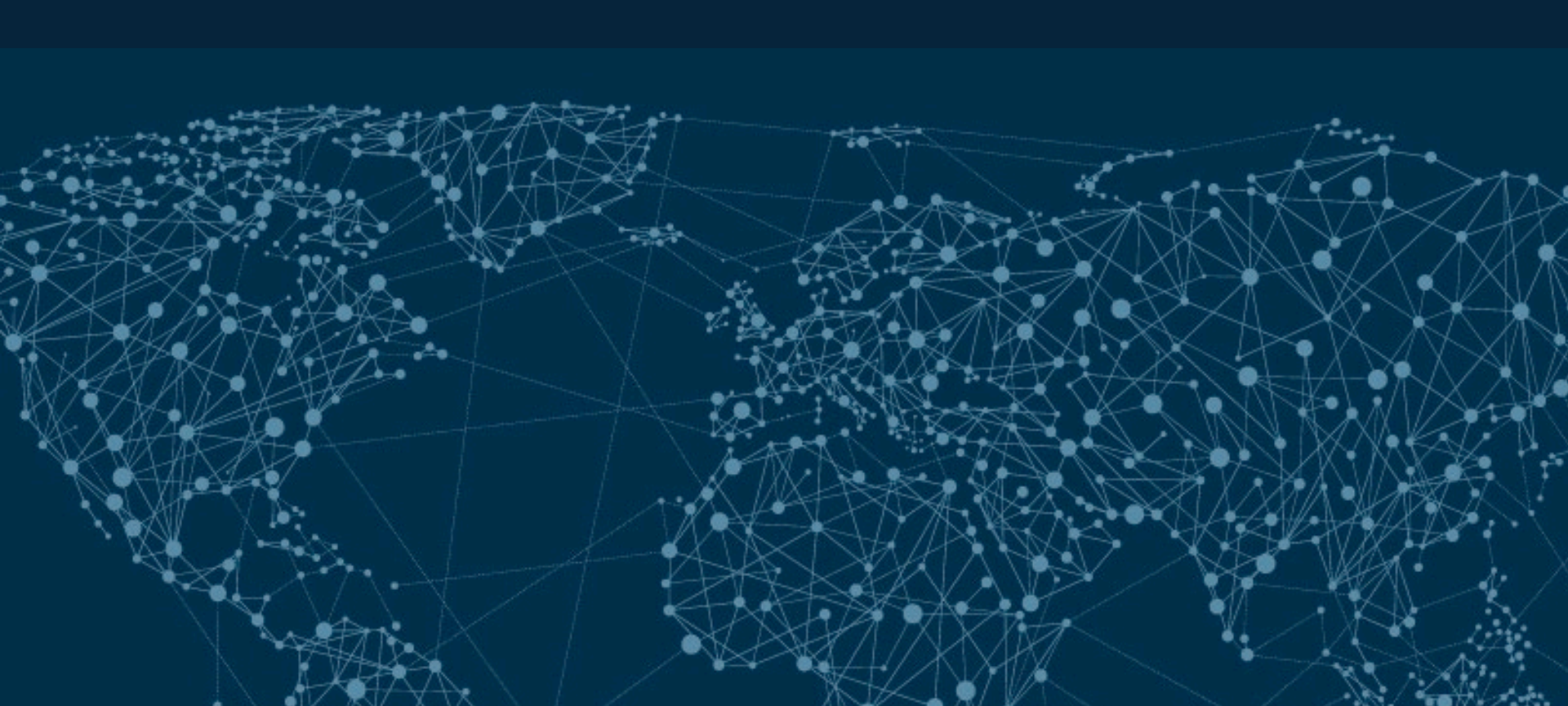


ICANN|55 MARRAKECH

5 – 10 March 2016





Registrar Outreach

Contractual Compliance | ICANN 55 | 10 March 2016

Agenda

- ⦿ Brief Update Since ICANN 54
 - ⦿ RAA Lessons Learned Summary
 - ⦿ WHOIS ARS Phase 1 Compliance Update
 - ⦿ Policy Efforts Update
- ⦿ Questions & Answers
- ⦿ Additional Slides Provided in Appendix for your reference:
 - ⦿ Continuous Improvements Update
 - ⦿ Registrar Metrics Update
 - ⦿ Audit Activities Update
 - ⦿ Process Guidelines & Clarification
 - ⦿ Communicating with Contractual Compliance
 - ⦿ Additional RAA Guidelines & Reference

The background of the slide is a solid orange color. Overlaid on this is a stylized world map. The map is constructed from a network of small white dots connected by thin white lines, creating a mesh-like structure that outlines the continents. The dots are of varying sizes, and the lines are thin and light-colored, giving the map a digital or networked appearance.

Registrar Accreditation Agreement Lessons Learned Summary

RAA Lessons Learned Summary

1

WHOIS Format

WHOIS output format as required by 2013 RAA

2

Registrar Data Escrow Obligations

Terms, Format and Schedule

3

Domain Renewal Requirements

Sending timely reminders to registered name holder

4

Inter-Registrar Transfer Requirements

Transfer of registrations between Registrars

5

Compliance Certificate Requirements

When and what to fill in

6

UDPR Rule Requirements

Lock and Verification requirements UDRP Rule 4(b)

1. WHOIS Format Issues

WHOIS output format as required by 2013 RAA

“Advisory: Clarifications to the Registry Agreement, and the 2013 Registrar Accreditation Agreement regarding applicable Registration Data Directory Service (WHOIS) Specifications” effective 31 January 2016. Clarifications include:

- ◉ Which fields in the WHOIS output are optional
 - ◉ If there is no data for the optional field, the value must be blank, or the field must not be shown entirely.
 - ◉ Cannot be shown as “N/A” or any other placeholder data such as “00000”.
- ◉ Data fields must be shown in the format specified in the 2013 RAA, including order of keys.
- ◉ “Registrar Abuse Contact Email” and “Registrar Abuse Contact Phone” keys may appear immediately before the last field instead of following the “Registrar IANA ID” key.

1. WHOIS Format Issues

“Additional WHOIS Information Policy” effective 31 January 2016.

- ⦿ Registrars must:
 - ⦿ Only refer to registration statuses in WHOIS by EPP status codes
 - ⦿ Include a link for each EPP status code in WHOIS to ICANN webpage explaining each code. A list of URLs is available at <https://www.icann.org/resources/pages/epp-status-codes-list-2014-06-18-en>
 - ⦿ Include the message below in WHOIS output:
“For more information on WHOIS statuses, please visit:
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>.”
 - ⦿ Registrars shall not remove the links and message when providing WHOIS services.

2. Registrar Data Escrow Obligations

Terms, Format and Schedule

- ⦿ Registrars may elect to escrow data with ICANN's designated escrow agent (Iron Mountain) or an ICANN-approved Third Party Provider (TPP)
- ⦿ DE format requirements are applicable to all registrars
- ⦿ Deposit schedule will vary depending on the registrar's quarterly gTLD transaction volume as determined by ICANN
- ⦿ ICANN is working with third party providers to ensure delivery of information and notifications per Registrar Data Escrow Specification at this link <https://www.icann.org/en/system/files/files/rde-specs-09nov07-en.pdf>
- ⦿ Six data escrow providers now approved in light of Safe Harbor and technical limitations in certain countries (see list at: <https://www.icann.org/resources/pages/registrar-data-escrow-2015-12-01-en>)

2. Registrar Data Escrow Obligations (continue)

Compliance Data Escrow Ongoing Activities

Goal – To ensure Registrars are in compliance with Data Escrow requirements of 2009 and 2013 RAAs Section 3.6, and Registrar Data Escrow Specifications and Registrar Data Escrow Agreement.

- Ongoing compliance activities in Registrar data escrow area:
 - Monitoring deposit status made by Registrars based on records provided by the Third Party Provider (TPP).
 - Upon Registrar's receipt of a Compliance 3rd notice Compliance initiates RDE (Registrar Data Escrow) audit; confirming that deposit matches format and data in deposit matches public WHOIS
- Working with third party providers to ensure delivery of information and notifications per Registrar Data Escrow Specification at this link <https://www.icann.org/en/system/files/files/rde-specs-09nov07-en.pdf>

2. Registrar Data Escrow Obligations (continue)

Compliance Data Escrow Audit Activities

- Conduct Registrar Data Escrow (RDE) audits to confirm that Registrar's data escrow deposit matches the domain name's public WHOIS in terms of format and content:
 - RDE audits to be performed in the course of RAA audit, and
 - Triggered by Registrar receiving a third notice in another area
- Notifications sent to audited Registrars with failed or no deposits
- In process of automating collection of domain count per TLD in the Registrar's Data Escrow deposits; tools currently in development

3. Domain Renewal Requirements

Sending timely reminders to registered name holder

- ⦿ Renewal reminders must be sent at required times to RNH
 - ⦿ Approximately 1 month (26-35 days) and 1 week (4-10 days) prior to expiration and within 5 days after expiration
 - ⦿ Required even if registration is on auto-renew
 - ⦿ Must be communicate, at least in the language of the registration agreement, and in a way that does not require an affirmative action to receive the notice
 - ⦿ Can be sent to other email addresses *in addition to* the RNH email address
 - ⦿ Can be sent at other intervals *in addition to* those prescribed by the ERRP
- ⦿ For at least the last eight consecutive days after expiration that the registration is renewable, the DNS resolution path must be interrupted
 - ⦿ If traffic is re-directed to a parking page, it must say that the name expired and include renewal instructions
 - ⦿ If RAE renews name, DNS resolution path must be restored as soon as commercially reasonable

