



# ICANN | 54

## *Dublin*



18-22 OCTOBER 2015





# Contractual Compliance Update

Contractual Compliance | ICANN 54 | 21 October 2015

# Agenda

- ⦿ Brief Update Since ICANN 53 on:
  - ⦿ Contractual Compliance Campaign
  - ⦿ Continuous Improvement Update
  - ⦿ Audit Activities Update
  - ⦿ Global Metrics
  - ⦿ Registrar Compliance
  - ⦿ Registry Compliance
- ⦿ Questions & Answers

# Contractual Compliance Awareness Campaign

- Contractual Compliance Initiative - Online Learning Project
  - To improve knowledge and awareness
  - Available in eight languages
  - Portfolio link:  
<https://features.icann.org/plan/portfolio/5480de6f0015c8b8118fbf7fe1782d55>
- Video Campaign
  - Getting to know Contractual Compliance Video
  - YouTube and on the ICANN.org website
  - <https://www.icann.org/resources/pages/compliance-2012-02-25-en>
- Handout Campaign
  - What is a Contractual Compliance Complaint?
  - <https://www.icann.org/resources/pages/compliance-2012-02-25-en>

# Contractual Compliance Video Campaign

- Campaign Dates 15-28 September 2015
- Total Number of YouTube Views = **53,629 Total Views**
  - ⊙ English 14,306 views
  - ⊙ Arabic 6,358 views
  - ⊙ French 8,294 views
  - ⊙ Japanese 7,689 views
  - ⊙ Korean 2,630 views
  - ⊙ Russian 6,046 views
  - ⊙ Spanish 8,306 views
  - ⊙ Chinese in-progress
- **Organic vs Paid** Views:
  - ⊙ **English** 1,076 / 13,230, 1130% ↑
  - ⊙ **Arabic** 339 / 6,019, 1676% ↑
  - ⊙ **French** 179 / 8,115, 4434% ↑
  - ⊙ **Japanese** 380 / 7,309, 1823% ↑
  - ⊙ **Korean** 173 / 2,457, 1320% ↑
  - ⊙ **Russian** 515 / 5,531, 974% ↑
  - ⊙ **Spanish** 238 / 8,122, 3313% ↑
  - ⊙ **Chinese** 42 (in progress)

# Continuous Improvements updates

## Improvements based upon community & contracted party feedback:

- ⦿ Add closure reason in closure notices sent to contracted parties
- ⦿ Additional template and closure reason updates to provide greater clarity

## Policy, Initiative and System based improvements:

- ⦿ Update to UDRP complaint web form and templates to align with 31 July 2015 update to UDRP Rules
- ⦿ Update to Whois ARS import utility to create compliance tickets based upon updated Whois ARS report format
- ⦿ Software update to address a security vulnerability and feature improvements (parent/child tickets and enhancements to text format)

## Provide a weekly file of registrar tickets

- ⦿ By request from the registrars, ICANN is providing a system generated email with a file of the complaints and the current status

A world map where the continents are defined by a network of white dots and connecting lines, set against a solid teal background. The dots vary in size, and the lines are thin and light-colored, creating a digital or network-like appearance of the globe.

# **Audit Activities Update**

# Audit Activities since ICANN 53

## **New Registry Agreement Audit Program**

- ⦿ Completed the March 2015 Audit Program
  - ⦿ 11 Registries were in scope;
  - ⦿ 1 continued remediation beyond report publication due to Data Escrow format and content issues – now completed
- ⦿ Audit Report published at <https://www.icann.org/resources/pages/compliance-reports-2015-04-15-en>

## **Registrar Audit Program launched September 2015**

- ⦿ 69 Registrars selected for this round
- ⦿ 23 countries are represented
- ⦿ 5 Registrars rolled over from prior audit to verify remediation effectiveness
- ⦿ The Request for Information Phase is completed; Audit Phase has started

## **Efforts underway to globalize the Contractual Compliance Audit Page**

- ⦿ Link to the ICANN Contractual Compliance Audit Page: <https://www.icann.org/resources/pages/audits-2012-02-25-en>



# General Audit Selection Criteria

- ⦿ Contracted parties who have not been previously audited
- ⦿ Contracted parties with highest numbers of 3rd Notices per number of domains under management
- ⦿ Contracted parties who had received Notice of Breach in last 12 months
- ⦿ Contracted parties with highest number of failed data escrow deposits
- ⦿ Contracted parties with low responsiveness to ICANN's requests
- ⦿ ICANN community concerns

# March 2015 RA Audit – Key Issues and Impact

	Issue	RAA Provision	Importance	Action & description
1	Data Escrow: - Whois registration data differed from escrow data - Some mandatory fields are missing in Data Escrow file	Article 2.3 Data Escrow (Specification 2)	Correct processing and escrowing of registration data is required for restorability and to protect consumers	Identified and corrected issue: TLD escrow system was misplacing portions of registration information into incorrect fields; new fields added to Data Escrow file system
2	Incomplete data returned in Whois queries	Article 2.5 Publication of Whois Registration Data (Specification 4)	Processing, maintaining and displaying of domain level information are required and vital for consumers of the gTLD	Identified and corrected issue: Necessary changes have been applied to Whois query system
3	Monthly reports: number of domains incorrectly reported	Article 2.4 Monthly Reporting (Specification 3)	Inaccurate domain counts may result in incorrect reporting to public and over or underpayment of fees to ICANN	Identified and corrected issue: error in TLD reporting system which was overlooking names without nameservers
4	Abuse language in Registry-Registrar Agreement: missing or incorrect	Article 2.17 Additional Public Interest Commitments (Specification 11)	Abuse language informs the community and promotes security	Identified and corrected issue: TLD added and updated abuse language
5	Security threats: orphan glue records in zone file	Article 2.3 Data Escrow; Specification 2	Orphan glue records are susceptible to malicious abuse	Identified and corrected issue: TLD removed orphan glue records
6	Eligibility Criteria for prospective Registrars: unavailable	Section 2.14 Registry Code of Conduct; (Specification 9)	Establishing and communicating clear eligibility criteria for prospective registrars prevents preferential treatment of registrars	Identified and corrected issue: TLD established and communicated clear eligibility criteria to prospective registrars

# September 2015 RAA Audit Timeline

Audit Program Milestone Dates								
Pre-Audit Notification	Request for Info			Audit Phase		Initial Reports	Remediation	Final Reports
Date sent	1 <sup>st</sup> Notice	2 <sup>nd</sup> Notice	3 <sup>rd</sup> Notice	Begin	End*	Date Issued*	Start / End*	Date Issued*
<b>31 Aug 2015</b>	14 Sep 2015	6 Oct 2015	13 Oct 2015	20 Oct 2015	1 Feb 2016	8 Feb 2016	9 Feb – 1 March 2016	11 March 2016

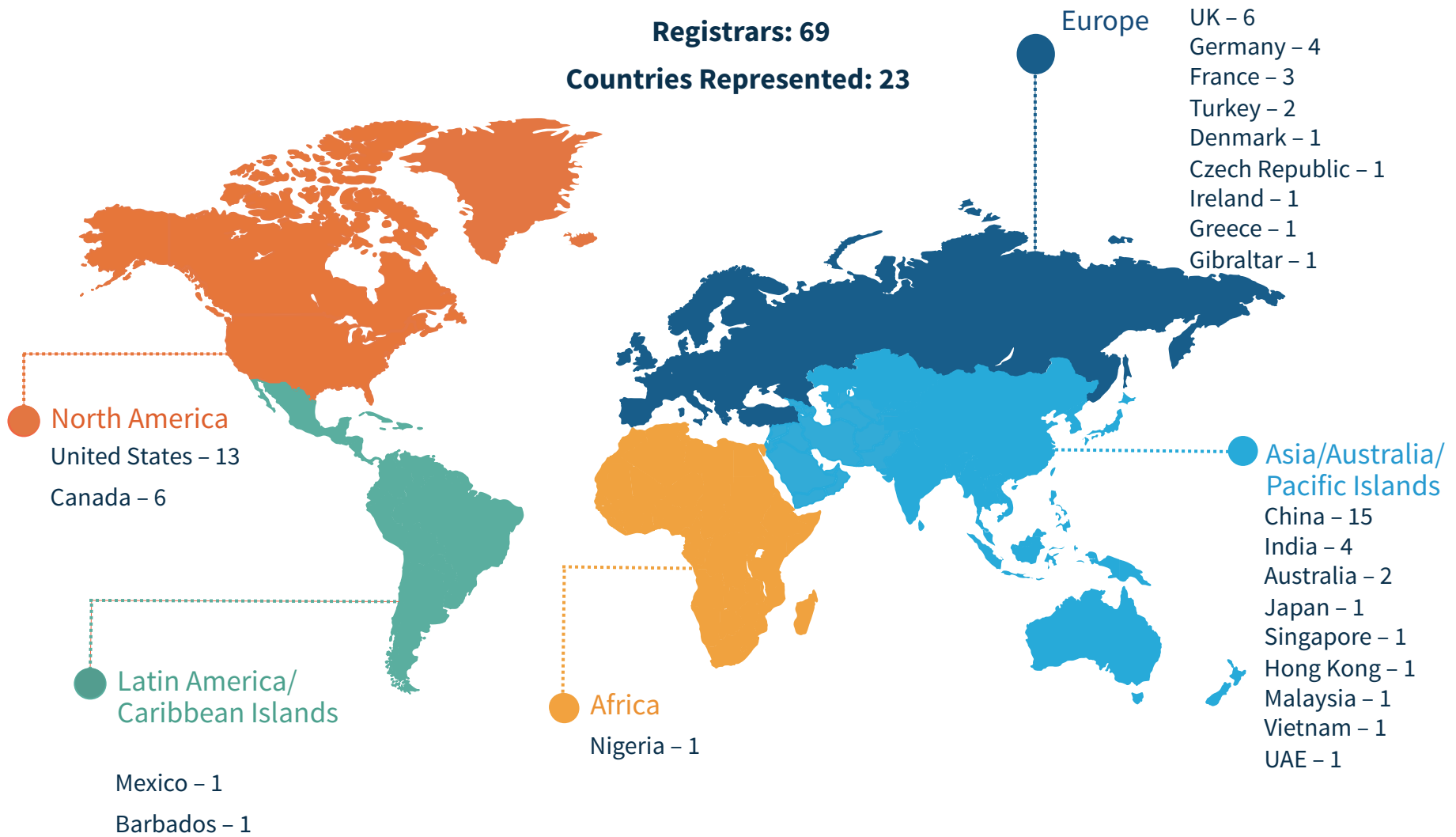
## Notes:

\* Audit phase might be completed and initial reports might be sent out prior to dates shown.

