



Contractual Compliance

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in San Francisco ■ 13-18 March 2017



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Meeting

Agenda

- General Enforcement Actions
 - Non-renewals/Terminations and Breach Notices
 - Consumer Complaints
 - Other Compliance Notices/Efforts
- Port 43 Monitoring, Findings and Follow-up
- Transfer Policy Audit and Follow-Up
- Registrar Data Escrow Follow-Up
- Major Initiatives



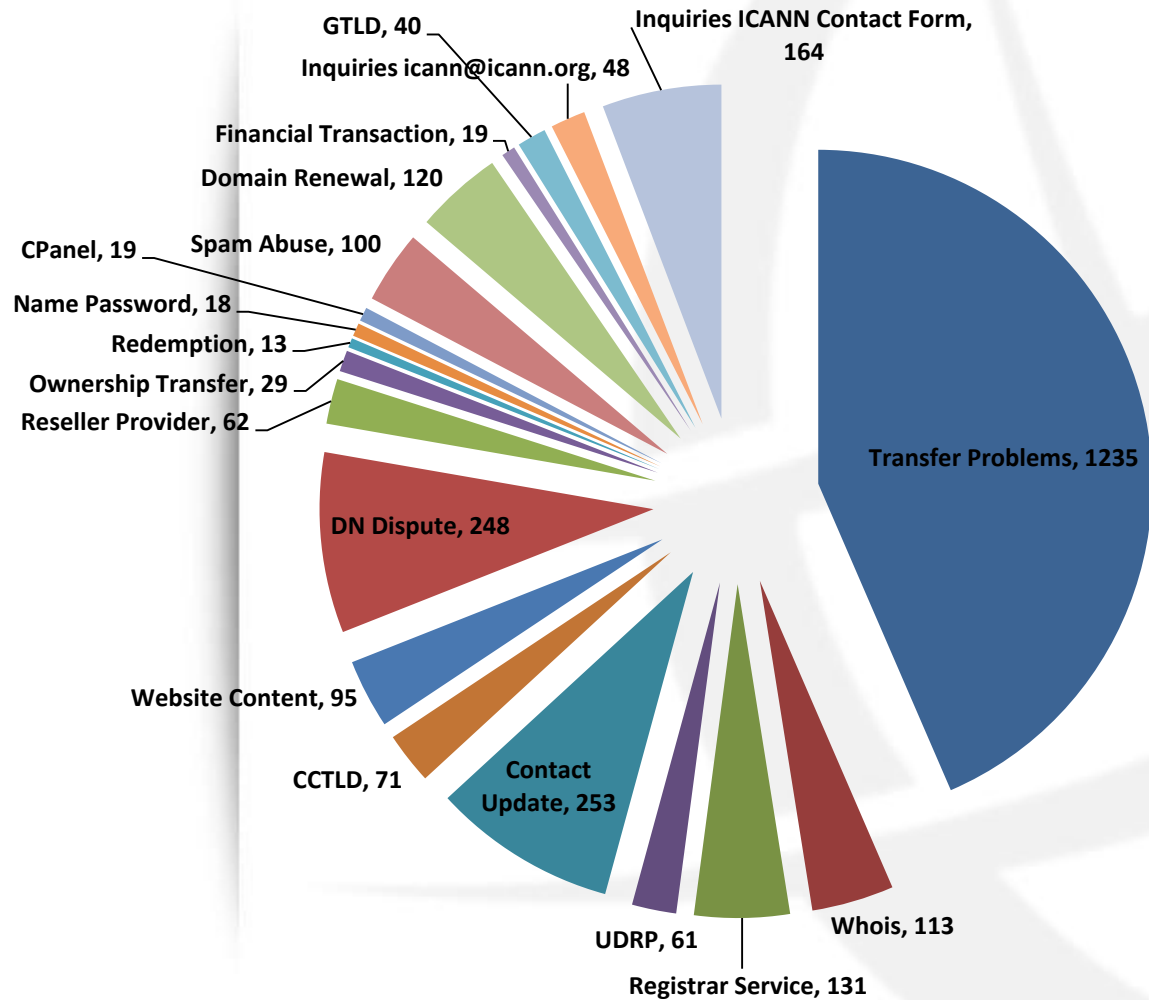
Non-Renewals/Terminations and Breach Notices January 2011-March 2011

