



I C A N N

COMMUNITY FORUM

61

SAN JUAN

10-15 March 2018

Registrar Outreach

ICANN Contractual Compliance



ICANN 61
13 March 2018

Agenda

- ⦿ Welcome
- ⦿ Brief Update from Contractual Compliance Since ICANN 60
- ⦿ Introduction of RrSG compliance sub-group team and issues
- ⦿ Responses from Contractual Compliance to issues
- ⦿ Presentation on SLAs from registrars

Agenda – Contractual Compliance Update

- ⊙ Brief Update Since ICANN 60
 - ⊙ Registrar Compliance Update
 - ⊙ Performance Measurement & Reporting Update
- ⊙ Appendix for your reference
 - ⊙ Registrar Audit Update
 - ⊙ Policy Update
 - ⊙ Additional Audit Slides

Registrar Compliance Update

RAA Compliance Update

1

Protection of IGO/INGO Identifiers in All gTLDs Policy

Implementation of New Consensus Policy

2

Transfer Policy: Change of Registrant Lock

Applying change of registrant lock only when applicable

3

Abuse Report Handling

Complying with requirement to investigate and respond appropriately to abuse reports

4

Registrar Data Escrow Obligations

Complying with the required Terms, Format and Schedule

1. Protection of IGO/INGO Identifiers in All gTLDs

Implementation of New Consensus Policy

- ⦿ For protection of specific names of intergovernmental organizations (IGOs) and international nongovernmental organizations (INGOs) identifiers
- ⦿ Relates only to identifiers approved by ICANN Board (published lists at <https://www.icann.org/sites/default/files/packages/reserved-names/ReservedNames.xml>)
 - ⦿ Provides for exception procedure for registration of IGOs and requires claims notices for second level INGOs identifiers
 - ⦿ Excludes identifiers pending Board approval or completion of GNSO policy process, such as IGO acronyms list
- ⦿ Contracted parties must implement requirements:
 - ⦿ by 1 August 2018 for IGOs identifiers related to IGOs, International Olympic Committee and Red Cross/Red Crescent Movement
 - ⦿ for INGOs identifiers, 12 months from release of INGO Claims System Specification (currently under development by ICANN org)

2. Transfer Policy: Change of Registrant Lock

Applying change of registrant lock only when applicable

- ⦿ 60-day lock for change of registrant under Section II.A.1.1 of Transfer Policy only applies for material changes to:
 - ⦿ Registrant name
 - ⦿ Registrant organization
 - ⦿ Registrant email address
 - ⦿ Admin contact email address, if no registrant email address
- ⦿ Lock is not applicable for other changes, including:
 - ⦿ Registrant telephone
 - ⦿ Privacy/Proxy Customer information not shown in public WHOIS
- ⦿ Changes to WHOIS fields for which lock is not applicable may be used in support of denying transfer under approved denial reasons in Section I.A.3.7 of Transfer Policy

3. Abuse Report Handling

Complying with requirement to investigate and respond appropriately

- ⦿ 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)

4. Data Escrow Obligations

Complying with required Terms, Format and Schedule

- Registrar Data Escrow Specification
<https://www.icann.org/en/system/files/files/rde-specs-09nov07-en.pdf>
- Data escrow format requirements are applicable to all Registrars
 - Match domain's public WHOIS - format and content
 - Include privacy/proxy service customer information as required by 2013 RAA
- Deposit schedule will vary depending on Registrar's quarterly gTLD transaction volume as determined by ICANN (daily or weekly)
- Registrars may elect to escrow data with ICANN's designated escrow agent (Iron Mountain) or an ICANN-approved Third Party Provider (TPP)
- Approved Registrar data escrow providers:
<https://www.icann.org/resources/pages/registrar-data-escrow-2015-12-01-en>