During the Request for Information and Audit Phases, ICANN will follow the 1-2-3 notification process (15 working days, 5 working days, 5 working days). For more information on notification process please see:

<http://www.icann.org/en/resources/compliance/approach-processes/overall-19jun13-en.pdf>

# September 2015 RAA Audit Selection Statistics





# Global Metrics

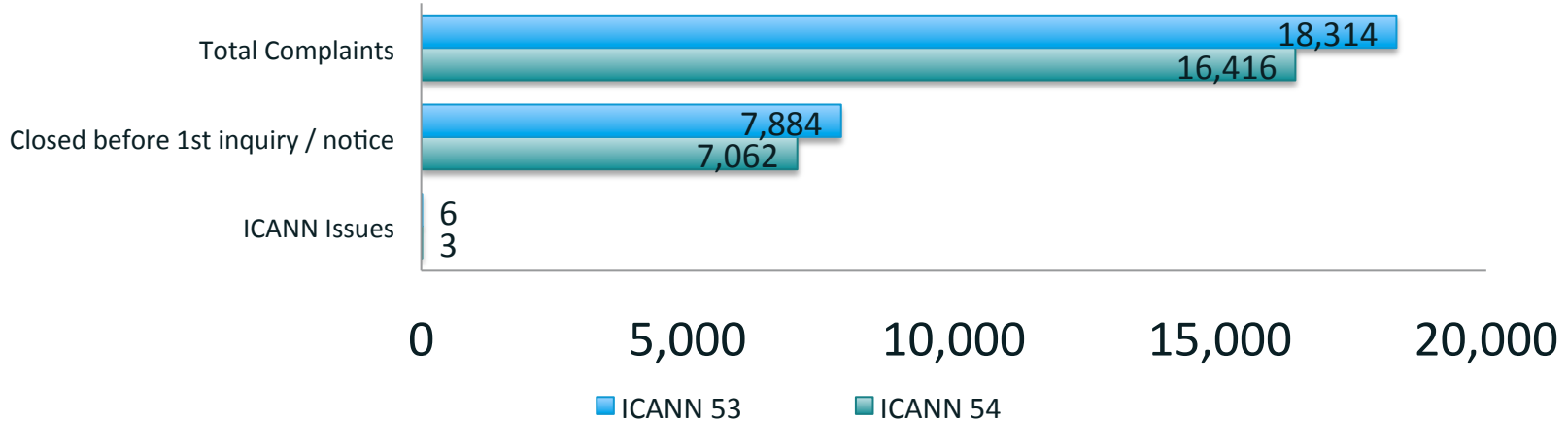
Note: Please refer to Appendix for additional data points

# Running Balance Scorecard

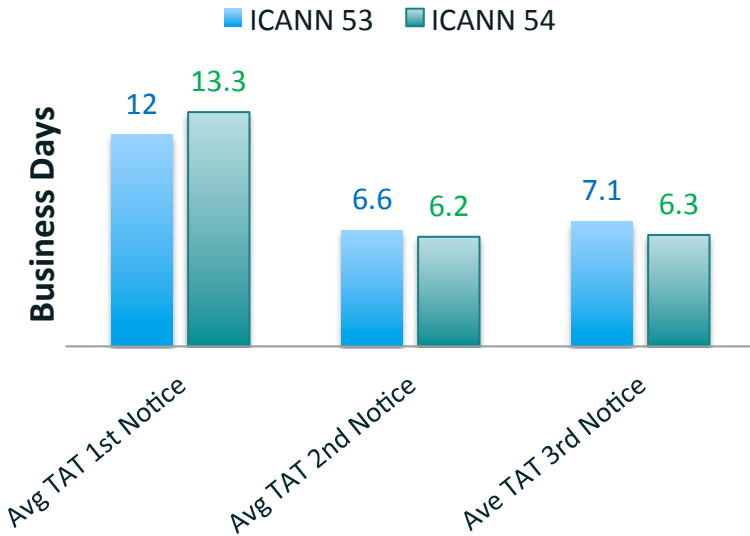
	ICANN 53 [Jan-May15]	ICANN 54 [Jun-Sep15]
	New Complaints	New Complaints
REGISTRAR	18,314	16,416
REGISTRY	927	700
<b>Total New Complaints</b>	<b>19,241</b>	<b>17,116</b>
<b>Total Prior Month(s) Carryover</b>	<b>8,500</b>	<b>8,757</b>
<b>Total Complaints</b>	<b>27,741</b>	<b>25,873</b>
	Complaints Closed	Complaints Closed
Volume Closed Before 1st Notice	8,143	7,225
Volume Closed Before 2nd Notice	9,267	9,471
Volume Closed Before 3rd Notice	1,089	982
Volume Closed Before Enforcement	177	353
Volume Closed After Enforcement*	72	54
<b>Total Closed</b>	<b>18,748</b>	<b>18,085</b>
	Complaints Open (Carryover)	Complaints Open (Carryover)
Volume Open Before 1st Notice Sent	2,885	1,746
Volume Open in 1st Notice Sent	5,417	5,369
Volume Open in 2nd Notice Sent	524	549
Volume Open in 3rd Notice Sent	120	102
Volume Open After Enforcement	47	22
<b>Total Remaining Open (sum of each month)</b>	<b>8,993</b>	<b>7,788</b>
<b>Carryover at end of period</b>	<b>2,717</b>	<b>1,774</b>
	Formal Notices	Formal Notices
Volume Breach	21	7
Volume Contract Non-Renewal	0	0
Volume Suspension	4	2
Volume Termination	4	3

\*A single breach may contain multiple complaints

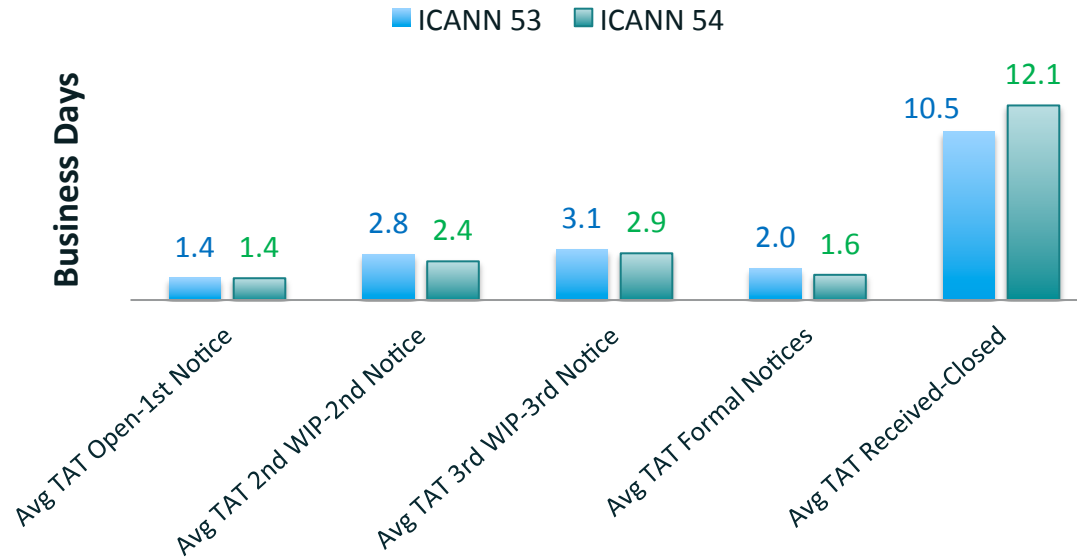
# Registrar Complaint Volume & Turnaround Time