- 8 Escalated Compliance Actions:
 - 3 - Registrar Non-Renewals
 - 1 - Registrar Termination
 - 3 - Registrar Breach Notices
 - 1 - Registry Breach Notice

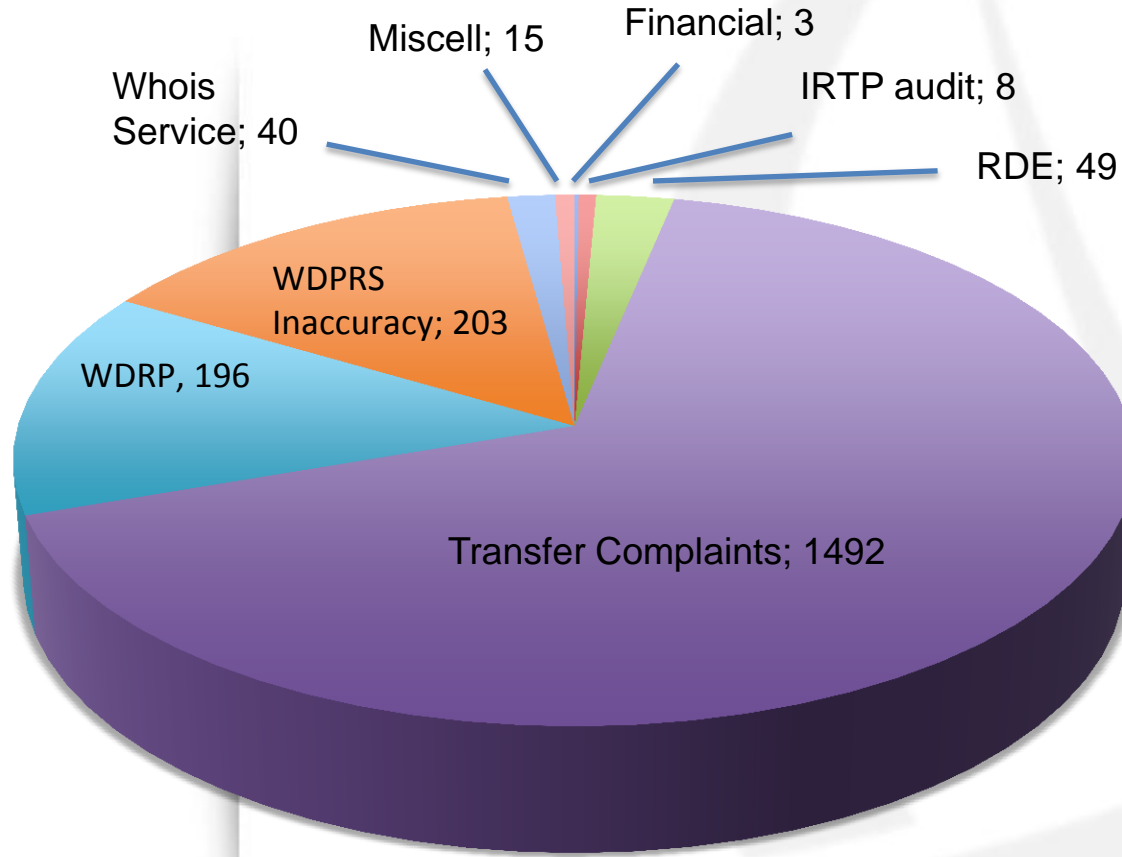


Consumer Complaint Analysis - December 2010 - February 2011

Total Complaints - 2,839



2,006 Compliance Notices Sent to Registrars December 2010 - March 2011



Other Compliance Efforts

- **WDPRS Enhancements**
 - Invalid report message to reporters
 - Automated action message
 - Automated compliance notices
- **Whois Data Reminder Policy Audit Results**
 - 99% participation rate
 - 92% were compliant with WDRP notice form and content requirements



When Did Port 43 Whois Access Monitoring Begin

- 2009 - ICANN began developing code and an interface to monitor registrar access to Whois data
- September 2010 - ICANN began a routine review of registrar compliance with Whois port 43 access