4. Data Escrow Obligations (continued)

Common errors with data escrow deposits

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

Performance Measurement & Reporting Update

Performance Measurement & Reporting Update

Enhancing Transparency in Reporting Enhanced Monthly Reporting

- ⦿ Additional metrics on complaints related to the Governmental Advisory Committee (GAC) Category 1 Safeguards and Complaint Type:
 - ⦿ GAC Category 1 Safeguards categories: Children, Environmental, Health and Fitness, Financial, Charity, Education, Intellectual Property, Professional Services, Corporate Identifiers, Generic Geographic Terms, Health and Fitness, Gambling, Charity, Education, Professional Services, Corporate Identifiers, Bullying/Harassment and Governmental Functions
- ⦿ Monthly dashboards and Learn More on additional metrics published at <https://features.icann.org/compliance/dashboard/report-list>

Performance Measurement & Reporting Update

New Quarterly Reporting

- ⦿ Registrar Closed Complaints by Closure Code and Registry Closed Complaints by Closure Code have been added beginning with 2017 Quarter Four
- ⦿ Reports include closed complaints grouped by:
 - ⦿ **Resolved** = the reporter's complaint has been resolved or the contracted party has reviewed the complaint, responded to ICANN and/or demonstrated compliance
 - ⦿ **Out of Scope** = the complaint cannot be addressed by ICANN because it is invalid or out of scope of ICANN's agreements/policies; or does not meet the minimum threshold for processing
 - ⦿ **ICANN Issue** = the complaint should not have been sent to contracted party due to ICANN error; or internal ICANN process needs to be completed before the Compliance process can continue
 - ⦿ A fourth category - **Other** - represents complaints previously closed which have been reopened and are currently active
- ⦿ Reports are published at <https://features.icann.org/compliance/dashboard/report-list>

Questions & Answers



re. Brief Update from
Contractual Compliance Since ICANN 60

Agenda

- ✓ Welcome
- ✓ Brief Update from Contractual Compliance Since ICANN 60
- Introduction of RrSG compliance sub-group team and issues
 - ⊙ Responses from Contractual Compliance to issues
 - ⊙ Presentation on SLAs from registrars

RrSG Compliance Sub Group Issues List

Registrar Stakeholder Group, Compliance Sub Group Issues List for ICANN

1. Compliance failed to respond or the response was delayed.
2. Registrar requested clarifying information but did not receive it.
3. Compliance did not acknowledge information contained in a Registrar response.
4. Compliance asked for information that was already provided by Registrar or easily accessible.
5. Compliance complaint did not contain sufficient evidence/validation.
6. Compliance requested data in a follow up that could have been requested in the initial response.
7. Compliance requested data outside the scope of the RAA
8. Compliance sent multiple notices from the same reporter
9. Compliance sent duplicate notices
10. Compliance changed the scope/subject matter of the complaint

Responses to RrSG Compliance Sub Group Questions

Response Times

Complaint Validation

Reporters

RrSG Compliance Sub Group Questions

Registrar Stakeholder Group, Compliance Sub Group Questions for ICANN

- ⦿ *SLAs (response times): Should apply to both ICANN Compliance and registrars:*
 - ⦿ *Do you [ICANN] have an internal SLA today?*
 - ⦿ *Is it different depending on the type of compliance issue?*

- ⦿ *Requirements for a valid complaint:*
 - ⦿ *How do you [ICANN] validate WHOIS complaints?*
 - ⦿ *Name/organization?*
 - ⦿ *Phone number?*
 - ⦿ *[Postal] Address?*
 - ⦿ *Email?*
 - ⦿ *How do you [ICANN] validate transfer complaints?*
 - ⦿ *How do you [ICANN] validate abuse complaints?*
 - ⦿ *Do you [ICANN] provide all evidence provided by the complainant in the initial complaint?*

- ⦿ *Validation and terms of service for reporters:*
 - ⦿ *What are the terms and service for reporters?*
 - ⦿ *How are they validated?*
 - ⦿ *Do you [ICANN] track abusive reporters?*
 - ⦿ *Have you [ICANN] suspended abusive reporters?*
 - ⦿ *Note that language in reporter closure notice seems to encourage duplicate*

