Protection of Registrants in an Evolving Marketplace

Mike Zupke
Tim Cole
Patrick Jones
23 June 2008

Agenda

• Welcome
• Recent Registrant Protection Measures
  – Registrar Data Escrow
  – Terminated Registrar Transition Procedure
  – Registrar Accreditation Agreement Amendments
  – gTLD Registry Failover Plan
• Registry Failover Exercise

Welcome

Protection of Registrants

• Recent Workshops
  – San Juan (ICANN meeting, June 2007)
  – Los Angeles, ALAC tutorial (ICANN meeting, October 2007)
  – Delhi (ICANN meeting, February 2008)
• Recent / Ongoing Initiatives
  – Registrar Data Escrow
  – Terminated Registrar Transition Procedure
  – RAA Amendments
  – Registry Failover
Registrar Data Escrow Program

• Requires registrars to back up all ‘thick’ gTLD whois data with escrow agent
• Secure transmission and encrypted storage of RDE data
• Data released to ICANN upon termination or expiration of registrar’s RAA
• All registrars deposit data once per week
• High-volume registrars deposit daily

RDE Implementation Status

• Registrar adoption:
  – 753 registrars enrolled
  – 392 registrars currently depositing
  – 27 registrars exempt (no names under mgmt)
  – 82% of gTLD registration data now in escrow
• Compliance statistics will be reported on ICANN dashboard
• Names of non-depositors will be published after compliance deadlines have passed

Terminated Registrar Transition Procedure (Draft/Interim)

• Used by Staff to facilitate transition of registrations from de-accredited registrars
• Developed in consultation with community, largely through workshop in Delhi
• Currently posted for public comment (through 7 July 2008)
• Implemented on interim basis for transition of two recently de-accredited registrars
Registrar Accreditation Agreement
Draft Proposed Changes

- Prompted by increased interest in protecting registrants and updating contract
- Based on community consultation process
- Dialogue with registrars
- Posted now for further community input (see “Announcements” page on ICANN website)

Enforcement tools

- Registrar Audits – Allowing ICANN to conduct site visits and audits of registrars upon at least 15 days notice.
- Sanctions & Suspension – Providing for escalated compliance enforcement tools such as monetary sanctions and suspension of registry access.
- Group Liability – Preventing “serial misconduct” by registrars when another affiliated (by common control) registrar’s RAA is terminated.

Enforcement tools (cont.)

- Registrar Fees – Revising registrar fee provision to be aligned with recent and current ICANN budgets; assessing interest on late fee payments.
- Registrations by Registrars – Creating liability by registrars to ICANN for any registrations created by a registrar for its use in providing Registrar Services.
- Arbitration Stay – Eliminating the existing automatic 30-day stay of termination registrars receive by initiating arbitration or litigation to challenge an RAA termination.
Registrant protections

• Private Registration & Registrar Data Escrow Requirements – Registrars are required to either escrow underlying customer data in the case of private or proxy registrations, or alternatively, give prominent notification that such data will not be escrowed.

• Registrant Rights and Responsibilities – Requiring registrars to include on their websites a link to a “Registrant Rights and Responsibilities” document to be created in consultation with the ICANN community.

Registrant protections (cont.)

• Contractual Relationships with Resellers – Protecting registrants who are customers of resellers by obligating resellers to follow ICANN policies and requiring that they either escrow privacy/proxy customer data, or alternatively, give prominent notification that such data will not be escrowed.

Promoting stable and competitive registrar marketplace

• Accreditation by Purchase – Requiring registrars to notify ICANN upon a change of ownership and to re-certify the registrar’s compliance with the RAA.

• Operator Skills Training and Testing – Providing for mandatory training of registrar representatives to ensure better registrar understanding of ICANN policies and RAA requirements.

• Use of ICANN-Accredited Registrars – Maintaining ICANN’s general policy of requiring registries to use ICANN-accredited registrars (in the absence of a reasonable and noted exception).
Agreement modernization
- Notice Provision – Streamlining ICANN’s obligation to provide notice to registrars of new consensus policies applicable to registrars.
- References to the Department of Commerce – Acknowledging ICANN’s movement toward independence from the DOC by removing certain references within the RAA to a requirement of DOC approval.
- Registrar Data Retention Requirements – Clarifying data retention requirement for registrars to allow for more uniform practices.

gTLD Registry Failover Plan
- Overall goals of the Plan are 1) the protection of registrants and 2) to ensure confidence in the DNS.
- Draft plan posted on 20 Oct 2007
- Plan revised following ICANN Los Angeles
- 24-25 Jan 2008 ICANN gTLD Failover Exercise
- Updated Plan circulated 5 Feb 2008
- Feb - Jun 2008 consultation & feedback
- Revised draft 16 Jun 2008
gTLD Failover Exercise

- Internal ICANN exercise based on common tabletop exercise practices – used staff in 8 locations worldwide, examined 5 scenarios
  1. Escalation of Temporary Failures
  2. DNSSEC Compromise
  3. IDN/Natural Disaster/Gov’t Takeover
  4. Complex attack on a backend operator
  5. Bad acts of a registry

Example Exercise

- In our scenario we have an Urdu IDN.gTLD
- Located in a fictional country
- TLD is owned by a commercial entity
- The country suffers an 8.0 earthquake
- The registry’s primary data center and headquarters is damaged

Example Exercise

- Infrastructure in the country cannot keep up, knocking the gTLD offline
- Registrants begin to contact their registrars
- Some registrars have difficulty communicating in Urdu with their registrants
Example Exercise

- Registry enables backup location, name service is restored
- Outage also affects the gTLD’s primary registrar in the region
- The registrar has not yet escrowed its data

Example Exercise

- From this scenario, how can the affected registrants be best assisted?
- When should communications to registrants begin?
- What if the registry cannot recover?
- What can be done by ICANN in this situation to assist the registry? The registrar? The registrants?

Thank You