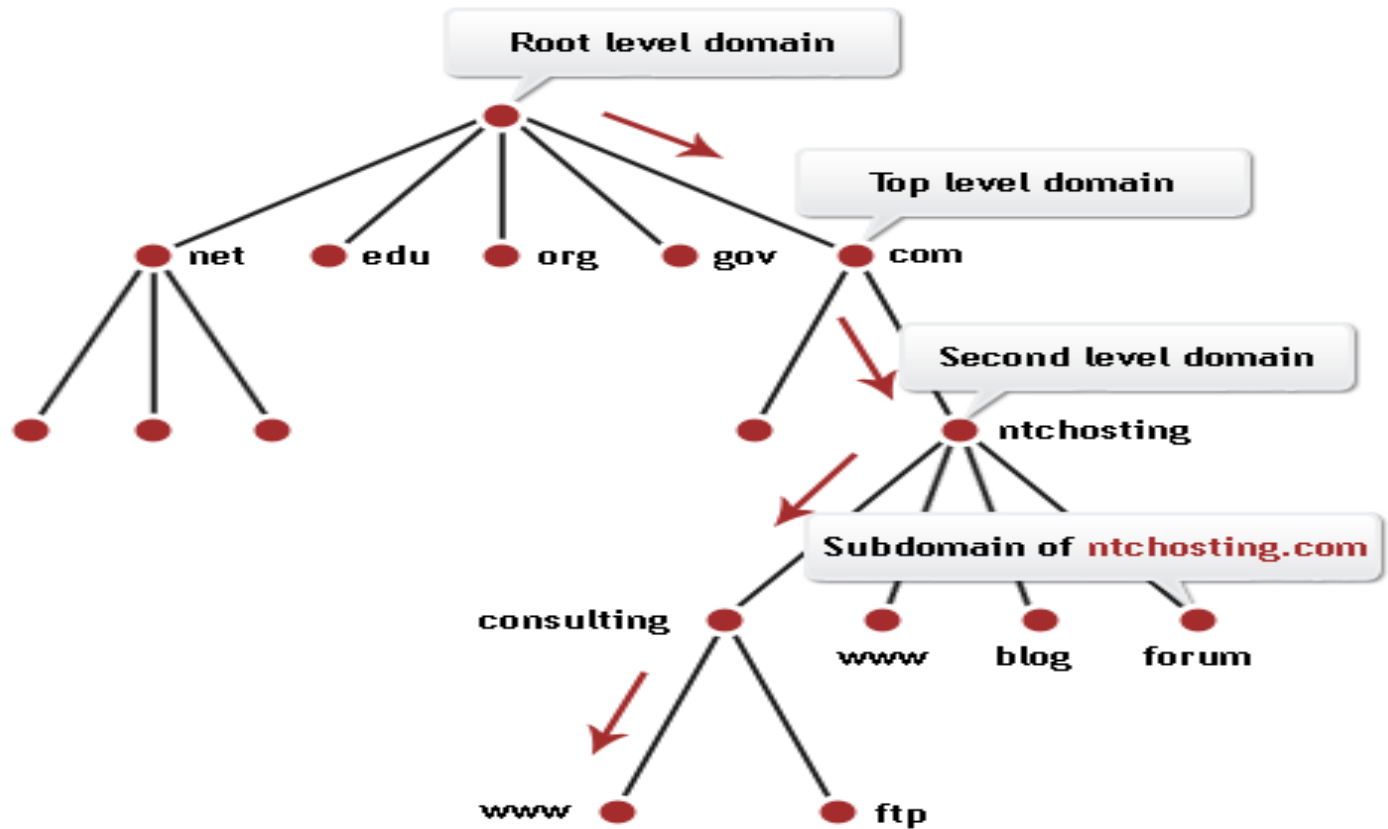
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Why it matters?

Imagine life without the “Internet directory” (the DNS) working ...



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Why it matters? (cont.)

Our Mission

- To preserve the security, stability and resiliency of the Domain Name System
- To promote consumer trust

Everyone is affected whether contracted parties do or do not comply with their contractual obligations.

Key Contractual Compliance activities as examples:

- RDE
- Whois
- UDRP
- IRTP



Changes and challenges...



Additional Resources

- About ICANN Contractual Compliance:
<http://www.icann.org/en/compliance/>
- Contact us at compliance@icann.org
- Whois Look Up: <http://www.internic.net/whois.html>
- Have a Problem? Dispute Resolution Options
<http://www.icann.org/en/dispute-resolution/>
- Report Inaccurate Whois Data, <http://wdprs.internic.net/>
- File a complaint about a registrar:
<http://reports.internic.net/cgi/registrars/problem-report.cgi>
- List of Approved Dispute Resolution Service Providers:
<http://www.icann.org/en/dndr/udrp/approved-providers.htm>



Feedback

- What are your expectations from Contractual Compliance?
- What information is valuable to you?

Please send your feedback to Compliance@icann.org
Title the email Feedback.



Wednesday Outreach Sessions

Room B-8

- | | |
|---------------|----------------------------|
| 9:00 - 10:30 | Registrar Self-Assessment |
| 10:45 - 12:00 | Q&A and general Discussion |
| 2:00 - 3:30 | Registrar Data Escrow |
| 3:30 - 5:00 | Q&A and general Discussion |



Thank You