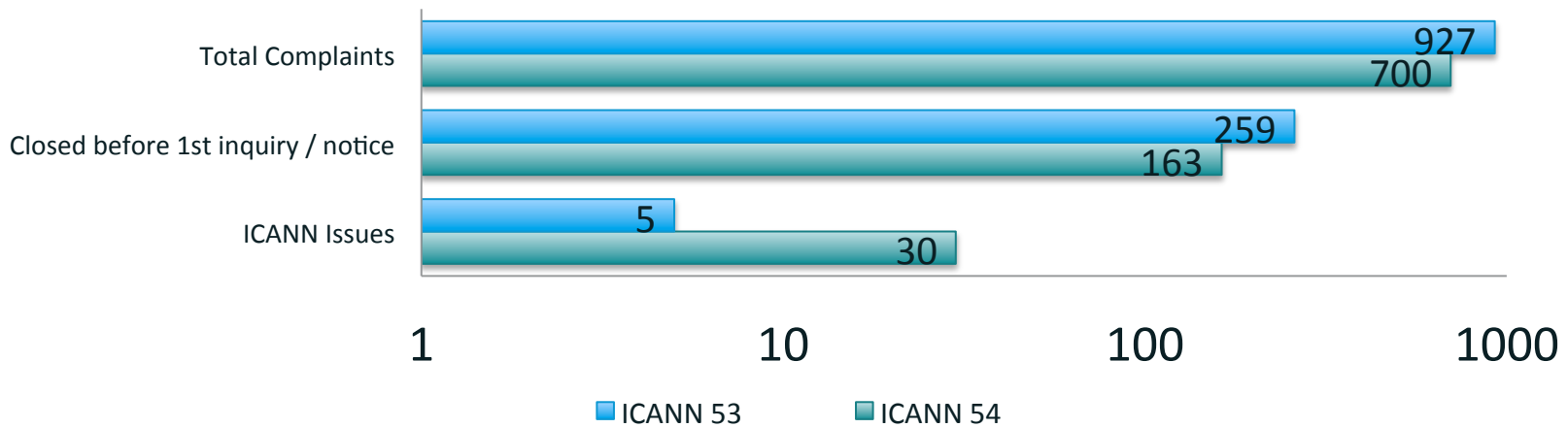
## Registrar Turn Around Time (TAT)



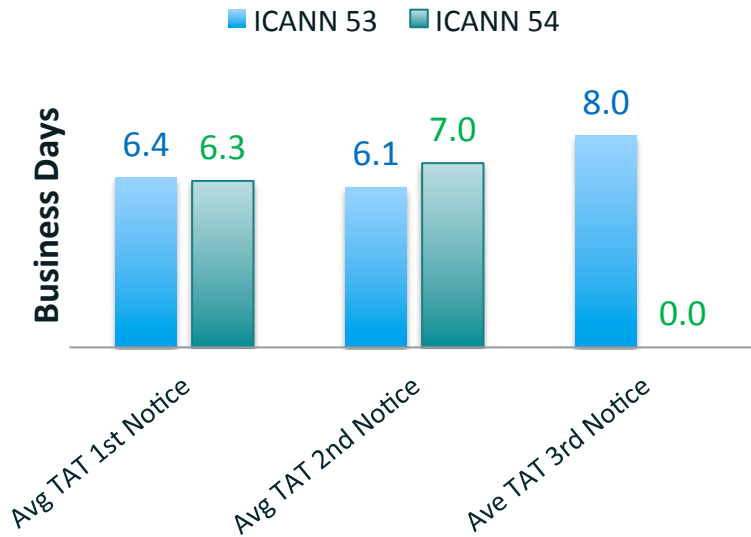
## Staff Turn Around Time (TAT)



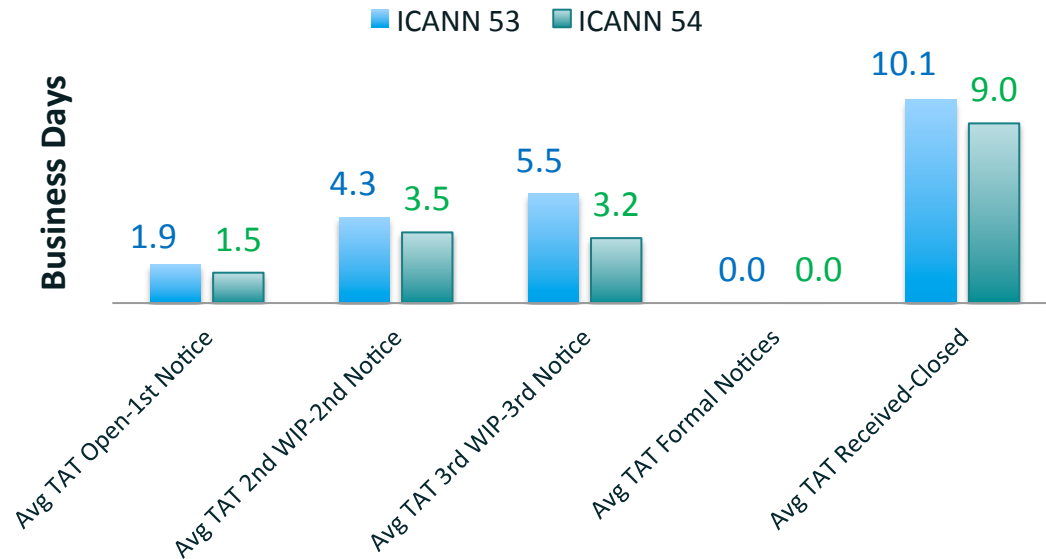
# Registry Complaint Types in Detail



## Registry Turn Around Time (TAT)



## Staff Turn Around Time (TAT)





A world map where the continents are defined by a network of white dots of varying sizes connected by thin white lines. The background is a solid teal color. The text "Registrar Compliance Updates" is centered over the map in a bold, white, sans-serif font.

# Registrar Compliance Updates

# Whois Accuracy Reporting System Update

## Whois ARS Phase 1 – Syntax Validation

- ⦿ Compliance coordinated with Whois ARS team to ensure testing aligns with RAA/ICANN process
- ⦿ To be processed as Whois inaccuracy and Whois format complaints
- ⦿ Complaints created from Whois ARS data will follow the Contractual Compliance Approach and Process as published at <https://www.icann.org/resources/pages/approach-processes-2012-02-25-en>
- ⦿ Compliance will provide metrics at ICANN 55
- ⦿ Updated conversion utility to create compliance tickets based upon Whois ARS output to be deployed in mid October 2015
- ⦿ Phase 1 Report published at: <http://whois.icann.org/en/file/whoisars-phase1-report>
- ⦿ Phase 1 Webinar presentation at: <http://whois.icann.org/en/file/whois-ars-phase-1-report-webinar-powerpoint>

# RAA Lessons Learned Summary

1

## **Whois Accuracy Program Specification**

Distinguishing between verification and validation

2

## **Abuse Reports Requirements**

Establishing investigative processes

3

## **Domain Renewal Requirements**

Sending timely reminders to registered name holder

4

## **Whois Format**

Whois output format as required by 2013 RAA

Note: please refer to Appendix for detailed slides by topic.

# Enforcing Updated UDRP Rules

## Updated UDRP Rules effective 31 July 2015:

- ⦿ Within two business days of request for verification from UDRP Provider:
  - ⦿ Registrar must lock domain(s), confirm lock and provide information requested in verification request to Provider
  - ⦿ Lock must be removed within one business day of Registrar being notified that proceeding has been withdrawn or dismissed
  - ⦿ Lock means registrant cannot update Whois or transfer domain (domain must still resolve)
- ⦿ Within three business days of receiving Provider's Decision, registrar must communicate implementation date to Parties, Provider and ICANN
- ⦿ For cases settled between parties outside the UDRP cases
  - ⦿ Provider to inform Registrar of suspension and outcome of the settlement
  - ⦿ Registrar shall remove the lock within two business days of being notified by the Provider
- ⦿ Presentation for UDRP Rules webinar at:  
<https://www.icann.org/en/system/files/files/udrp-rules-30sep14-en.pdf>

# Enforcing 2013 RAA: Abuse Reports Requirements

- ⦿ ICANN confirms that reporter sent abuse report to registrar abuse contact before sending complaint to registrar
- ⦿ ICANN could request the:
  - ⦿ Steps taken to investigate and respond to abuse report
  - ⦿ Time taken to respond to abuse report
  - ⦿ Correspondence with complainant and registrant
  - ⦿ Link to website's abuse contact email and handling procedure
  - ⦿ Location of dedicated abuse email and telephone for law-enforcement reports
  - ⦿ Whois abuse contacts, email and phone
- ⦿ Examples of steps registrars took to investigate and respond to abuse reports:
  - ⦿ Contacting registrant
  - ⦿ Asking for and obtaining evidence or licenses
  - ⦿ Providing hosting provider info to complainant
  - ⦿ Performing Whois verification
  - ⦿ Performing transfer upon request of registrant
  - ⦿ Suspending domain