Why Monitor Port 43 Whois Access

- Section 3.3 of the RAA
<http://www.icann.org/en/registrars/agreements.html>
- Affirmation of Commitments
<http://icann.org/en/documents/affirmation-of-commitments-30sep09-en.htm>
- GNSO Request in response to Recommendation by the RAPWG
<http://gns0.icann.org/meetings/minutes-council-03feb11-en.htm>



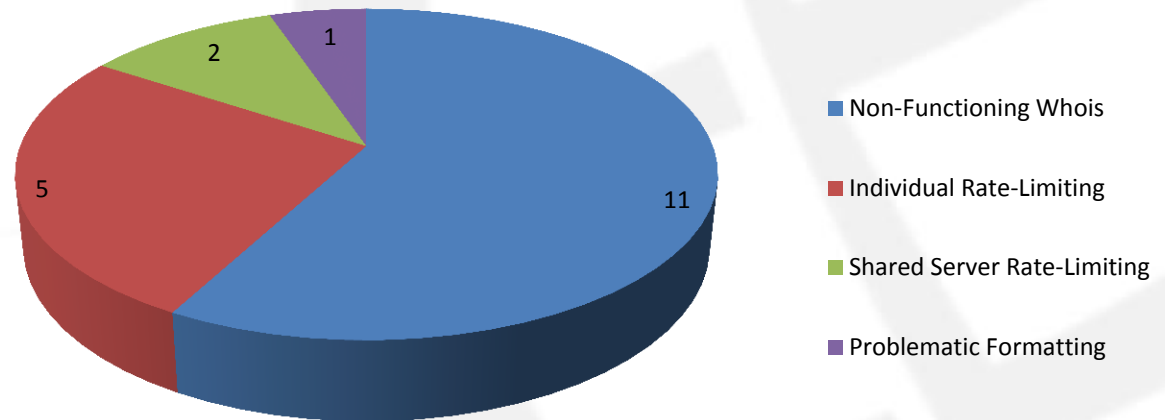
Port 43 Whois Access - Findings

- ICANN was able to access 73% of registrar Whois servers without obstruction
- 223 registrars share Whois servers
- 99% compliance rate not including the shared server issue