RrSG Compliance Sub Group: Response Times

ICANN Contractual Compliance Response Times

- ⦿ *SLAs (response times): Should apply to both ICANN Compliance and registrars:*
 - ⦿ *Do you [ICANN] have an internal SLA today?*
 - ⦿ *Is it different depending on the type of compliance issue?*
- ⦿ ICANN Contractual Compliance turnaround time target is 3-5 business days
 - ⦿ For responding both to new and pending complaints
 - ⦿ Priority given to processing in-process complaints from external parties and enforcement matters
 - ⦿ Shorter turnaround time for complaints with contractually-required shorter response times (e.g., UDRP lock and verification and TEAC)
- ⦿ Weekly internal report identifies complaints that have exceeded targets
- ⦿ Turnaround time and closure rate metrics are reported on monthly dashboard at <https://features.icann.org/compliance/dashboard/report-list>

RrSG Compliance Sub Group: WHOIS validation

ICANN Contractual Compliance WHOIS Inaccuracy Complaint Validation

- ⦿ *Requirements for a valid complaint:*
 - ⦿ *How do you [ICANN] validate WHOIS complaints?*
 - ⦿ *Name/organization?*
 - ⦿ *Phone number?*
 - ⦿ *[Postal] Address?*
 - ⦿ *Email?*
- ⦿ Registrars are required to comply with WHOIS Accuracy Program Specification and take reasonable steps to investigate claims of inaccuracy
- ⦿ If determined in scope of RAA, complaint will be forwarded to registrar for review
- ⦿ ICANN's requests for information and records from registrar are driven by contractual requirements, content of complaint and available information
 - ⦿ Copies of correspondence between registrar/reseller and reporter/registrant
 - ⦿ Steps taken to investigate claimed inaccuracy or suspend domain
 - ⦿ Evidence of registrar's validation and verification of WHOIS information

RrSG Compliance Sub Group: WHOIS validation

ICANN Contractual Compliance WHOIS Inaccuracy Complaint Validation (cont'd)

- ⦿ Additional follow up with reporter and registrar as needed
- ⦿ Complaints about these requirements are validated by the following steps:
 - ⦿ Check WHOIS information of relevant domain name(s)
 - ⦿ WHOIS information available from Registrar?
 - ⦿ WHOIS format correct?
 - ⦿ All required WHOIS keys have present values?
 - ⦿ Any glaring inaccuracies?
 - ⦿ Review reporter's complaint history for other complaints
 - ⦿ Review domain name history for other complaints
 - ⦿ Review other complaints with same registrar
 - ⦿ Follow up with reporter for additional/clarifying information and review other available information:
 - ⦿ Support/evidence for claimed inaccuracy (e.g., information about name/organization, email rejection notice, rejected postal mail, non-functional telephone/fax number, formats match standards?)

RrSG Compliance Sub Group: Transfer validation

ICANN Contractual Compliance Transfer Complaint Validation

- ⦿ *Requirements for a valid complaint:*
 - ⦿ *How do you [ICANN] validate transfer complaints?*
- ⦿ There are various requirements under the Transfer policy related to inter-registrar transfers and change of registrant
- ⦿ If determined in scope of RAA and Transfer Policy, complaint will be forwarded to registrar for review
- ⦿ ICANN's requests for information and records from registrar are driven by contractual and policy requirements, content of complaint and available information
 - ⦿ Copies of correspondence between registrar/reseller and reporter/registrant
 - ⦿ Reason for denial of transfer or change of registrant
- ⦿ Additional follow up with reporter and registrar as needed

RrSG Compliance Sub Group: Transfer validation

ICANN Contractual Compliance Transfer Complaint Validation (cont'd)

- ⦿ Complaints about these requirements are validated by the following steps:
 - ⦿ Check WHOIS information of relevant domain name(s)
 - ⦿ Review reporter's complaint history for other complaints
 - ⦿ Review domain name history for other complaints
 - ⦿ Review other complaints with same registrar
 - ⦿ Follow up with reporter for additional/clarifying information and review other available information:
 - ⦿ Domain name subject to privacy/proxy service?
 - ⦿ Domain name recently transferred or created (within 60 days)?
 - ⦿ Domain name locked for transfer (EPP status codes)?
 - ⦿ Domain registered to reseller?
 - ⦿ Reporter is a transfer contact?
 - ⦿ WHOIS, billing statements, invoices, control panel screenshots
 - ⦿ Recent change of registrant?
 - ⦿ Historical WHOIS or reporter confirmation
 - ⦿ Request for registrant change, transfer, unlock or AuthInfo code?
 - ⦿ Dispute over payment or ownership of domain?
 - ⦿ Correspondence with registrar/reseller?