# Registrar Related Policy and Working Group Efforts

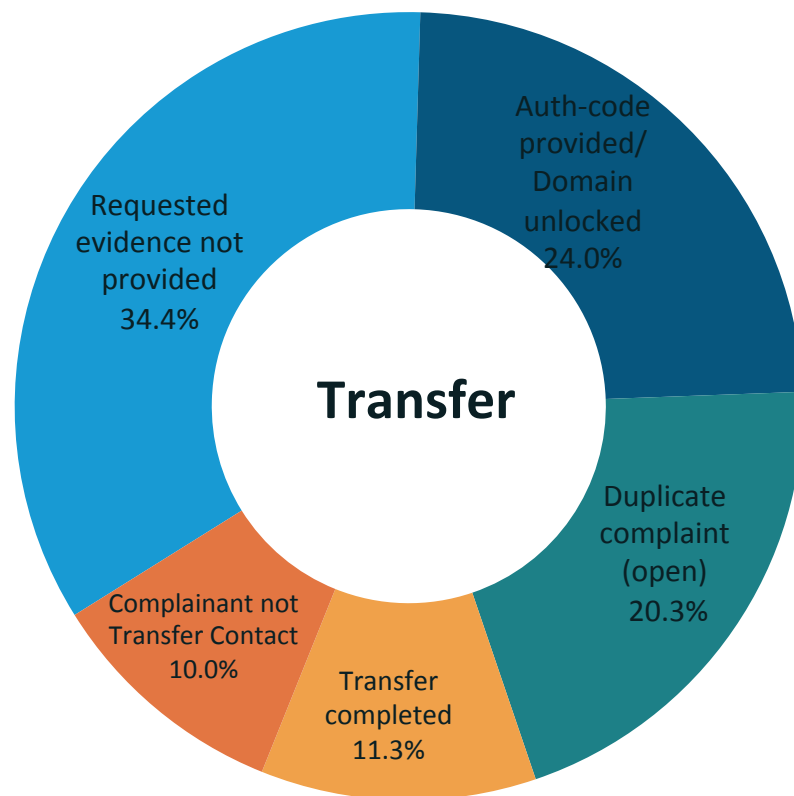
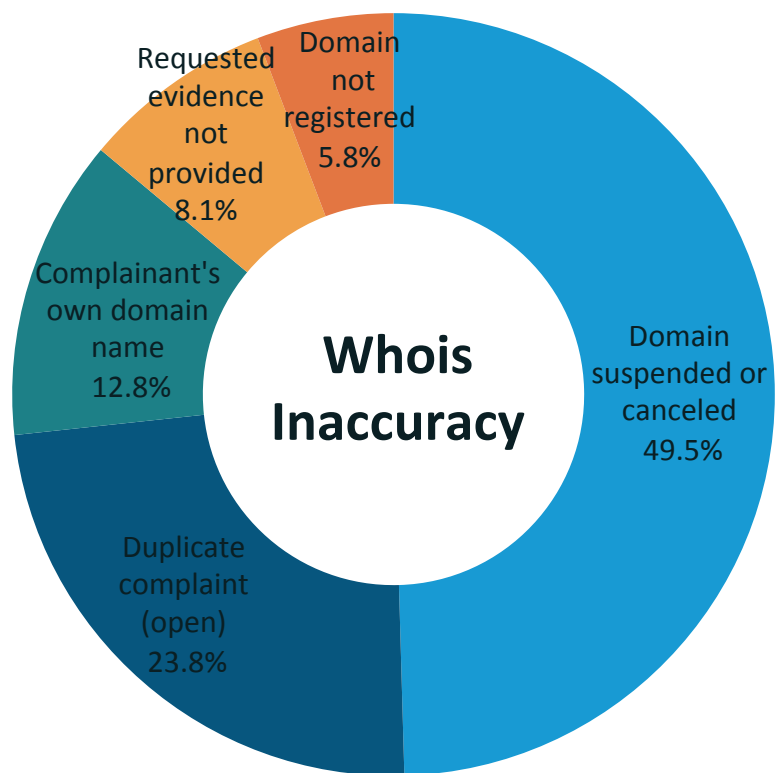
## Actively contributing to registrar-related policies and Working Groups

- ⦿ Transfer Policy (formerly Inter-Registrar Transfer Policy (IRTP) Part C)- Main Change: introduction of Change of Registrant process; effective 1 August 2016: <https://www.icann.org/news/announcement-2-2015-09-24-en>
- ⦿ IRTP Part D – Main changes are updates to the Transfer Dispute Resolution Policy
- ⦿ 2013 RAA Whois Accuracy Program Specification Review
- ⦿ Privacy & Proxy Services Accreditation Issues Working Group
- ⦿ Registration Data Directory Service – both effective 31 January 2016:
  - ⦿ Advisory on Whois Clarifications <https://www.icann.org/resources/pages/registry-agreement-raa-rdds-2015-04-27-en>
  - ⦿ Additional Whois Information Policy (AWIP) Consensus Policy: <https://www.icann.org/resources/pages/policy-awip-2014-07-02-en>

# Registrar Complaint Types in Detail

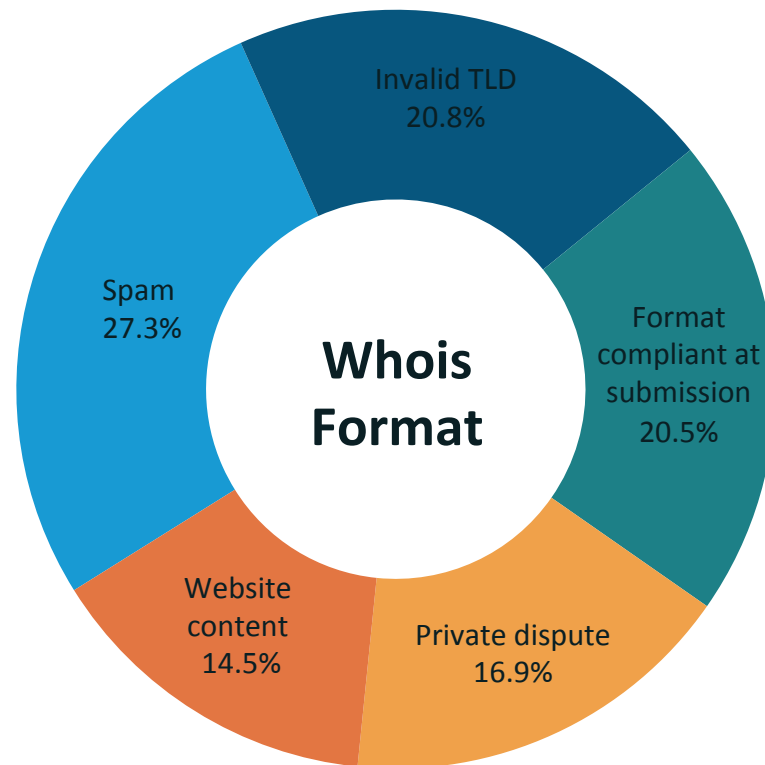
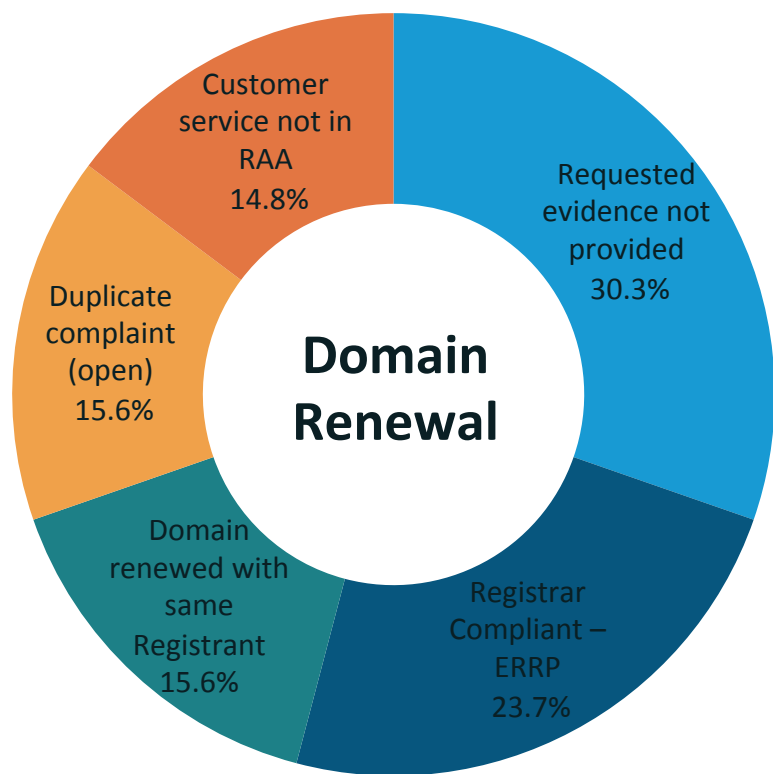
Registrar Complaints	Quantity		Closed before 1st inquiry / notice		ICANN Issue	
	ICANN 53	ICANN 54	ICANN 53	ICANN 54	ICANN 53	ICANN 54
WHOIS INACCURACY	14,006	12,421	5,514	4,577	2	1
TRANSFER	2,436	2,403	1,253	1,490	0	0
DOMAIN RENEWAL	362	269	161	123	0	0
WHOIS FORMAT	295	317	248	287	0	0
DATA ESCROW	200	145	0	0	3	1
DOMAIN DELETION	194	145	188	138	0	0
WHOIS SLA	175	111	186	111	0	0
ABUSE	142	176	84	99	1	0
WHOIS UNAVAILABLE	102	104	59	34	0	0
UDRP	81	86	59	58	0	0
FEES	75	13	2	12	0	0
CUSTOMER SERVICE	68	54	60	54	0	0
REGISTRAR CONTACT	40	41	17	22	0	0
REGISTRAR INFO SPEC	39	49	25	31	0	1
CEO CERTIFICATION	34	0	1	0	0	0
REGISTRAR OTHER	27	18	6	2	0	0
PRIVACY/PROXY	12	18	9	17	0	0
RESELLER AGREEMENT	8	2	0	0	0	0
WHOIS QUALITY REVIEW	7	37	0	0	0	0
FAILURE TO NOTIFY	6	5	6	5	0	0
DNSSEC, IDN, IPV6	5	2	6	2	0	0
Total	18,314	16,416	7,884	7,062	6	3