4. Inter-Registrar Transfer Policy

Transfer of registrations between Registrars

- ⦿ Registrars must use the standardized Form Of Authorization (Sections 2 and 3 of the IRTP)
 - ⦿ Gaining registrar FOA: <https://www.icann.org/resources/pages/foa-auth-2004-07-12-en>
 - ⦿ Affirmative response required from Transfer Contact before sending command to registry
 - ⦿ Losing registrar FOA: <https://www.icann.org/resources/pages/foa-conf-2004-07-12-en>
 - ⦿ FOA must be in English; additional languages are permitted
- ⦿ The AuthInfo code must be used to identify the RNH only, must be unique and on a per-domain basis
- ⦿ Transfer Policy (ITRP-C) effective 1 August 2016. More info at: <https://www.icann.org/news/announcement-2-2015-09-24-en>

5. Compliance Certificate Requirements

When and What to fill in

- ⦿ Complete and return to ICANN an annual certificate certifying compliance with the terms and conditions of the 2013 RAA within twenty (20) days following the end of each calendar year
- ⦿ Must be executed by the president, chief executive officer, chief financial officer or chief operating officer (or their equivalents)
- ⦿ At the top of the form, the calendar year should be entered for which compliance is being certified. For example, if the Certification is executed and submitted to ICANN on 20 January 2016, the year at the top that is being certified should be 2015
- ⦿ Format is specified in the 2013 RAA and at this link:
<https://www.icann.org/resources/pages/registrar-compliance-certificate-2015-12-09-en>

6. UDRP Rule Requirements

Lock and Verification requirements UDRP Rule 4(b)

- ⦿ Within two (2) business days of receiving the Provider's verification request, the Registrar shall provide the information requested in the verification request and confirm that a Lock of the domain name has been applied.
- ⦿ Lock means a set of measures that a registrar applies to a domain name, which prevents at a minimum any modification to the registrant and registrar information by the Respondent, but does not affect the resolution of the domain name or the renewal of the domain name.
- ⦿ Expedited processing of UDRP Lock complaints:
 - ⦿ Complaints are submitted by UDRP providers
 - ⦿ One calendar day notice deadline

6. UDRP Rule Requirements (continue)

Uniform Domain Name Dispute Resolution Policy

General UDRP Issues

- ⦿ Verify with providers and prevent improper transfer
 - ⦿ Registrars not responding to verification requests from providers
 - ⦿ Registrars transferring names during proceedings or instead of implementing Decision
- ⦿ Complexity of matters involving “mutual jurisdiction”
- ⦿ Complainants not providing information to registrars to update WHOIS
- ⦿ If domain name expires or is deleted during the course of a UDRP dispute, Complainant has the right to renew or restore under same commercial terms as RNH

Note: UDRP Rule revisions took effect 31 July 2015

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

WHOIS Accuracy Reporting System Update

WHOIS ARS Phase 1 Compliance Update

Syntax Validation

- Syntax accuracy testing was designed to assess the contact information of a WHOIS record by comparing it to the formats specified by the applicable contractual requirements of the RAA (or RFC if applicable)
- 3,703 complaint tickets created
- 371 tickets sent to registrars
- 1,159 complaint tickets closed of which 903 closed before 1st notice
- Processing of WHOIS ARS tickets resulted in registrars' systems remediation to improve compliance with requirements of RAA

WHOIS ARS Phase 1 Compliance Update

- Sample of the top closure reasons and volume:
 - Domain not registered (446)
 - Domain suspended or canceled (315)
 - Complaint inconsistent with WHOIS (236)
 - Data changed (57)
 - Requested evidence not provided (39)
 - Duplicate complaint (open) (29)
 - Registrar corrected format (16)
 - Non-2013 RAA (10)

Note: Some complaints are closed with multiple closure codes; total will not equal to 1,159

WHOIS ARS Compliance Scope & Approach

- ◉ Compliance coordinates with WHOIS ARS team to ensure testing aligns with RAA
- ◉ Complaints created from WHOIS ARS are processed as WHOIS inaccuracy or 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>
- ◉ WHOIS ARS Phase 1 (syntax validation) tickets are still in process
- ◉ WHOIS ARS Phase 2 (syntax and operational validation) tickets are planned for mid-March 2016
- ◉ ICANN will continue to give priority to complaints submitted by the community

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

Policy Efforts Update

Policy Update to 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>

Policy Update to Transfer Policy

Effective 1 August 2016

- ⦿ Introduces a "Change of Registrant" (COR) procedure that requires registrars to:
 - ⦿ Obtain express consent from both the prior registrant and new registrant
 - ⦿ Process the COR within one day of receiving such consent
 - ⦿ Notify both registrants of a COR in the terms described by the policy
 - ⦿ Impose a 60-day inter-registrar transfer lock following a COR (may allow registrants to opt out of the lock prior to any COR request).
- ⦿ Changes in the inter-registrar transfer process:
 - ⦿ Registrars must deny a transfer request if notified of a pending UDRP or TDRP proceedings or upon receipt of a court order by a court of competent jurisdiction.
 - ⦿ The FOA used by gaining registrars shall expire:
 - ⦿ After 60 days of the FOA being issued (unless the registrant expressly opts in to an automatic renewal, if offered by the registrar)
 - ⦿ The domain name expires before the transfer is completed
 - ⦿ A COR is completed
 - ⦿ The inter-registrar transfer is completed
- ⦿ More info at: <https://www.icann.org/news/announcement-2-2015-09-24-en>

Policy Update to AWIP

Effective 31 January 2016 - Additional WHOIS Information Policy requirements

- ⦿ Registrars must:
 - ⦿ Only refer to registration statuses in WHOIS by EPP status codes
 - ⦿ Include a link for each EPP status code in WHOIS to ICANN webpage explaining each code. A list of URLs is available at <https://www.icann.org/resources/pages/epp-status-codes-list-2014-06-18-en>
 - ⦿ Include the message below in WHOIS output:
“For more information on WHOIS statuses, please visit:
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>.”

Policy Update to Registration Data Directory Service Specification

- ◉ 31 January 2016 effective date for WHOIS advisory. See 52 clarifications at <https://www.icann.org/resources/pages/registry-agreement-raa-rdds-2015-04-27-en>
- ◉ Highlights include:
 - ◉ The keys “Registrar Abuse Contact Email” and “Registrar Abuse Contact Phone” may appear immediately before the last field ("URL of the ICANN WHOIS Data Problem Reporting System") instead of following the "Registrar IANA ID" field
 - ◉ The value section of the "Reseller" field should be shown, but may be left blank or the whole field may not be shown at all.
 - ◉ If shown, the value of the field must be the name of organization, in case the Reseller for the name is a legal entity, or a natural person name otherwise.

Policy Update (continued)

Registration Data Directory Service Specification

- ◉ WHOIS output may show translation of key names in other languages
- ◉ For optional fields where no data exists in a contracted party's Registration System (SRS), the contracted party MUST implement:
 - 1) the key (i.e., the string to the left of the colon) MUST be shown with no information in the value section (i.e., right-hand side of the colon) of the field;

or

- 2) no field MUST be shown. If data exist for a given optional field, the key and the value with the data MUST be shown.

Questions & Answers



Send compliance questions

To: compliance@icann.org

Subject line: ICANN 55 Registrar Outreach Session

The ICANN 55 presentations are available at:

- The ICANN Contractual Compliance outreach page at this link
<https://www.icann.org/resources/compliance/outreach>

- The ICANN 55 Schedule page at this link
<https://meetings.icann.org/en/marrakech55/schedule-full>

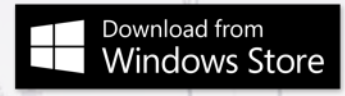
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Tell us what you thought of this session and be entered to win an iPad mini.

Download the ICANN55 Mobile App and complete a short, post-session survey.