RrSG Compliance Sub Group: Abuse validation

ICANN Contractual Compliance Abuse Report Complaint Validation

- ⦿ *Requirements for a valid complaint:*
 - ⦿ *How do you [ICANN] validate abuse complaints?*
- ⦿ Registrars on the 2013 Registrar Accreditation Agreement (RAA) are required to investigate/respond appropriately to abuse reports and maintain related records
- ⦿ If determined in scope of RAA, complaint will be forwarded to registrar for review
- ⦿ ICANN's requests for information and records from registrar are driven by contractual requirements, content of complaint and available information
 - ⦿ Copies of correspondence between registrar/reseller and reporter/registrant
 - ⦿ Steps taken to investigate report
 - ⦿ Registrar's response to abuse report
- ⦿ Additional follow up with reporter and registrar as needed

RrSG Compliance Sub Group: Abuse validation

ICANN Contractual Compliance Abuse Report Complaint Validation (cont'd)

- ⦿ Complaints about this requirement are validated by the following steps:
 - ⦿ Check WHOIS information of relevant domain name(s)
 - ⦿ Confirm registrar executed 2013 RAA
 - ⦿ Review reporter's complaint history for other complaints
 - ⦿ Review domain name history for other complaints
 - ⦿ Review other complaints with same registrar
 - ⦿ Follow up with reporter for additional/clarifying information and review other available information:
 - ⦿ Did reporter file abuse report with registrar?
 - ⦿ Was abuse report sent to registrar's abuse contacts?
 - ⦿ Did registrar respond to abuse report?
 - ⦿ Is registrar's abuse contact information published in WHOIS
 - ⦿ Is registrar's abuse contact information and abuse report handling description published on registrar's website?

RrSG Compliance Sub Group: Complaint validation

ICANN Contractual Compliance Complaint Validation

- ⦿ *Requirements for a valid complaint:*
 - ⦿ *Do you [ICANN] provide all evidence provided by the complainant in the initial complaint?*
- ⦿ Original complaint of reporter is forwarded to registrar
- ⦿ If additional information is received from reporter prior to 1st notice/inquiry or during processing of complaint, it may also be forwarded to registrar
 - ⦿ Reporter must authorize ICANN to share information with registrar

RrSG Compliance Sub Group: Reporters

ICANN Contractual Compliance Validation and Terms of Service For Reporters

- ⦿ *Validation and terms of service for reporters:*
 - ⦿ *What are the terms and service for reporters?*
 - ⦿ *How are they validated?*
- ⦿ Reporters submit complaints via web forms or email
 - ⦿ ICANN's Privacy Policy and Expected Standards of Behavior apply to submission of information and interaction with Contractual Compliance
 - ⦿ Users of Bulk WHOIS Inaccuracy Complaint Submission Tool are subject to additional Terms of Use
- ⦿ Reporters are identified by email address and additional evidence is requested where necessary to confirm reporter is registrant (when relevant to processing complaint)

RrSG Compliance Sub Group: Reporters

ICANN Contractual Compliance Validation and Terms of Service For Reporters (cont'd)

- ⦿ *Validation and terms of service for reporters:*
 - ⦿ *Do you [ICANN] track abusive reporters?*
 - ⦿ *Have you [ICANN] suspended abusive reporters?*
 - ⦿ *Note that language in reporter closure notice seems to encourage duplicate*
- ⦿ Based on information available in complaints and/or supporting evidence from contracted parties identifying abusive reporting, processing of reporter's complaints may be suspended or blocked
 - ⦿ 1-2-3 process of warning, suspension for 15 business days and permanent blocking
 - ⦿ To date, approximately 5 reporters have been blocked, 2 reporters have had suspensions lifted and 4 additional reporters have been warned
 - ⦿ Such reporters are identified and tracked internally
- ⦿ Opening a new complaint or emailing compliance@icann.org regarding a closed complaint are reporter escalation paths and used for providing new evidence