# Registrar Complaint Types & Top Closure Reasons (Jun - Sep 2015)

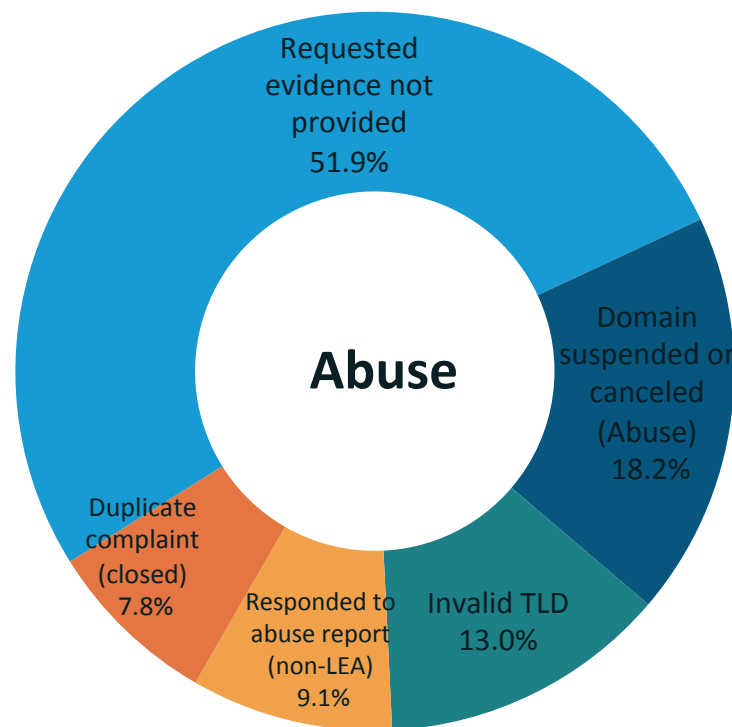
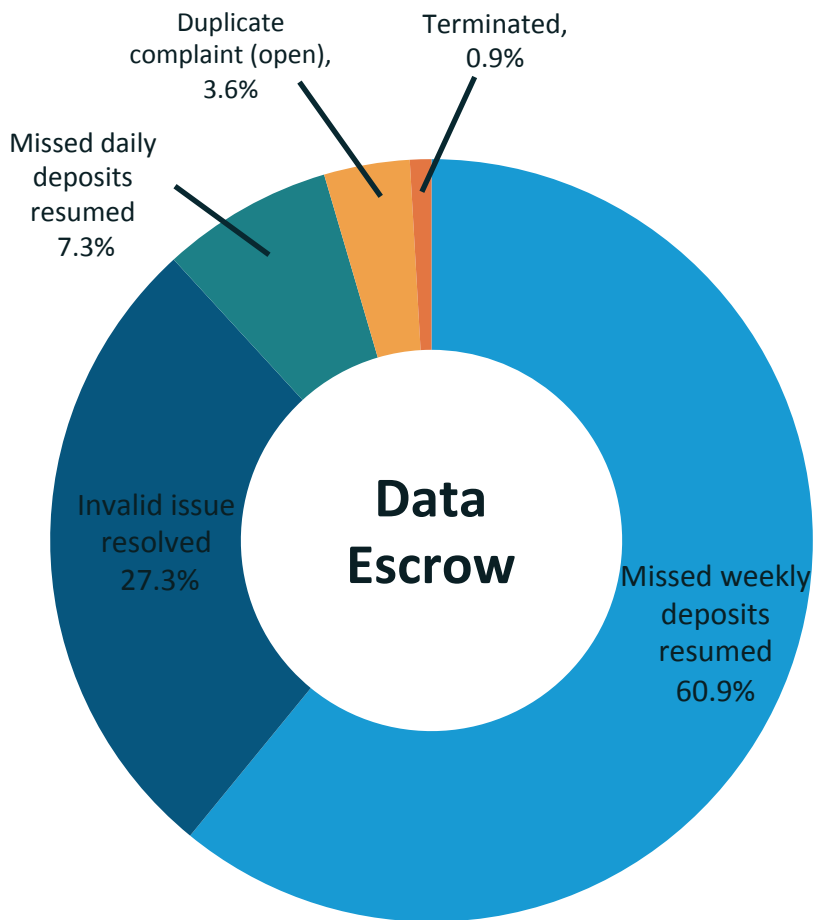




# Registrar Complaint Types & Top Closure Reasons (Jun - Sep 2015)



# Registrar Complaint Types & Top Closure Reasons (Jun - Sep 2015)



A world map where the continents are defined by a network of white dots and lines, resembling a data network or a molecular structure. The background is a solid teal color.

# Registry Compliance Updates

# RA Lessons Learned Summary

1

## **Zone File Access Requirements (CZDS)**

Reasons for denial of access

2

## **Controlled Interruption (CI)**

Complying with Name Collision Assessment Letter(s)

3

## **Uniform Rapid Suspension**

Complying with lock and suspension requirements

4

## **GDD Summit Question – Preferential Treatment**

Clarifications on Preferential Treatment under the RA

Note: please refer to Appendix for detailed slides by topic.

# Policy and Working Group Efforts

## Actively contributing to registry-related policies and Working Groups

- ◉ gTLD Registry Advisory for Correction of non-compliant ROIDs  
<https://www.icann.org/resources/pages/correction-non-compliant-roids-2015-08-26-en>
- ◉ Clarification of Public Interest Commitments Specification 11, Section 3b Advisory and Security Framework
- ◉ Registration Data Directory Service – both effective 31 January 2016:
  - ◉ Advisory on Whois Clarifications  
<https://www.icann.org/resources/pages/registry-agreement-raa-rdds-2015-04-27-en>
  - ◉ Additional Whois Information Policy (AWIP) Consensus Policy:  
<https://www.icann.org/resources/pages/policy-awip-2014-07-02-en>

# Enforcing Uniform Rapid Suspension Requirements

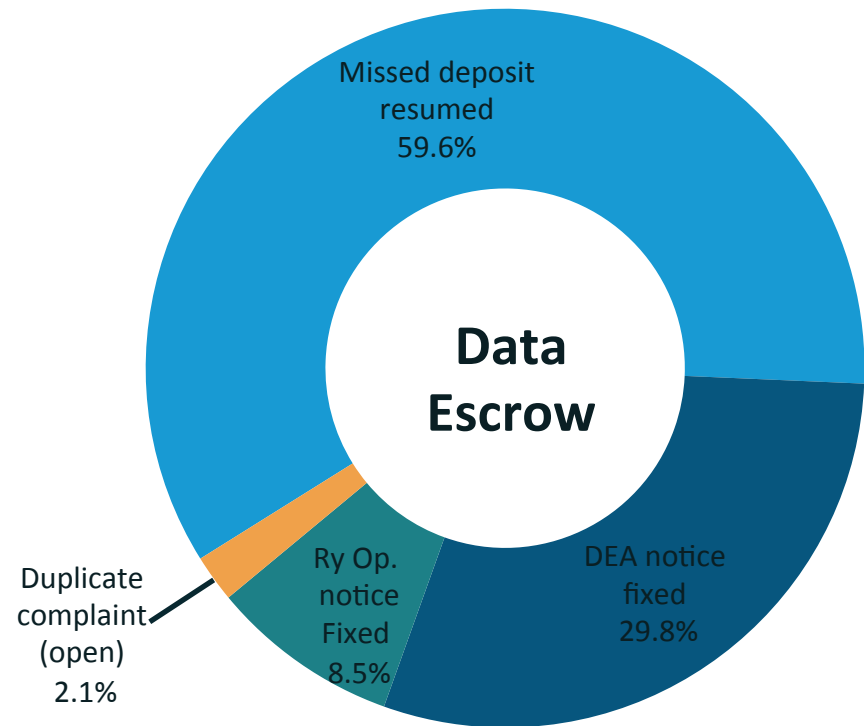
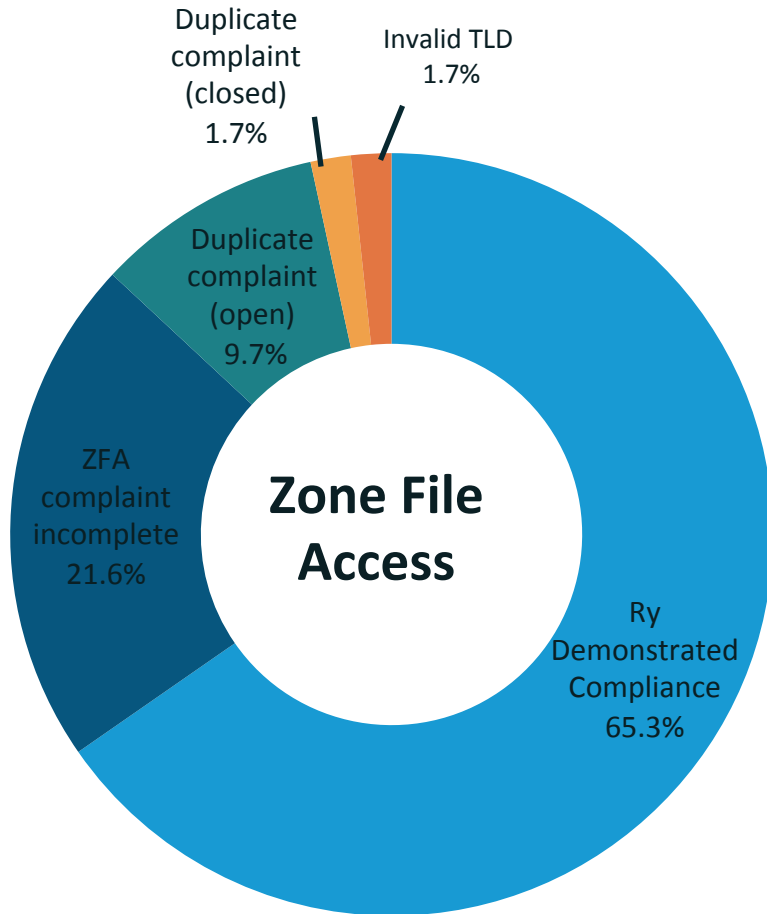
## Complying with lock and suspension requirements