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Appendix

- Continuous Improvements Update
- Registrar Metrics
- Audit Activities Update
- Process Guidelines
- Additional RAA Guidelines

Continuous Improvements updates

Improvements based upon community & contracted party feedback:

- ⦿ Ensure consistent ticket ID format in complaint system email subject headings
- ⦿ Template improvements

Policy, Initiative and System based improvements:

- ⦿ Simplification and other improvement of resolve code wording
- ⦿ Increased automation for improved processing by staff
- ⦿ Improvement to UDRP complaint form (reduce need for ICANN follow up)
- ⦿ SLA Monitoring
- ⦿ Participation in the enterprise-wide effort to Salesforce migration

Improved Email Communications

- ⦿ Worked with several large backend email providers to whitelist emails from complaint processing system

Reporter Suspension Update

- ⦿ Two reporters suspended for 15 business days for repetitive invalid form complaints

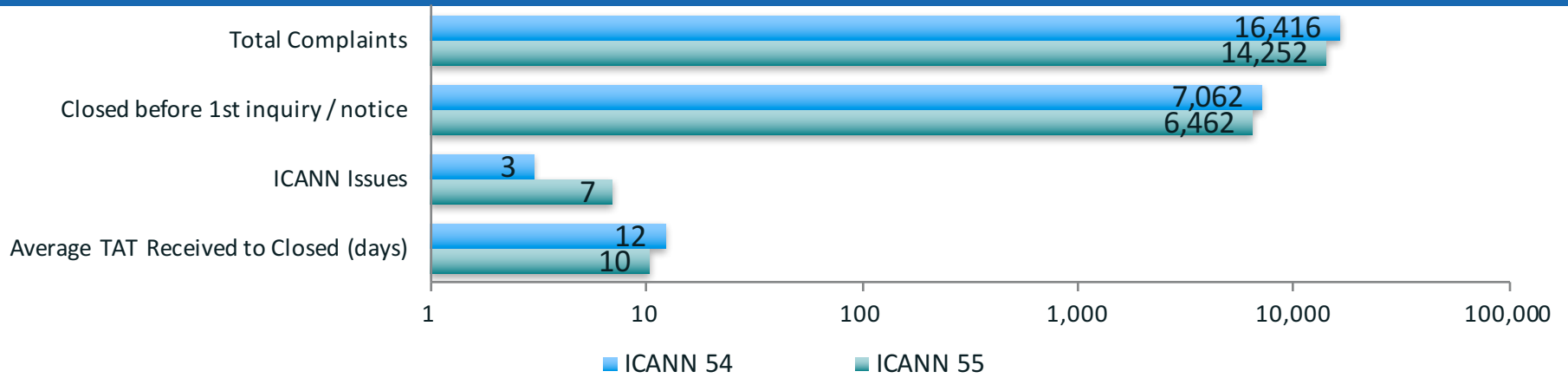
The background of the slide is a teal color. Overlaid on this is a stylized world map. The map is formed by a network of white dots of varying sizes, connected by thin white lines. The dots are more densely packed in some areas, particularly in North America and Europe, suggesting higher connectivity or data density. The overall effect is a digital, networked representation of the world's geography.

Registrar Metrics

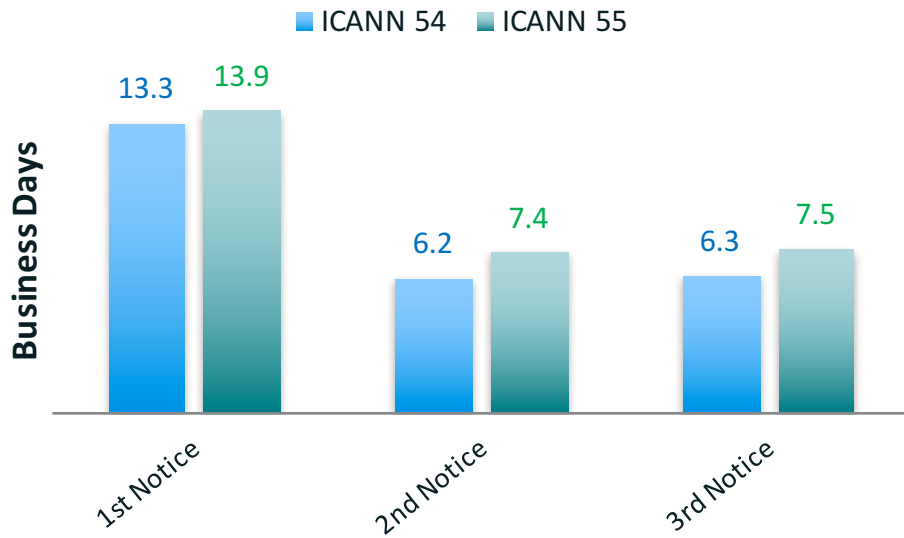
Registrar Complaint Types in Detail

Registrar Complaints	Quantity		Closed before 1st inquiry / notice		ICANN Issue	
	ICANN 54	ICANN 55	ICANN 54	ICANN 55	ICANN 54	ICANN 55
WHOIS INACCURACY	12,421	10,398	4,577	3,974	1	3
TRANSFER	2,403	2,345	1,490	1,567	0	0
DOMAIN RENEWAL	269	260	123	149	0	0
WHOIS FORMAT	317	352	287	214	0	3
DATA ESCROW	145	97	0	0	1	0
DOMAIN DELETION	145	172	138	162	0	0
WHOIS SLA	111	79	111	70	0	0
ABUSE	176	158	99	121	0	0
WHOIS UNAVAILABLE	104	130	34	66	0	1
UDRP	86	55	58	22	0	0
FEES	13	0	12	0	0	0
CUSTOMER SERVICE	54	59	54	41	0	0
REGISTRAR CONTACT	41	53	22	27	0	0
REGISTRAR INFO SPEC	49	57	31	25	1	0
CEO CERTIFICATION	0	0	0	0	0	0
REGISTRAR OTHER	18	10	2	5	0	0
PRIVACY/PROXY	18	6	17	4	0	0
RESELLER AGREEMENT	2	1	0	0	0	0
WHOIS QUALITY REVIEW	37	1	0	0	0	0
FAILURE TO NOTIFY	5	8	5	7	0	0
DNSSEC, IDN, IPV6	2	11	2	8	0	0
Total	16,416	14,252	7,062	6,462	3	7

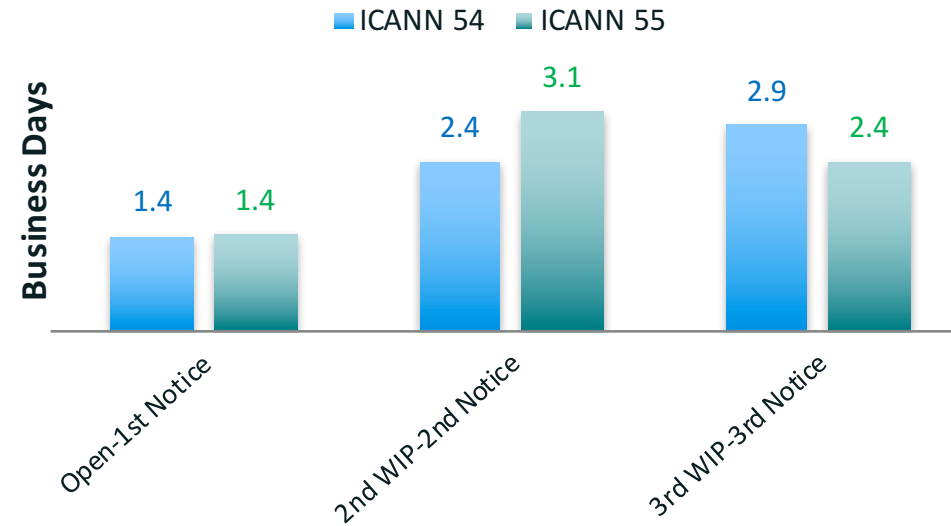
Registrar Complaint Volume & Turnaround Time



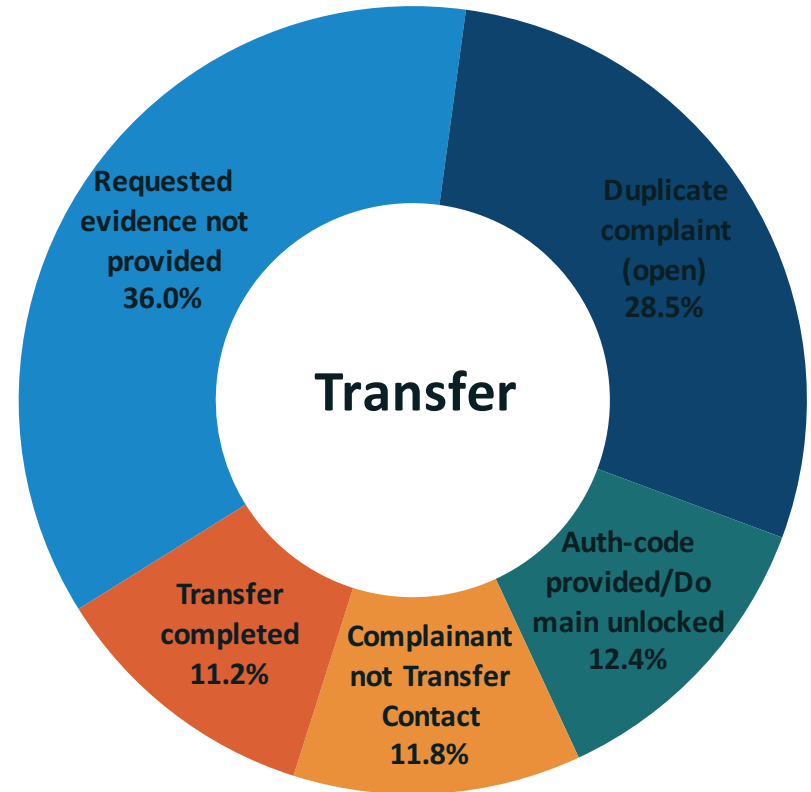
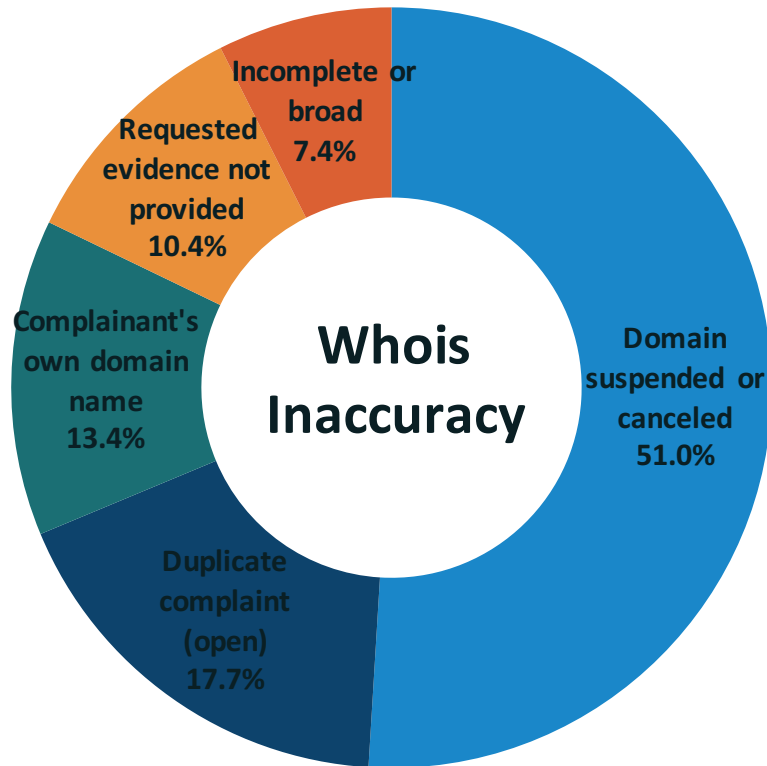
Registrar Average Turn Around Time (TAT)