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Questions & Answers



Send compliance questions

To: compliance@icann.org

Subject line: ICANN 61 Registrar Outreach Session

The ICANN 61 presentations are available at:

- The ICANN Contractual Compliance outreach page at this link <https://www.icann.org/resources/compliance/outreach>
- The ICANN 61 Schedule page at this link <https://schedule.icann.org/>

Appendix

Registrar Audit Update Policy Efforts Additional Audit Slides

Contractual Compliance Audit Update

Registrar Audit

Registrar Data Escrow Proactive
Monitoring

Registrar Audit Update

Registrar Accreditation Agreement Audit since ICANN 60

- ⊙ September 2017 audit:
 - ⊙ In progress – remediation phase
 - ⊙ Initial Reports sent February 2018
 - ⊙ 59 Registrars from 21 countries
 - ⊙ 26 Registrars subject to full audit
 - ⊙ 33 Registrars subject to limited audit to verify remediation of previously noted deficiencies
 - ⊙ As of 28 February 2018, 15 Registrars received Final Reports:
 - ⊙ 13 Registrars received final fully remediated reports
 - ⊙ 2 Registrars received final partially remediated reports
 - ⊙ These registrars will be retested in future audit
- ⊙ **Next audit round targeted to begin April 2018.**

Registrar Data Escrow Proactive Monitoring

- ⦿ Data Escrow Agent conducts manual review of deposits as requested by ICANN in cases where:
 - ⦿ Registrar receives 3rd or Escalated Notice (potential for breach/termination that requires bulk transfer of domains)
 - ⦿ Number of domains escrowed differs from number of domains under Registrar's management, as reported by Registry Operator
- ⦿ Since ICANN 60, more than 86 data escrow reviews requested and performed by Iron Mountain
- ⦿ ICANN works with other data escrow agents approved by ICANN as needed to perform similar manual reviews.
- ⦿ Contractual Compliance is actively participating in the Designated Agent for Registrar Data Escrow Services Request for Proposal process
<https://www.icann.org/news/announcement-2-2017-08-17-en>

Policy Efforts

Policy and Working Group Efforts - Registrar

Actively contributing to Registrar-related policies, Working Groups and Implementation Review Teams

- ⦿ Translation and Transliteration of Contact Information
- ⦿ Privacy and Proxy Services Accreditation Issues
- ⦿ Thick WHOIS & Registration Data Access Protocol (RDAP)
- ⦿ Security, Stability and Resiliency Review Team
- ⦿ WHOIS Review Team
- ⦿ Internationalized Domain Name guidelines

Additional Audit

Contractual Compliance Audit Phases



- **Pre-Audit Notification** is sent to contracted parties in scope of audit round (auditees) informing them about upcoming audit, audit start date and scope of audit.
- **Request for Information** Notification is sent to auditees and includes list of required documents. Negative confirmations sent to all contracted parties not under audit.
- **Audit Phase:** Documentation and data are collected and reviewed by ICANN audit team.
- **Report Phase:** Audit reports are issued by ICANN audit team and sent to each auditee.
- **Remediation Phase:** Auditees that received reports with initial finding(s) work and collaborate with ICANN audit team to address finding(s).
- **Final Report:** Final audit reports are issued upon completion of audit and successful remediation of any noted deficiencies.

Contractual Compliance Audit Program Materials

<https://www.icann.org/resources/pages/audits-2012-02-25-en>

- ⦿ Registry / Registrar audit plans
- ⦿ Audit Communication Templates
- ⦿ Audit Program Frequently Asked Questions
- ⦿ Audit Outreach sessions by calendar year
- ⦿ Audit Reports by calendar year
- ⦿ Past Audit Program plans