- ◉ Within 24 hours of receiving notice of complaint from URS provider, Registry Operators must lock the domain
  - ◉ Restrict all changes to registration data – including transfer and deletion
- ◉ Registry Operator must notify the URS provider immediately upon lock
- ◉ Upon receipt of determination, Registry Operator immediately suspends name and redirects nameservers to Provider's informational URS site
  - ◉ Whois shall reflect the name is not able to be transferred, deleted or modified for the life of the registration
- ◉ Lock, suspension and notification requirements must be met regardless of weekends, holidays or other absences

# Registry Complaint Types in Detail

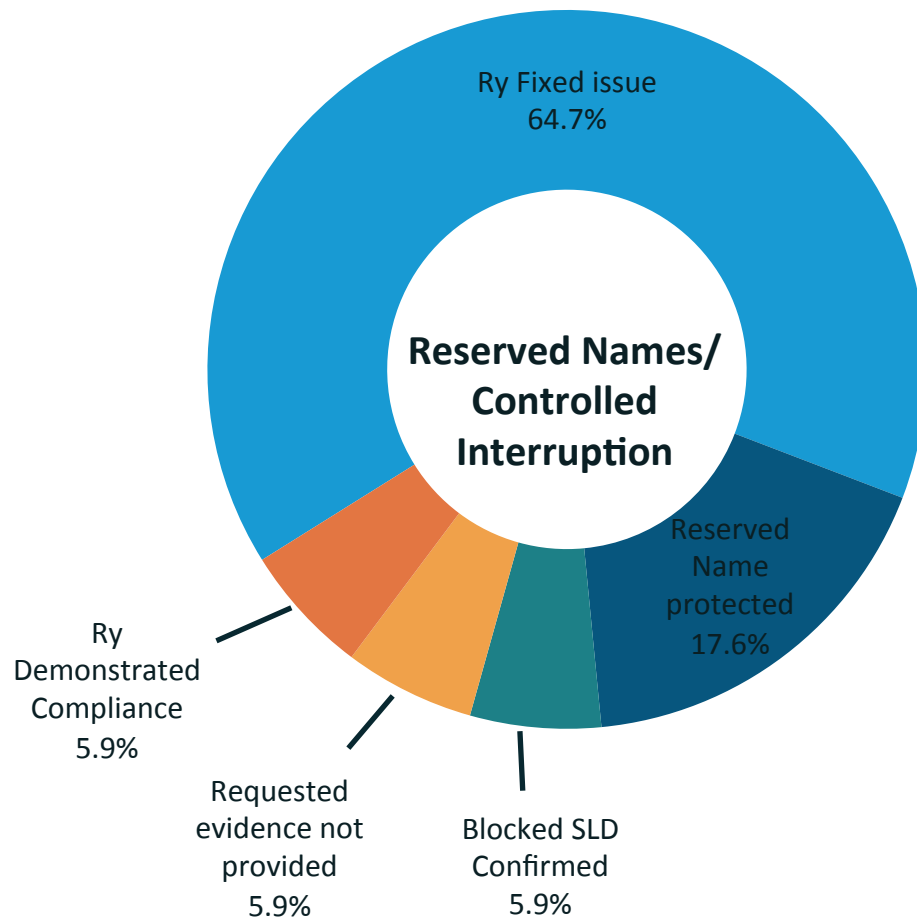
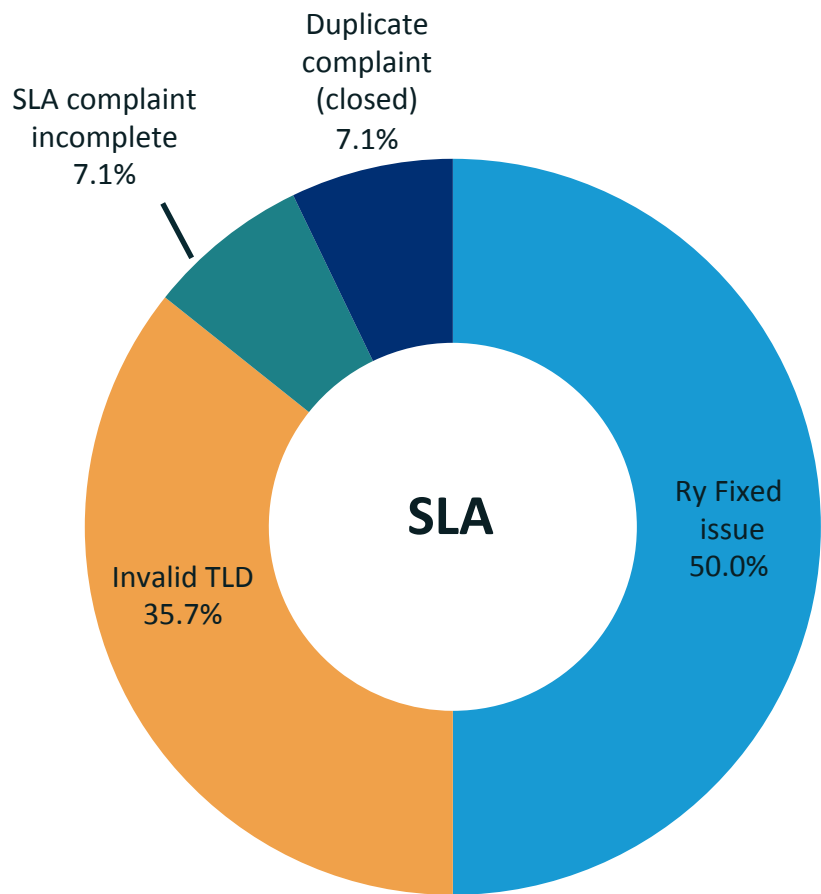
Registry Complaints	Quantity		Closed before 1st inquiry / notice		ICANN Issue	
	ICANN 53	ICANN 54	ICANN 53	ICANN 54	ICANN 53	ICANN 54
ZONE FILE ACCESS	312	250	70	62	0	0
REGISTRY DATA ESCROW	133	104	2	0	3	3
SLA	101	45	51	12	0	0
REGISTRY OTHER	73	52	41	21	1	0
RESERVED NAMES/CONTROLLED INTERRUPTION	61	40	33	20	0	0
CODE OF CONDUCT	56	7	8	4	0	0
REGISTRY FEES	51	29	1	1	0	0
MONTHLY REPORT	33	88	2	1	0	22
ABUSE CONTACT DATA	24	19	8	11	0	0
BRDA	23	12	1	0	0	0
URS	20	5	15	5	0	0
BULK ZFA	15	6	1	0	1	0
RR-DRP	9	12	10	12	0	0
PIC	7	8	7	8	0	0
SUNRISE	7	21	6	4	0	5
MISCONDUCT	1	0	0	0	0	0
CLAIMS SERVICES	1	1	1	1	0	0
BANKRUPTCY	0	0	2	0	0	0
WILDCARD PROHIBITION	0	1	0	1	0	0
Total	927	700	259	163	5	30

# Registry Complaint Types & Top Closure Reasons (Jun - Sep 2015)





# Registry Complaint Types & Top Closure Reasons (Jun - Sep 2015)



# Questions & Answers



## Send compliance questions

To: [compliance@icann.org](mailto:compliance@icann.org)

Subject line: ICANN 54 Compliance Program Session

### The ICANN 54 presentations are available at:

- The outreach page at this link

<https://www.icann.org/resources/compliance/outreach>

- The ICANN 54 Schedule page at this link

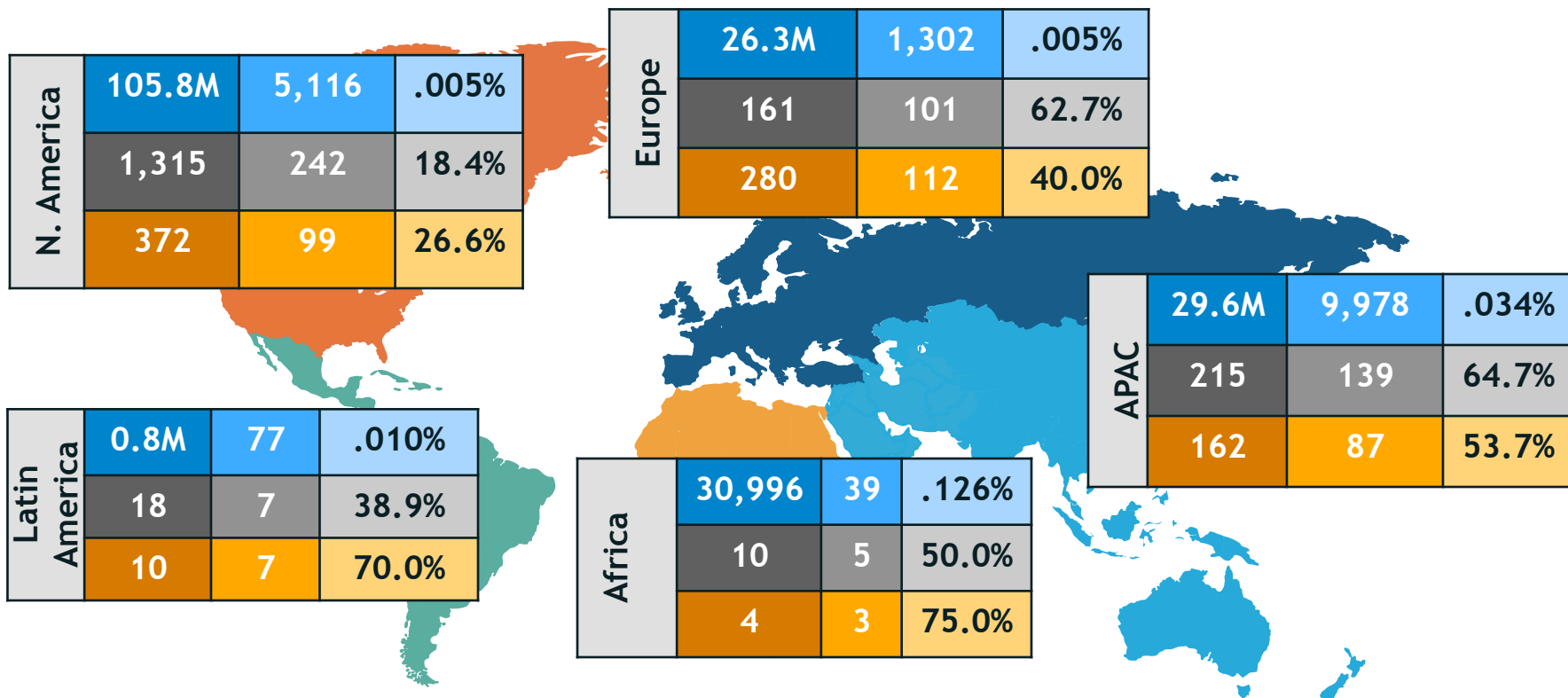
<http://dublin54.icann.org/en/schedule-full>