Staff Average Turn Around Time (TAT)

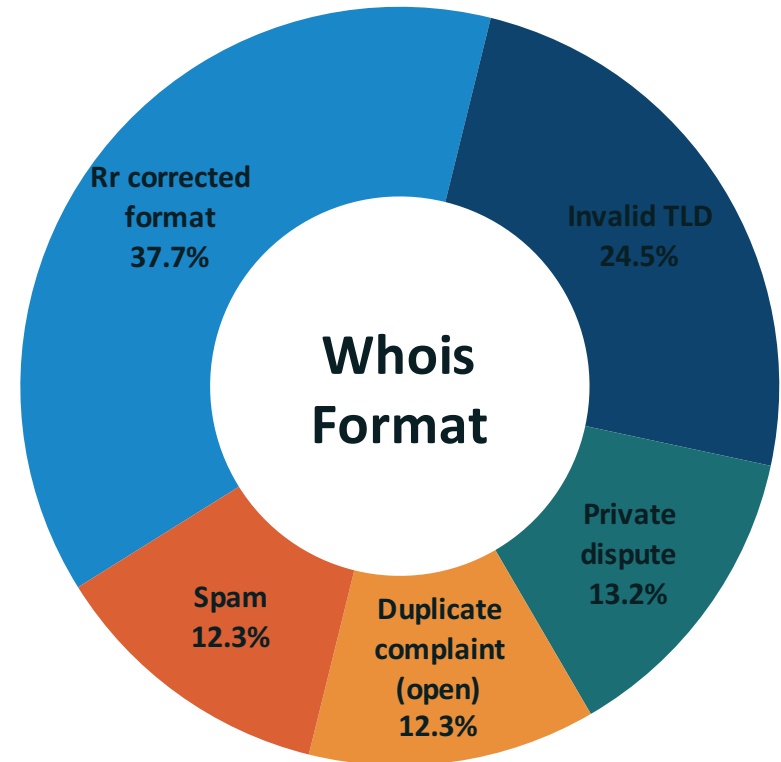
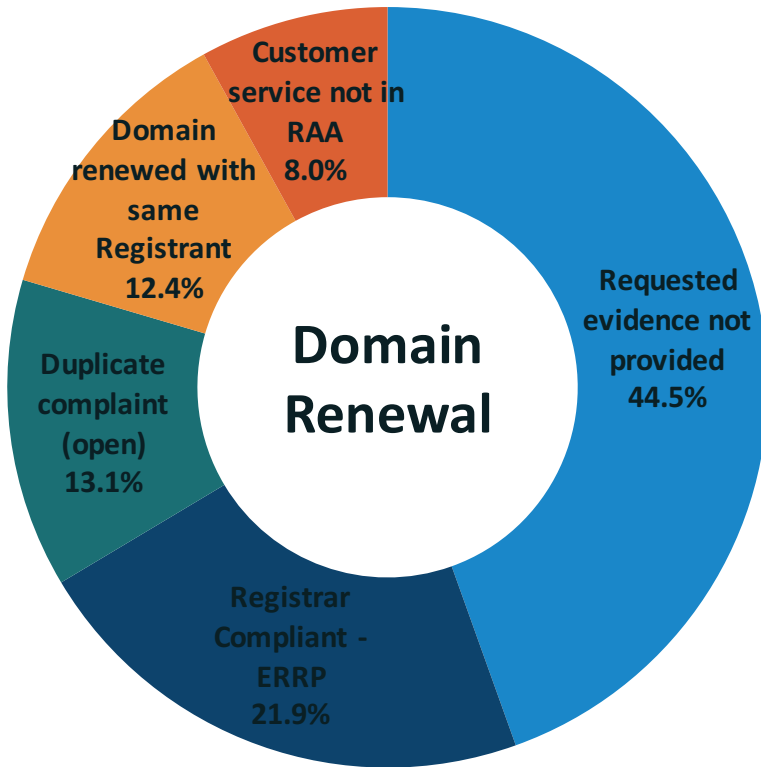


Registrar Complaint Types & Top Closure Reasons (Oct 2015 – Jan 2016)



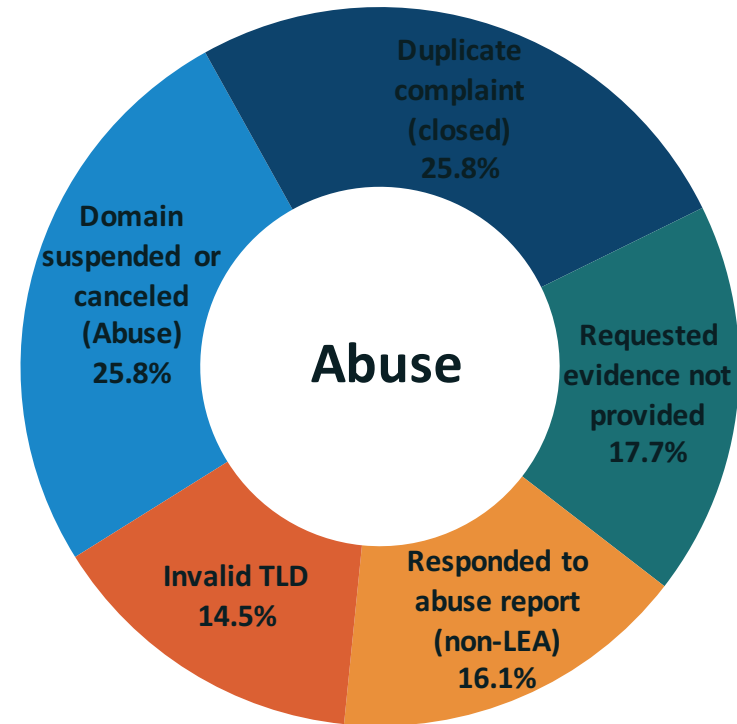
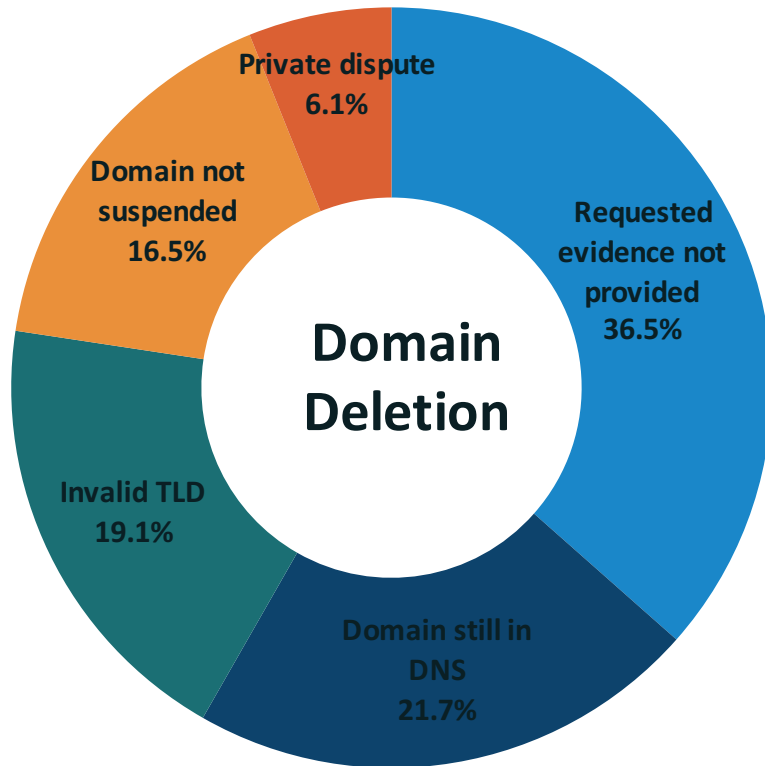
Disclaimer: Due to rounding, percentages may not always appear to add up to 100%.