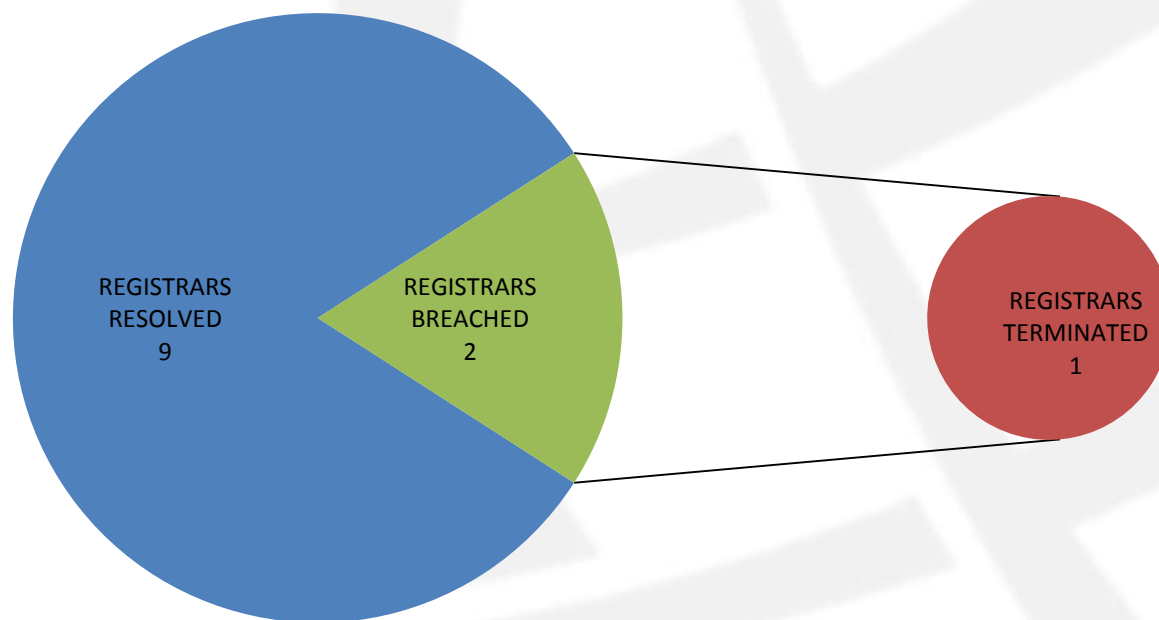
Port 43 Whois Access- Findings

ISSUES ENCOUNTERED WITH WHOIS PORT 43 ACCESS



Port 43 Whois Access - Follow-up Actions

INDIVIDUAL ISSUES OF NON-FUNCTIONING PORT 43 WHOIS



Port 43 Whois Access - Next Steps

- Continue to monitor whether registrars provide public access to Whois data consistent with the contractual requirements
- Automate and expand the monitoring program to include different IP addresses

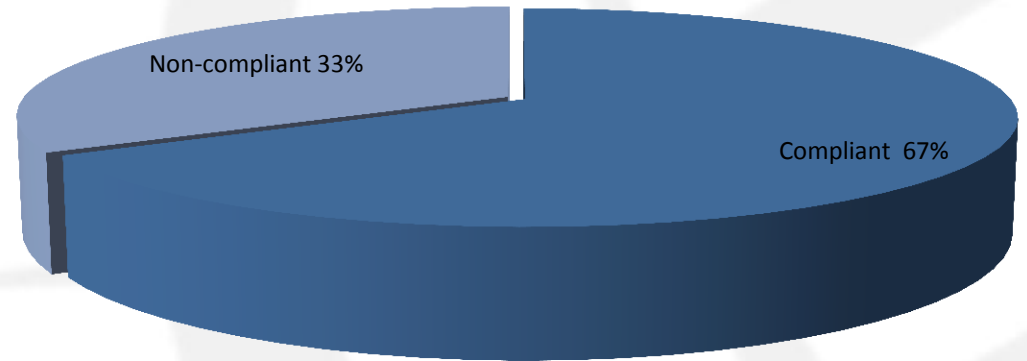


IRTP Audit Findings

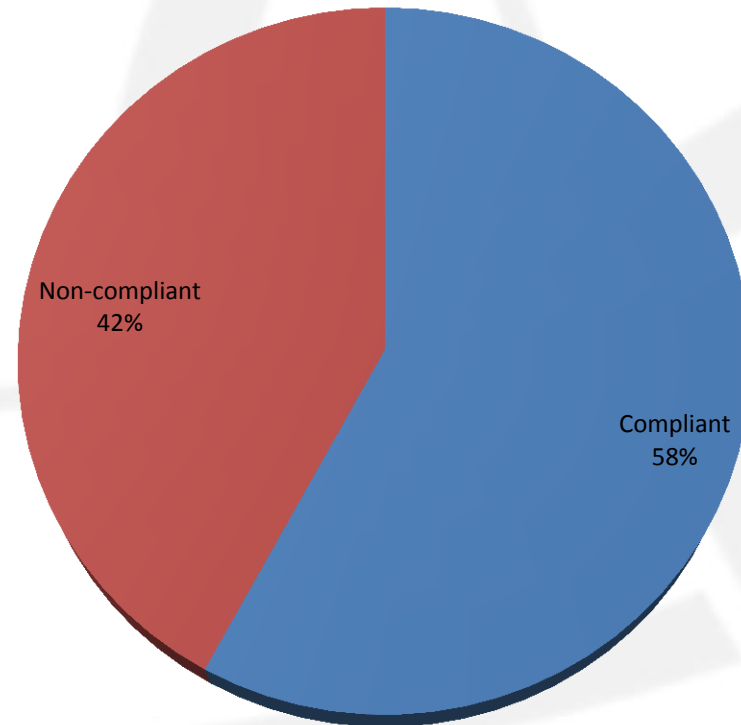
Group	Group Description	Number of Registrars Audited	Number of transfers/ complaints selected per registrar	Number of registrars deemed compliant	Number of registrars deemed non-compliant	Compliant registrars by % in the Group	Compliant registrars by % in the Group (May 2010 beta audit)
1	Losing	6	10 or actual	4	2	67%	50%
2	Gaining	5	10 or actual	3	2	60%	100%
3	Complaints by number	3	5	1	2	33%	50%
4	Complaints by ratio	5	5	3	2	60%	75%