## **Appendix**

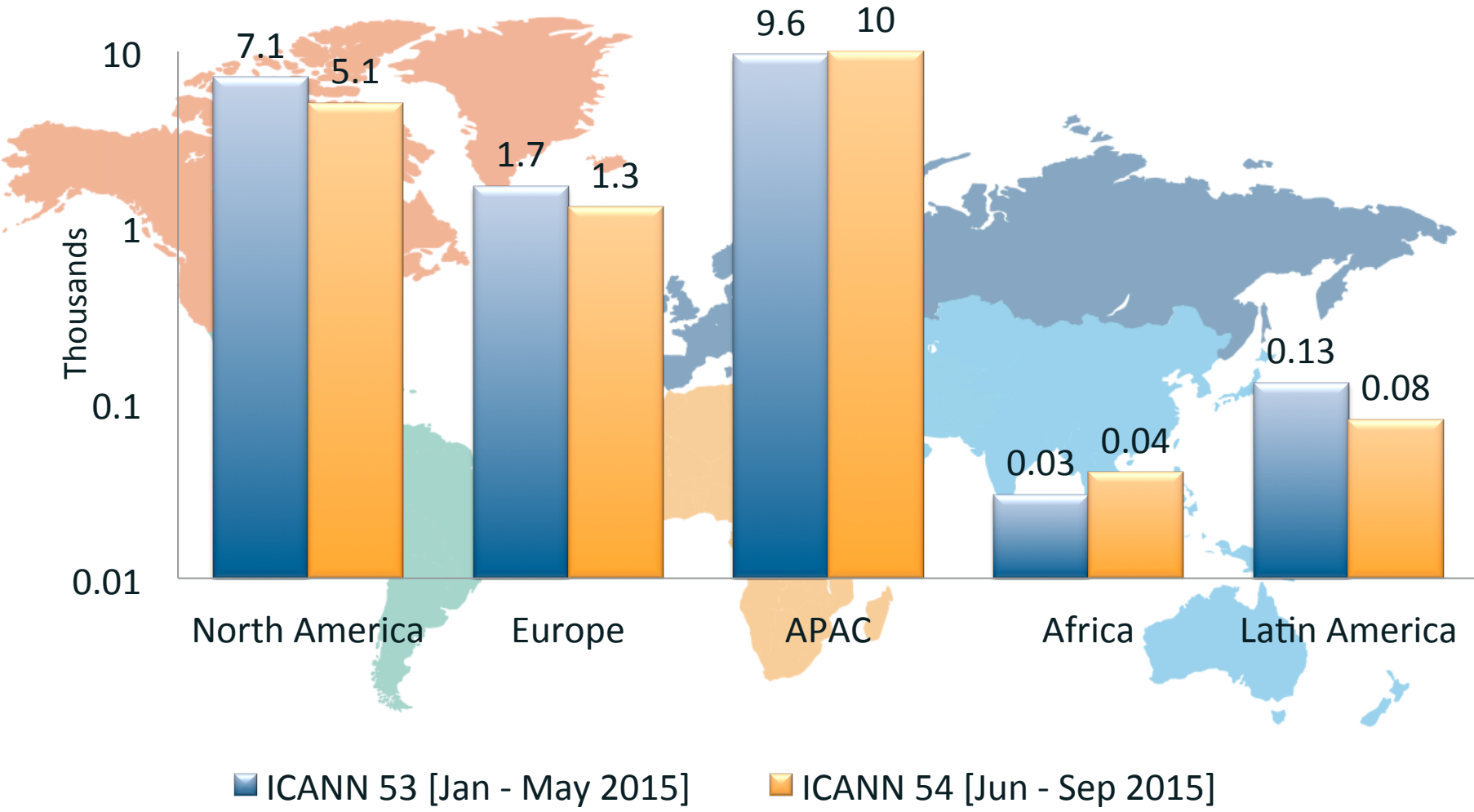
- Additional Metrics Data Points
- 2013 RAA Abuse Reports Requirements

# Registrar & Registry Complaints by Region (Jun – Sep 2015)

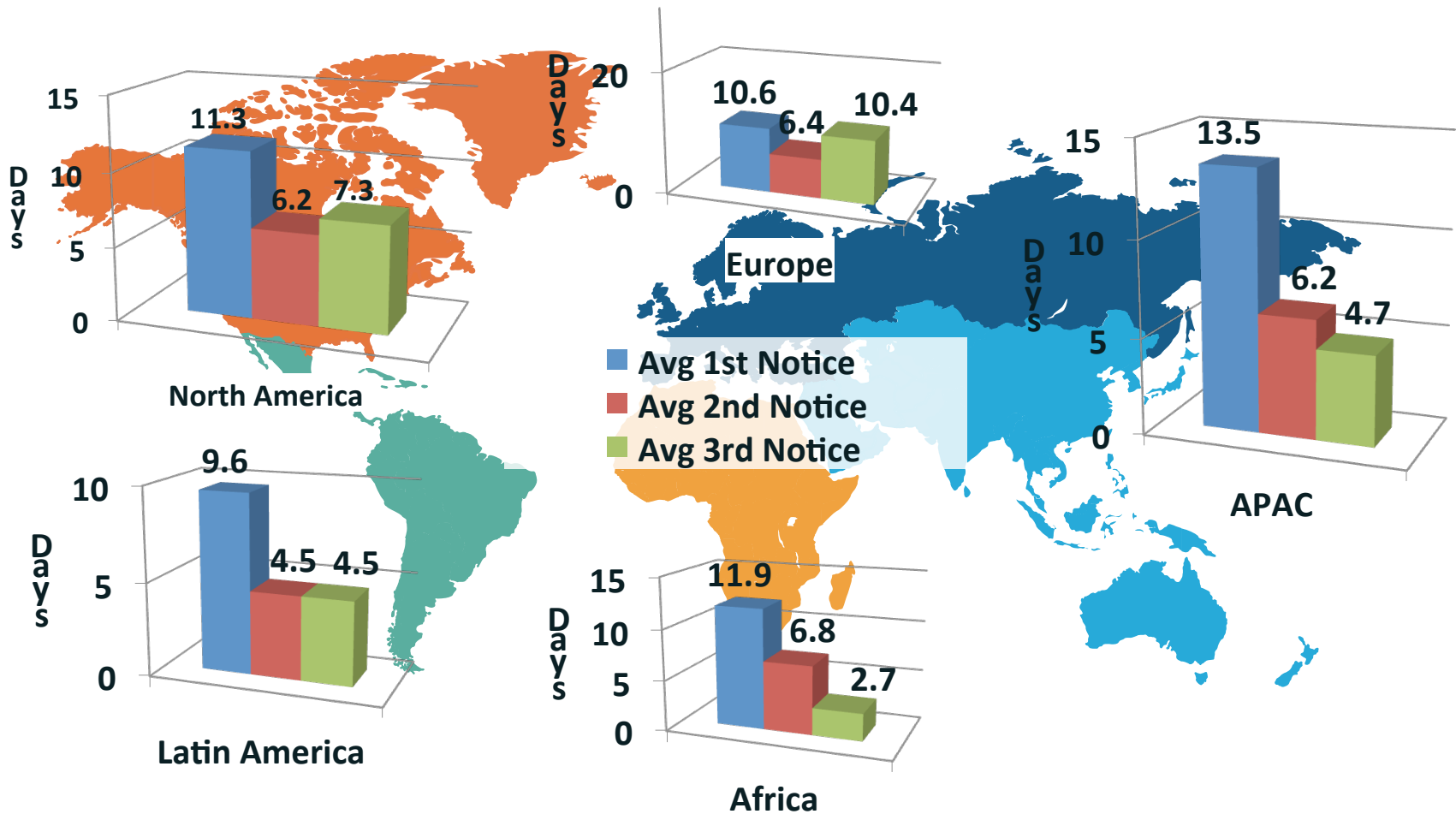


LEGEND	Domain Volume (as of June 2015)	# Complaints	% Complaints per Domain Volume
	# registrars per region	# registrars w/ Complaints	% registrars with complaints per region
	# registries per region	# registries w/ Complaints	% registries with complaints per region