Registrar Complaint Types & Top Closure Reasons (Oct 2015 – Jan 2016)



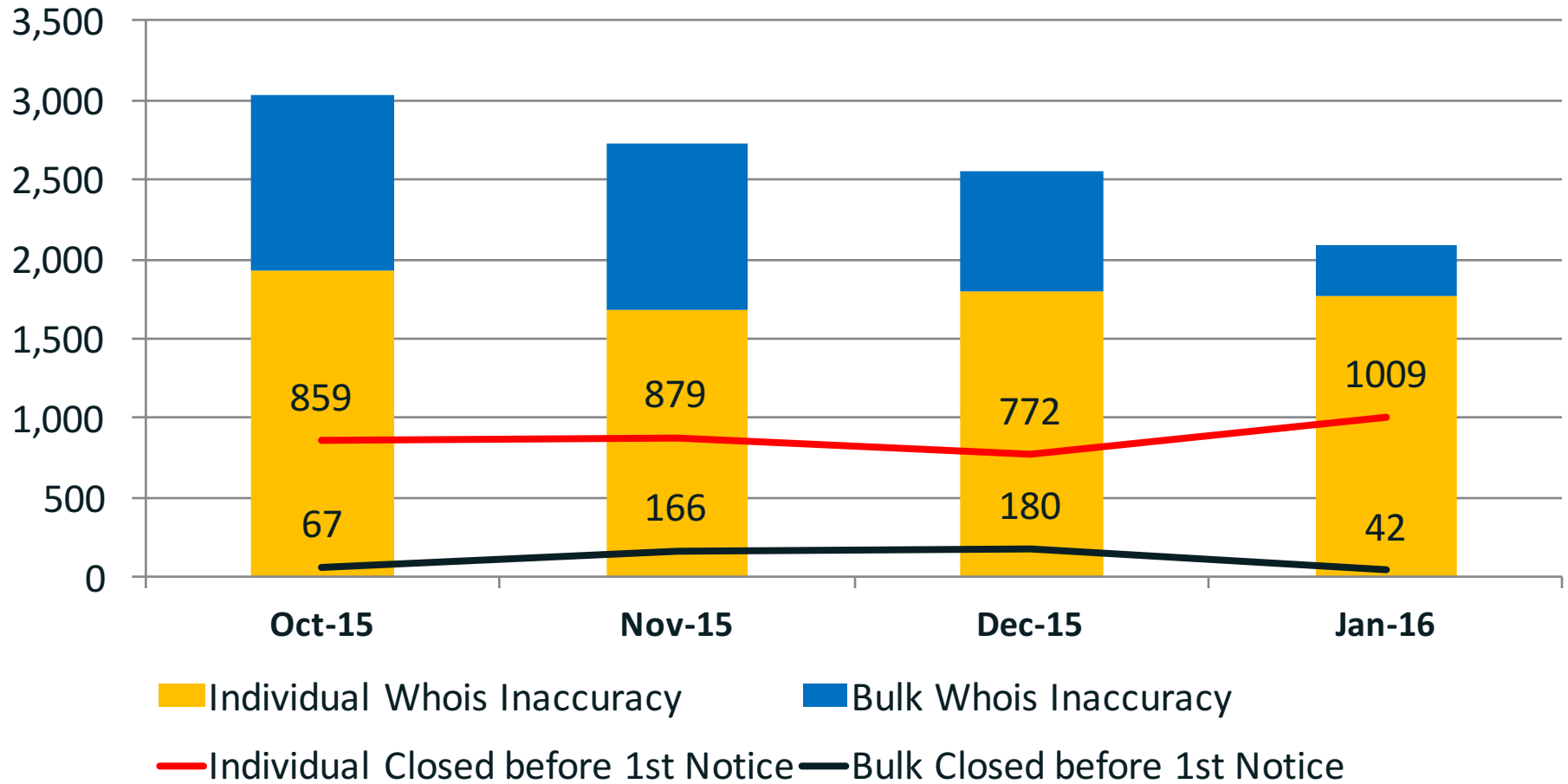
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Registrar Complaint Types & Top Closure Reasons (Oct 2015 – Jan 2016)



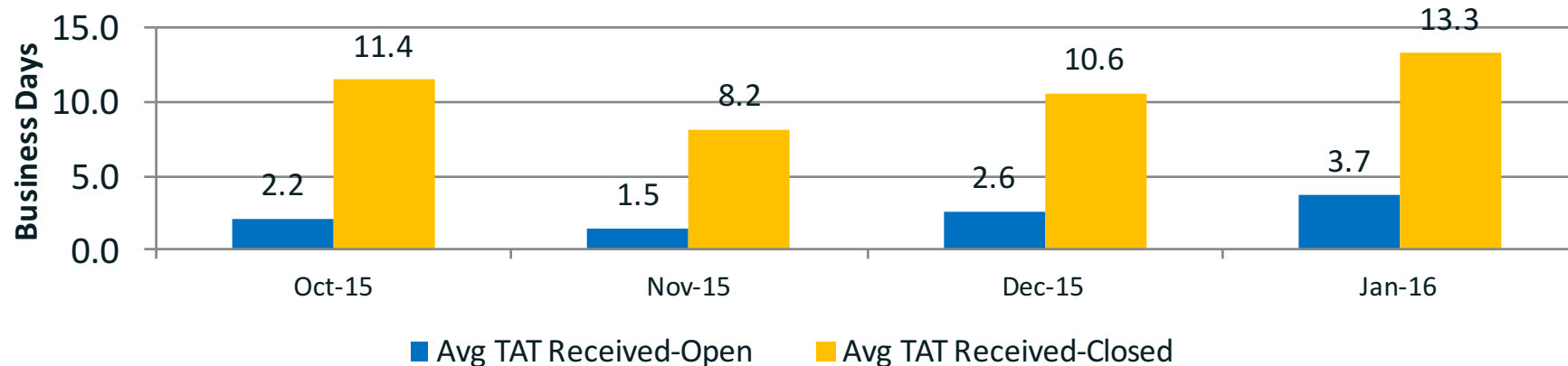
Disclaimer: Due to rounding, percentages may not always appear to add up to 100%.

Whois Inaccuracy Complaints – Individual vs. Bulk (Oct 2015 – Jan 2016)

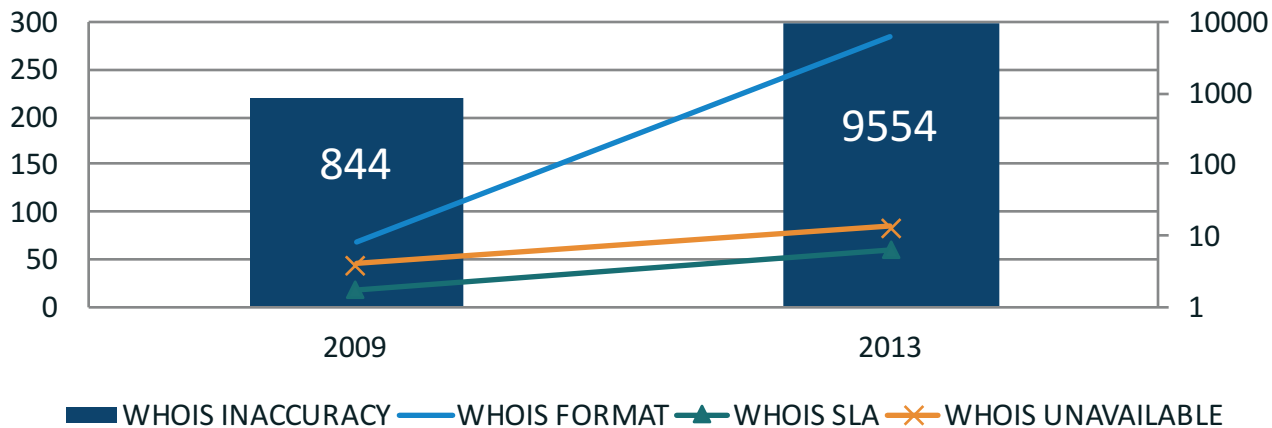


Additional Whois Related Metrics

Average Business Days Turn Around Time – Whois Inaccuracy



Registrar Complaints by Contract Year Oct 2015 – Jan 2016



A world map where the continents are defined by a complex network of white dots and thin white lines, resembling a digital or social network. The background is a solid teal color.