IRTP Compliance Rate -based on transactions audited 85/127



IRTP Compliance Rate - based on registrars audited 11/19

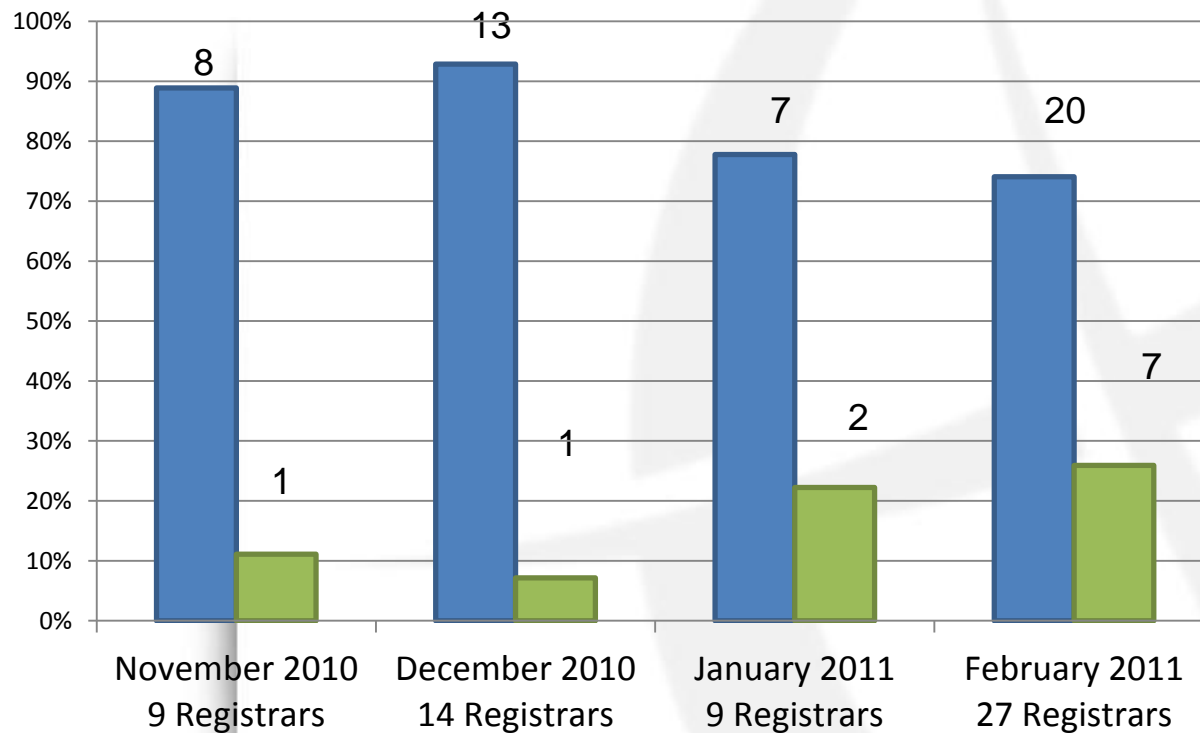


Findings on Main Reasons for Non-Compliance

- Wrongfully denying transfer requests - 2
- Initiating transfers without FOAs - 2
- Failure to provide Auth Code within 5 calendar days due to reseller issues - 3
- Employ overly restrictive mechanisms for RNH to obtain Auth Code - 1