# Global Complaint Trend



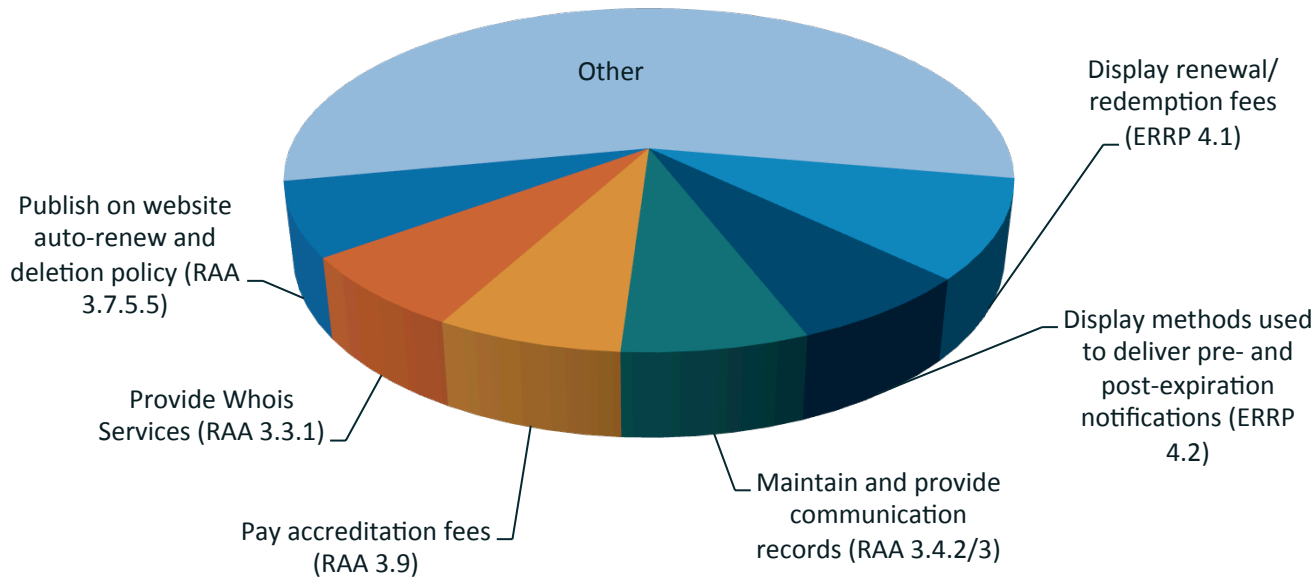
# Regional Registrar & Registry Turnaround Time (Jun – Sep 2015)



TAT = Average Turnaround Time, in Business Days

# Global Formal Notice Activity (Jun - Sep 2015)

## Breach Notice Reasons



Notices	Qty
Breach	7
Non-Renewal	0
Suspension	2
Termination	3

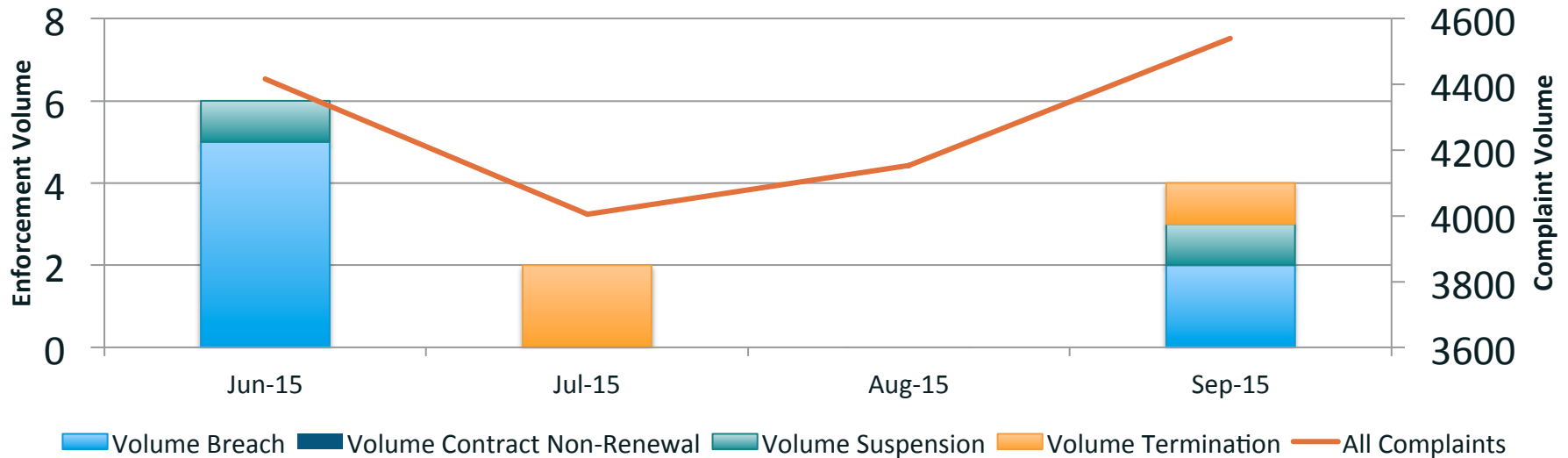
Breach Notice Reason	Qty
Breach Notice Reasons	43
• Cured	21
• Not Cured	22

## Formal Notice Reasons

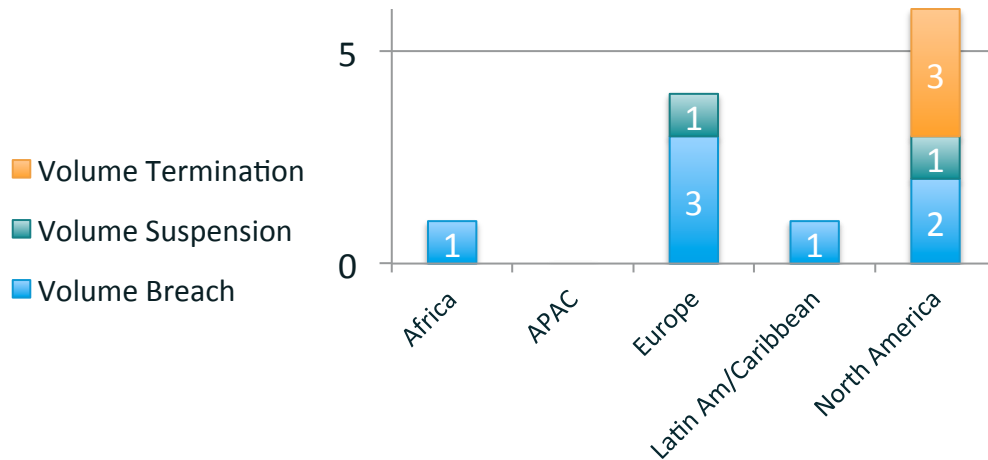
## Distribution

Display renewal/redemption fees (ERRP 4.1)	9.0 %
Display methods used to deliver pre- and post-expiration notifications (ERRP 4.2)	7.0 %
Maintain and provide communication records (RAA 3.4.2/3)	7.0 %
Pay accreditation fees (RAA 3.9)	7.0 %
Provide Whois Services (RAA 3.3.1)	7.0 %
Publish on website auto-renew and deletion policy (RAA 3.7.5.5)	7.0 %
Other	56.0 %

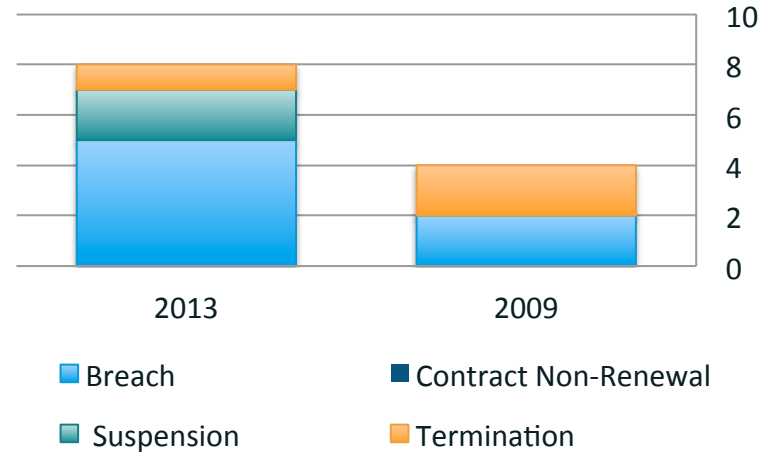
# Global Formal Notice Trends (Jun – Sep 2015)



## Region



## Contract Year





# 2013 RAA: Abuse Reports Requirements

## Section 3.18.1

- Registrars must:
  - Take reasonable and prompt steps to investigate and
  - Respond appropriately to ANY reports of abuse
- Reasonable steps may include:
  - Contacting the RNH of the domain(s)
- Appropriately varies depending on the facts and circumstances
- Whois data verification by itself is insufficient
- Court order is not required for registrar to investigate absent a specific local law or regulation provided to ICANN

VS

## Section 3.18.2

- Registrar must have dedicated abuse email and phone number in Whois output
- Reports of Illegal Activity must be reviewed within 24 hours by an individual who is empowered to take necessary and appropriate actions
- Reports can be from any applicable jurisdiction once reporter is designated by registrar's local government as an authority