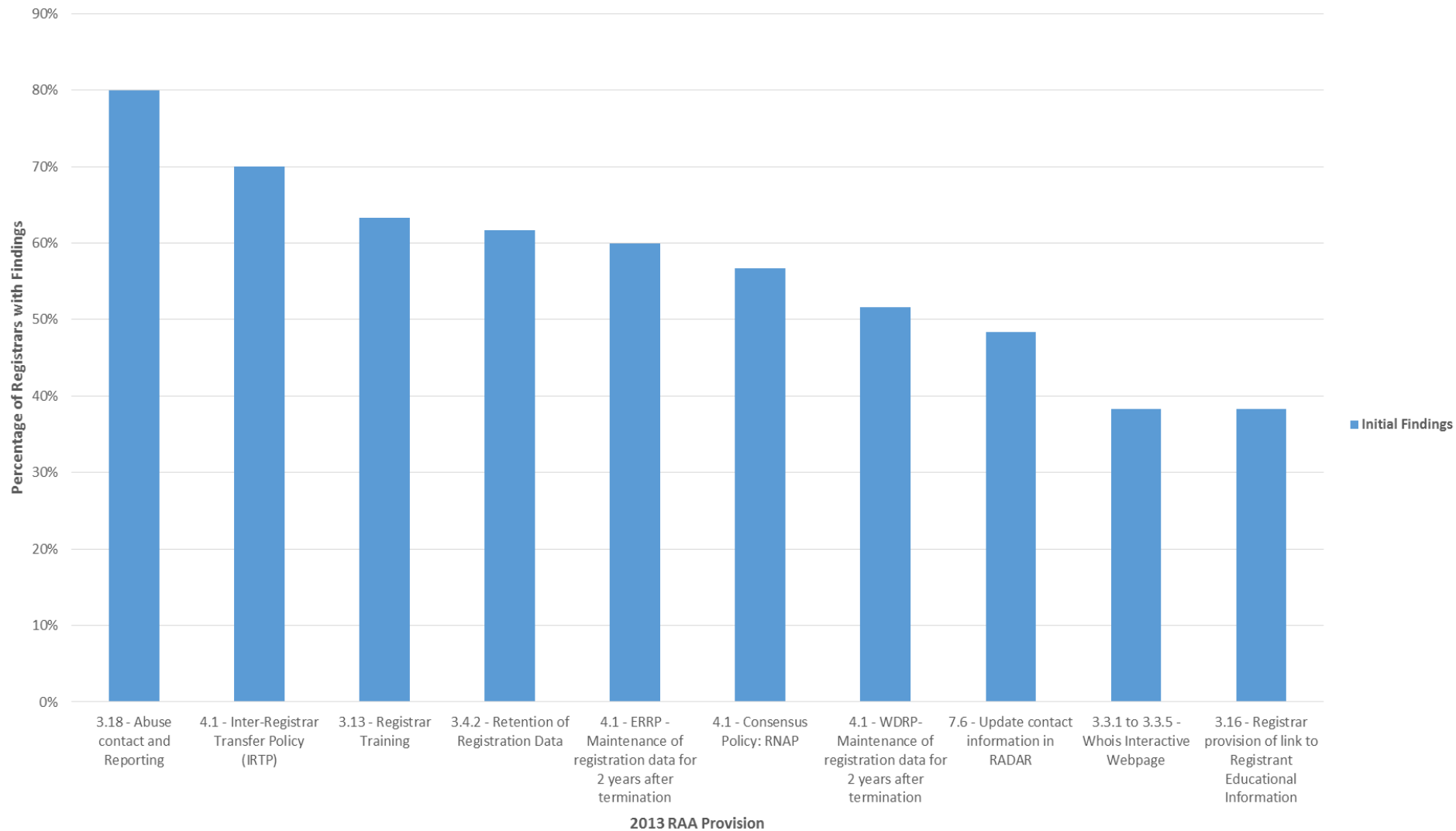
Registrar Audit

2013 RAA Audit Update

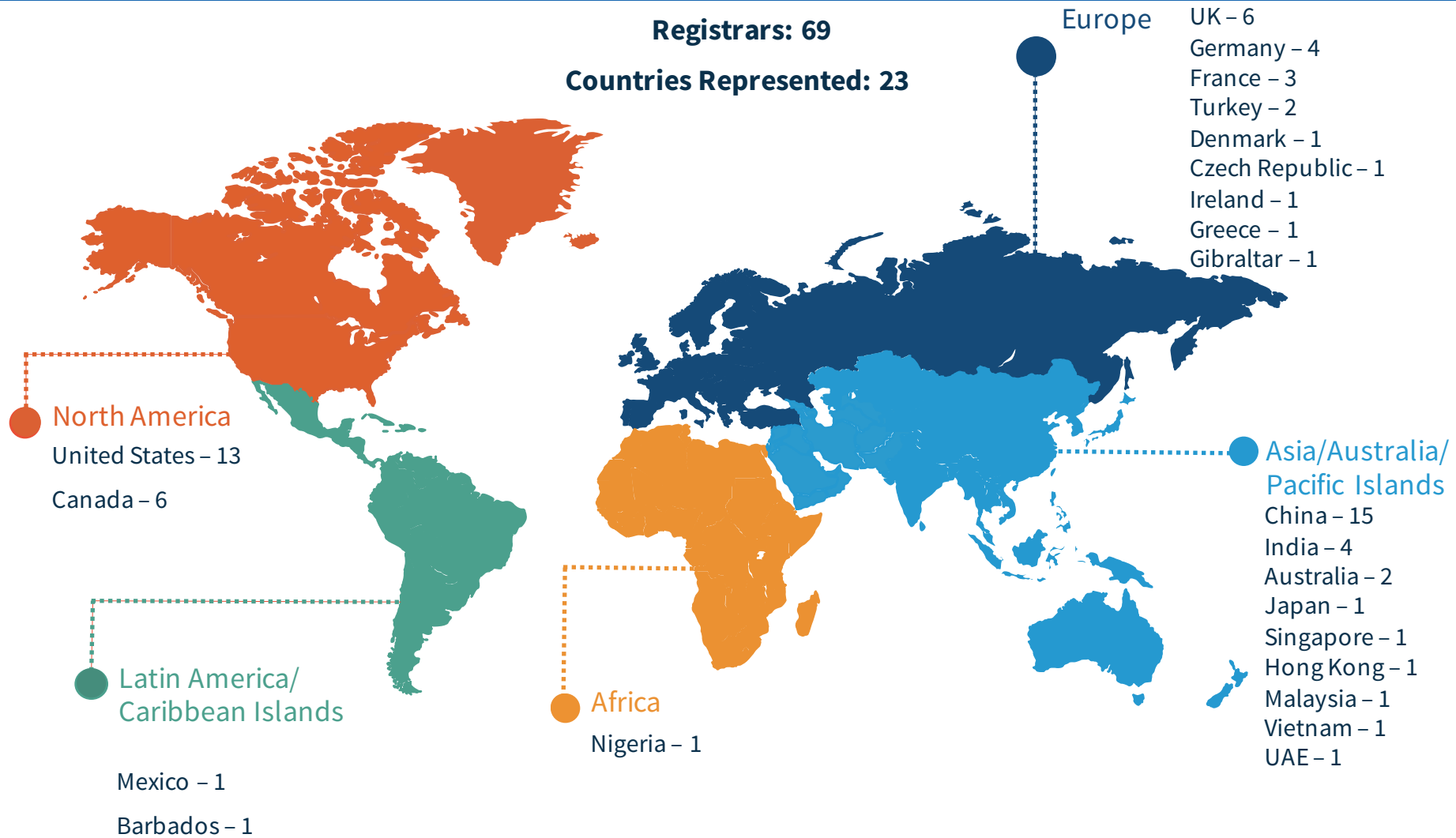
- ⦿ Launched new round of 2013 RAA audit - September 2015
- ⦿ Sample of 67 Registrars selected for this audit
- ⦿ One Registrar was terminated during the audit RFI phase
- ⦿ Received approximately 5,200 documents during RFI phase
- ⦿ Languages: Cantonese, Danish, English, French, German, Greek, Japanese, Mandarin, Spanish, Turkish, Vietnamese
- ⦿ Initial audit reports were issued to Registrars in February
- ⦿ Audit is currently in Remediation phase
- ⦿ Next Steps: ICANN to issue final audit report to Registrars by end of March

September 2015 Audit Statistics of the 2013 RAA

2013 RAA Provisions with most Initial Findings



September 2015 RAA Audit Selection Statistics



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 responsiveness to ICANN's requests
- ⦿ ICANN community concerns

September 2015 – RAA Audit Timeline

Audit Program Milestone Dates								
Pre-Audit Notification	Request for Info			Audit Phase		Initial Reports	Remediation	Final Reports
	1 st Notice	2 nd Notice	3 rd Notice	Begin	End*	Date Issued*	Start / End*	Date Issued*
31 Aug 2015	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>

2013 RAA Provisions Audited

RAA Provision	Obligation	Objective
3.3.1 to 3.3.5	Whois- Port43/Web, Corresponding Data Elements	To confirm that Whois output is in compliance with requirements
3.4.1 to 3.4.2	Retention of Registration Data	To verify that registration records are retained, as required
3.6	Data Escrow	To verify that Registrar submits a copy of domain registration data to escrow agent and the data is complete, consistent and is in a proper format.
3.7.5.3 to 3.7.5.6	EDDP-Domain name renewal, provision of applicable information to registrants	To verify that required notifications are sent to registrants
3.7.7.1 to 3.7.7.12	Registered Name Holders registration agreement compliance	To verify that Registrar enters into agreements with all Registered Name Holders to and such agreements include at least mandatory provisions.
3.7.11	Complaints & Dispute Resolution process	To verify that Registrar made available a description of the customer service handling processes offered to Registered Name Holders
3.12	Reseller agreement (mandatory provisions)	To verify that agreements with resellers (RRAs) contain mandatory provisions
3.12.7	Reseller provision of link to Registrants' Benefit & Responsibilities Specification	To verify that Registrar's resellers offer a link to the Registrants' Benefits and Responsibilities Specification
3.13	Registrar Training	To verify that Registrar's primary contact or designee has completed the required training course
3.14	Obligations Related to Proxy and Privacy Services	To verify that Registrar's Privacy & Proxy registrations comply with the Specification on Privacy and Proxy Registrations
3.15	Self-Assessment	Verify that Registrar performs the required Registrar self-assessment and informs ICANN on its completion

Source: <https://www.icann.org/en/system/files/files/audit-plan-2013-raa-04dec15-en.pdf>

Audit Communication Recommendations

- ⦿ Please communicate questions regarding what would be acceptable response/documentation to complianceaudit@icann.org to avoid delays in the audit process
- ⦿ ICANN recognizes the uniqueness of Registrars' business models and methods of operation. As such, Registrars should respond with explanations of alternative documentation, which can be provided to meet ICANN Compliance Audit Objectives

A world map where the continents are defined by a complex network of white nodes and connecting lines, set against a dark blue background. The nodes vary in size and are densely packed in some areas, creating a digital or network-like appearance of the globe.