59 Compliance RDE Notices November 2010 - February 2011

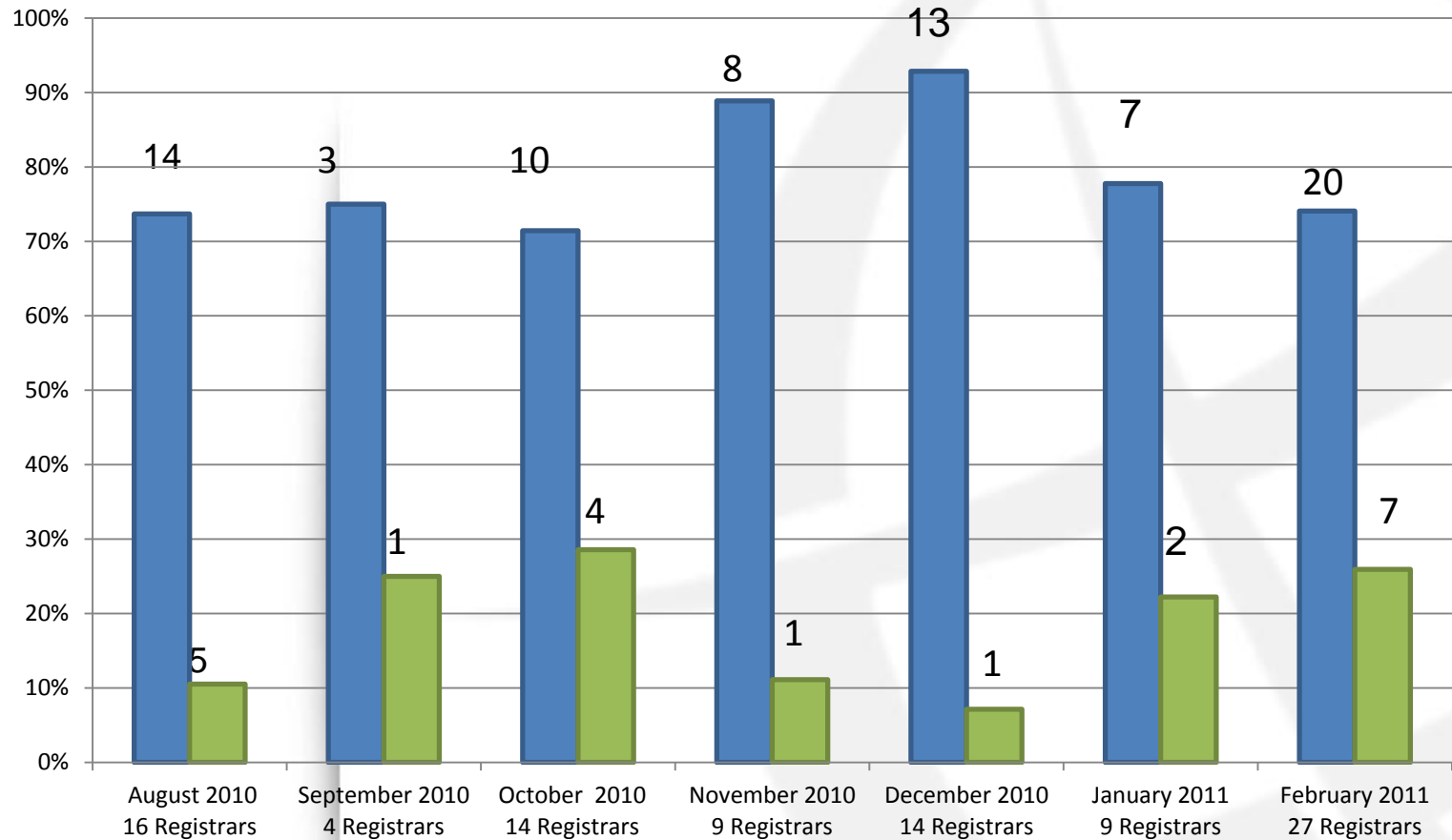


Registrars resolved after 1st inquiry

Registrars resolved after 2nd inquiry

Note: Between Nov 2010 and Feb 2011, 5 out of 59 Registrars (8.4%) did not resolve after the 2nd inquiry / follow-up required.

93 Compliance RDE Notices August - March 2011



Registrars resolved after 1st inquiry

Registrars resolved after 2nd inquiry

Note: Between Aug 2010 and Feb 2011, 11 out of 93 Registrars (12%) did not resolve after the 2nd inquiry / follow-up required.

Major Initiatives

• Compliance Readiness

- Finalizing new gTLD readiness plan
- Continue to assess new gTLD requirements and staff accordingly
- Two new FTEs proposed in FY12 budget to support compliance program
- New position proposed in FY12 budget to enhanced communications and outreach

• Structural/Operational Review

- Underway to assess ways to enhance effectiveness



Questions

One World

One Internet





Thank You

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