Process Guidelines and Clarifications

Informal Resolution Process Guidelines

Notice

- Sent regarding an alleged area of noncompliance
- Proactive compliance monitoring (if above applies)
- Complaint from third party (upon validation)

Note: Subject line will indicate whether Notice or Inquiry

VS

Inquiry

- Information gathering is required
- No known compliance violation
- Proactive compliance monitoring effort (if above applies)

Note: Non-response to Inquiry may result in a Notice

Escalated compliance notices apply to compliance matters that:

- ⦿ Require immediate resolution
- ⦿ Are a repeat of a matter that was claimed to be previously cured
- ⦿ Are grounds for termination (e.g., insolvency, conviction, stability issue)

Informal Resolution Process – Clarifications

- ⦿ Deadlines are generated on UTC time
- ⦿ Due dates advance at 00:00 UTC
- ⦿ Staff processing 5 x 24 across 3 global hubs
 - ⦿ Notices or inquiries sent on same day may have different deadlines

Informal Resolution Process – Clarifications

NOTE: Early response allows for follow up and collaboration

- ⦿ ICANN will generally send a follow up for:
 - ⦿ Insufficient response received before due date and time remains
 - ⦿ Insufficient response received early and ICANN review/response past due date
 - ⦿ Extension requested by contracted party by due date (with reason)
 - ⦿ Clarification requested by contracted party before due date
- ⦿ ICANN will advance to next phase for:
 - ⦿ No response from contracted party
 - ⦿ Insufficient response received near or on due date

Informal Resolution Process – Contacts

ICANN staff uses various contacts in the informal resolution process

- ◉ Registrars: 1-2-3 notices sent to designated email contacts depending on complaint type; primary contact is also copied on 3rd notice and sent 3rd notice fax
- ◉ Registries: 1-2-3 notices and 3rd notice fax sent to compliance contact; primary contact and legal notice contact also copied on 3rd notice
- ◉ Reminder calls are made to contracted parties after 2nd and 3rd notices (if response is insufficient)
 - ◉ Primary contact for registrars and compliance contact for registries
 - ◉ Telephone numbers are encouraged to be direct lines (rather than general customer service lines), with voicemail

Communicating With ICANN

Tips for communicating with ICANN Contractual Compliance

- ⦿ Whitelist emails from icann.org
- ⦿ Check that your mail servers are not blocking emails from ICANN
- ⦿ Reply to compliance notices ASAP and state what you are doing
 - ⦿ Ensure all questions are answered and documents provided
 - ⦿ But no later than notice deadline
 - ⦿ Early response allows for follow up and collaboration if insufficient
- ⦿ Do not change the subject lines in any way when responding to compliance notices.
- ⦿ Make sure response + attachments are less than 4 MB size total. If larger, separate into multiple emails.



Additional RAA Guidelines & Reference

-

2013 RAA: WHOIS Accuracy Program Specification (WAPS)

Distinguishing verification/validation

- ⦿ Verify

- ⦿ “to confirm or correct accuracy of WHOIS data”
- ⦿ Requires contacting and receiving response from RNH

- ⦿ Validate

- ⦿ “to ensure format of WHOIS data is consistent with standards”
- ⦿ Validation is conducted by registrar, not RNH

2013 RAA: WAPS Validation

- ◉ Validation: ensure data is present and formatting is consistent with standards
 - ◉ “Standards” includes RFC 5322 (email), ITU-T E. 164 (telephone), UPU postal or S42 addressing templates (postal addresses) or equivalents for country or territory
 - ◉ Not websites or map applications (unless they rely on standards)
 - ◉ Not something obtained from RNH
- ◉ ICANN request registrars to specify the standards used for validation and validation results

2013 RAA: WAPS Verification

- ⦿ Verification: to confirm or correct information
 - ⦿ Affirmative response verification by email:
 - ⦿ Receive email from registrant email address listed in WHOIS data, or
 - ⦿ Returning a unique code in a manner designated by the Registrar
 - ⦿ Affirmative response verification by telephone:
 - ⦿ Calling or sending an SMS to the Registered Name Holder's telephone number providing a unique code that must be returned in a manner designated by the Registrar, or
 - ⦿ Calling the Registered Name Holder's telephone number and requiring the Registered Name Holder to provide a unique code that was sent to the Registered Name Holder via web, email or postal mail.
- ⦿ Absent affirmative response verification within 15 days of trigger:
 - ⦿ Registrar must manually verify or suspend domain until verification occurs

2013 RAA: WAPS Triggers by Section Number

- ⦿ Section 1: validation and verification required for all new registrations, inbound transfers or when the RNH changes
- ⦿ Section 2: verification and validation required for updated WHOIS data
- ⦿ Section 4: if registrar has information suggesting WHOIS data is incorrect it must also verify or re-verify email addresses of RNH and account holder
 - ⦿ WHOIS inaccuracy complaint triggers verification

2013 RAA: WHOIS Inaccuracy Notices and WAPS

- ⦿ **Section 3.7.8:** Registrars are required to take reasonable steps to investigate and correct WHOIS data inaccuracies
- ⦿ ICANN requests:
 - ⦿ Correspondence during investigation, including email headers and investigation details, including when, how, and with whom communication was conducted
 - ⦿ Validation of any data updated following investigations per Section 2 of WAPS (ICANN requires registrars to specify the standards used for validation and validation results)
 - ⦿ Verification of RNH email per Section 4 of WAPS
- ⦿ The obligations to validate, verify and investigate alleged WHOIS inaccuracies under RAA Section 3.7.8 are not interchangeable

2013 RAA: WHOIS Inaccuracy Notices and WAPS

- ⦿ Registrars have 15 calendar days after trigger event (for ex new registration, in-bound transfer, change to registrant, WHOIS Inaccuracy complaint) to verify/validate, as applicable
 - ⦿ Multiple triggers within initial period do not add time
- ⦿ ICANN's 1st compliance notice remains 15 business days
- ⦿ ICANN asks in 2nd compliance notice why registrars did not suspend or delete registrations within 15 calendar days

2013 RAA: WHOIS Inaccuracy Notices and WAPS

- ICANN looking for one of three results to WHOIS inaccuracy complaint:
 - WHOIS updated within 15 days of notifying RNH – registrar provided documentation of validation of updates and verification (including affirmative response or manual verification)
 - No response from RNH within 15 days of notifying RNH – domain suspended until registrar has verified information
 - WHOIS verified as accurate (no change) within 15 days of notifying RNH – registrar provided documentation of verification
- ICANN may also request evidence of WAPS fulfillment under Section 1

2013 RAA: Abuse Reports Requirements

- ⦿ Most common abuse reports are about online pharmaceuticals, malware, viruses, spam and IP Infringement.
- ⦿ Examples of out of scope reports:
 - ⦿ Registrars on 2009 RAA
 - ⦿ Reporter did not contact the registrar before complaining to ICANN
- ⦿ ICANN continues to conduct outreach with registrars, abuse reporters and IP rights protection groups

2013 RAA: Abuse Reports Requirements

Section 3.18 of 2013 RAA

- ⦿ 3.18.1: anyone worldwide can file valid abuse reports
- ⦿ 3.18.2: law enforcement, consumer protection, quasi-govt. - No jurisdictional limitation once entity is designated by registrar's local government.
- ⦿ Registrar must investigate reports
 - ⦿ Court order NOT required to investigate
 - ⦿ Investigative process can vary depending on report
- ⦿ Home page must link to abuse process and email address (contact form only is not sufficient)

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



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

Abuse Reports - ICANN Complaint Processing

- ⦿ 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

Abuse Reports – Resolve Codes

- ⦿ Abuse contact info published on registrar website
- ⦿ Added required abuse information in WHOIS output
- ⦿ Abuse report handling procedures published on registrar website

- ⦿ Registrar suspended or canceled domain

- ⦿ Registrar demonstrated that it maintained abuse records

- ⦿ Registrar responded to abuse report (non-LEA), including:
 - ⦿ Communicating report to registrant
 - ⦿ Registrant provides copy of government license
 - ⦿ Reporter removed from email distribution list (spam complaint)
 - ⦿ Website content in complaint removed
- ⦿ Registrar responded to LEA illegal activity reports

- ⦿ Registrar documented valid non-action, including
 - ⦿ Registrar previously responded to complaint
 - ⦿ Invalid abuse complaint

- ⦿ Registrar now monitoring abuse email address/phone

- ⦿ Registrar showed email/phone already published

2013 RAA: Domain Renewal Requirements

Expired Registration Recovery Policy

- ⦿ Renewal reminders must be sent at required times to RNH
 - ⦿ Approximately 1 month (26-35 days) and 1 week (4-10 days) prior to expiration and within 5 days after expiration (unless domain is deleted or renewed)
 - ⦿ Required even if registration is on auto-renew
 - ⦿ Must be communicated, at least in the language of the registration agreement, and in a way that does not require an affirmative action to receive the notice
 - ⦿ Can be sent to other email addresses *in addition to* the RNH email address
 - ⦿ Can be sent at other intervals *in addition to* those prescribed by the ERRP
- ⦿ For at least the last eight consecutive days after expiration that the registration is renewable, the DNS resolution path must be interrupted
 - ⦿ If traffic is re-directed to a parking page, it must say that the name expired and include renewal instructions
 - ⦿ If RAE renews name, DNS resolution path must be restored as soon as commercially reasonable

Inter-Registrar Transfers

Inter-Registrar Transfer Policy

- ⦿ Registrars must use the standardized Form Of Authorization (Sections 2 and 3 of the IRTP)
 - ⦿ Gaining registrar FOA: <https://www.icann.org/resources/pages/foa-auth-2004-07-12-en>
 - ⦿ Affirmative response required from Transfer Contact before sending command to registry
 - ⦿ Losing registrar FOA: <https://www.icann.org/resources/pages/foa-conf-2004-07-12-en>
 - ⦿ FOA must be sent in English (other languages permitted in addition to English version)
- ⦿ The AuthInfo code must be used to identify the RNH only, must be unique and on a per-domain basis
- ⦿ The new IRTP, renamed the "Transfer Policy", will be effective 1 August 2016: <https://www.icann.org/news/announcement-2-2015-09-24-en>

2013 RAA: Privacy/Proxy Services

Section 3.4.1.5 and Specification on Privacy and Proxy Registrations

- ◉ Privacy service: shows actual registrant's name, but alternative contact information
- ◉ Proxy service: is the registrant and licenses domain to beneficial user
- ◉ WHOIS data for these registrations must be reliable and accurate
 - ◉ Registrant must be contactable for both privacy and proxy services
- ◉ Registrar must verify/validate WHOIS data as required by 2013 RAA
- ◉ Underlying WHOIS info must be included in data escrow deposits

2013 RAA: Registrar Information Specification

Section 3.17 and Registrar Information Specification

- ⦿ Registrars must provide ICANN completed RIS after execution of RAA
- ⦿ Additional website posting requirements (contact information, officer information and parent entity)
- ⦿ Most common issues:
 - ⦿ Not providing supporting documentation per RIS Section 6 demonstrating good standing
 - ⦿ Providing incomplete information
 - ⦿ Not publishing required data on website

Section 3.12

- ⦿ Resellers cannot cause registrar to breach RAA
- ⦿ Registrar must use efforts to ensure reseller compliance
- ⦿ ICANN may review registrar/reseller written agreement
- ⦿ Resellers may not use ICANN-accredited logo
- ⦿ Resellers must identify registrar upon request
- ⦿ Resellers must abide by Privacy/Proxy Specification and Consensus Policies

WHOIS Accuracy Program Specification

- ⦿ ICANN's review includes check for whether domain was deleted or suspended in cases of registrant's:
 - ⦿ Non-response within 15 days of registrar's WHOIS inquiry
 - ⦿ Willful provision of inaccurate or unreliable contact information
 - ⦿ Willful failure to update information within 7 days of change
- ⦿ If registrar demonstrates compliance, ICANN will notify complainant to contact registrar regarding reactivation

2013 RAA: Customer Service Handling Process

Section 3.7.11

- ⦿ ICANN requests could include, for example:
 - ⦿ Copy of customer service handling process
 - ⦿ Link to customer service handling process on website
 - ⦿ Written communications with RNH regarding notification of customer service handling process

Section 3.19 and Additional Registrar Operation Specification

- ⦿ DNSSEC:
 - ⦿ Must allow customers to use DNSSEC upon request
 - ⦿ All requests shall be transmitted to registries using the EPP extensions in RFC 5910 or its successors
- ⦿ IPv6:
 - ⦿ If registrar offers nameserver specification by customer, IPv6 must be allowed
- ⦿ Internationalized Domain Names:
 - ⦿ Compliance with Additional Registrar Operation Specification

Section 3.20

- ⦿ Registrar required to provide ICANN notice of these events
- ⦿ ICANN review could include requesting:
 - ⦿ Proof of bankruptcy proceeding or conviction
 - ⦿ Detailed description of breach (breach itself is not noncompliance)
 - ⦿ How it occurred
 - ⦿ Number of registrants affected
 - ⦿ Any action taken in response

2013 RAA: Registrant Rights and Responsibilities

Sections 3.7.10 and 3.16

- ⦿ Registrar must publish or provide a link to the Registrants' Benefits and Responsibilities Specification (attached to RAA) on its website (Section 3.7.10)
- ⦿ Registrar must provide a link to ICANN's registrant educational information (Section 3.16) on its website
- ⦿ ICANN review could include requests, for example, of:
 - ⦿ Website URLs
 - ⦿ Screenshots

2013 RAA: Data Retention Waiver

Data Retention Specification

- ⦿ Registrars may retain for shorter period or provide fewer records per Data Retention Waiver
 - ⦿ Waiver is based on legal opinion or government ruling that retention violates applicable law
 - ⦿ Limited to specific terms and conditions of retention requirements
 - ⦿ Example: waiver changing post-sponsorship retention period from 2 years to 1 year
- ⦿ Registrars in same jurisdiction as already-approved registrar may request similar treatment
- ⦿ ICANN must approve waiver before registrar can deviate from retention obligations

Section 3.3

- ⦿ Registrars are required to provide public access to contact details for each domain via Port 43 and the web
 - ⦿ 2013 RAA only: Port 43 WHOIS access is required for “thin” registries only
- ⦿ 2013 RAA only: additional WHOIS Service Level Agreement (SLA) requirements in Section 2 of the Registration Data Directory Service (WHOIS) Specification

2009/2013 RAA: Other Web Posting Obligations

Some of the other registrar web posting obligations include:

- ⦿ Publishing valid contact details per Sections below
 - ⦿ 2009 RAA Section 3.16
 - ⦿ 2013 RAA Section 3.17
- ⦿ If the ICANN-accredited registrar logo is used, it must conform to the one in the RAA
 - ⦿ 2009 RAA Logo License Appendix
 - ⦿ 2013 RAA Logo License Specification



Section 3.6

- ⦿ Registrars with registered domains are required to deposit registration data into escrow
- ⦿ ICANN monitors the data deposits to ensure that they:
 - ⦿ Are made on schedule (daily/weekly)
 - ⦿ Correspond to each registrar's requirements (full deposit only vs. full and incremental deposits)
 - ⦿ Are valid in format and completeness
- ⦿ Manual data escrow audits are performed upon request

2009/2013 RAA: Data Escrow – Common Errors

Common errors with registrar data escrow deposits

- ⦿ Data in deposit does not match WHOIS lookup or port 43 WHOIS blocked
- ⦿ 2013 RAA: deposit must contain P/P and underlying customer data
- ⦿ Incomplete header row (missing ICANN required fields)
- ⦿ Deposit file is empty or only contains a header row
- ⦿ Deposit file name is incorrect
- ⦿ Handle file (if required) is missing from the deposit
- ⦿ Not comma de-limited
- ⦿ Full file and Handle file contains no header row

2009/2013 RAA: Accreditation Fees

Section 3.9

- ⦿ Registrars are required to pay ICANN yearly and variable accreditation fees.
- ⦿ ICANN requests could include, for example:
 - ⦿ Immediate payment (no extensions for past due fees)
 - ⦿ Reply to compliance notice upon payment
 - ⦿ Emailing/CC to accounting@icann.org upon payment
- ⦿ Ensure reply with credit card authorization form does not exceed 4 MB size <https://www.icann.org/en/system/files/files/credit.pdf>

2009/2013 RAA: Registration Data and Records

Sections 3.4.2 and 3.4.3

- ⦿ Registrars are:
 - ⦿ Required to maintain and provide registration data and records of written communications
 - ⦿ Responsible for maintaining data and documents and providing them to ICANN regardless of the business model (reseller)

Note: not responding to ICANN compliance notices is commonly a violation of these requirements

2009/2013 RAA: Registration Agreement

Section 3.7.7

- ⦿ Agreement should include all provisions of Section 3.7.7:
 - ⦿ The same or equivalent language provided in Sections 3.7.1.1-12 must be included in registration agreements
- ⦿ Agreement must be with a person or legal entity other than the registrar unless the registrar is using the domain for Registrar Services

2009/2013 RAA: Registrar Contact Data

2009 RAA Section 5.11 and 2013 RAA Section 7.6

- ⦿ Registrars must have a point of contact where compliance communications, notices and enforcement are sent
 - ⦿ Keep contact information in ICANN's Registrar Database (RADAR) up to date
 - ⦿ To update Primary Contact, follow the instructions located here: <https://www.icann.org/resources/pages/registrar-contact-updates-2015-09-22-en>
 - ⦿ Send contact data questions to radaradmin@icann.org

1

2013 RAA

<https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en>

2

2009/2013 RAA redline

<https://www.icann.org/en/system/files/files/approved-with-specs-21may09-redline-27jun13-en.pdf>

3

2013 RAA FAQ (includes links to four webinars)

<https://www.icann.org/resources/pages/faqs-2013-11-26-en>