ICANN79 | Prep Week – Contractual Compliance Update
Tuesday, February 20, 2024 – 12:30 to 1:30 SJU

AMANDA ROSE: ... services have been turned off. So while RDAP enforcement efforts continue, they're still required to provide those WHOIS services for the next approximately year, just under a year. With that, I believe I'm handing it over to Leticia Castillo. Thanks.

LETICIA CASTILLO: Thanks, Amanda. Hi, everyone. My name is Leticia Castillo, and I am going to talk about the complaint type that is our number one in volume. Next slide, please. Note, however, that we enforce obligation across all ICANN's policies and agreements, and we publish related metrics. So please check those out if you have more details about the enforcement of other obligations in addition to abuse. But abuse is our number one, as I said, and of great interest for our community. So I will be focusing on it today. And this includes providing an update on our works to prepare to enforce the new DNS abuse obligations that will become effective in April. So let's start.

Section 3.18 of the Registrar Accreditation Agreement, or RAA, currently requires that registrars take reasonable and prompt steps to investigate and respond to abuse reports. There are also requirements to review reports within 24 hours where these are filed by law enforcement or other authorities within the registrar's jurisdiction. The obligation to display abuse contact and a description of the registrar's abuse procedures for users to know how to report abuse to the

registrars, and the obligation to maintain records related to the abuse report that a registrar receives and provide such records to ICANN upon notice.

Last year, we received 6,255 complaints that we reviewed under these requirements and sent over 1,118 compliance notifications to registrars. I mentioned before that there is a requirement to review within 24 hours the reports that are filed by certain authorities within the registrar's jurisdiction. We track and maintain metrics about those. In 2023, we had two cases processed under these specific requirements. The rest involved other types of abuse reporters.

In all cases, we request from the registrar an explanation and records concerning how it investigated and responded to the specific abuse report. We review all the details of the complaint, information, records, and facts available to assess whether the steps were prompt and reasonable and the response appropriate considering the specific circumstances of each case. Last year, we closed over 851 cases with registrars after obtaining such evidence. In approximately 47% of the cases, the action taken was the suspension of the domain name or hosting services when the registrar or its reseller were also the web hosting provider.

In 2023, we closed over 5,000 invalid or unactionable complaints. Approximately [64%] included no evidence that an abuse report was ever submitted to the registrar. Rather, for example, the complainants believed that ICANN was the registrar and attempted to report the abusive domain to us. 17% involved country code top-level domains or ccTLDs and ICANN does not accredit registrars or set policy for ccTLDs.

7% involved domain names that had already been suspended by the time we reviewed the complaint. Something important to keep in mind is that we did not simply close these invalid complaints. We reviewed everything and provided the complainant with information that could help them, such as how to contact the ccTLD manager in question. Next slide, please.

At the end of 2022, the contracted parties reached out to ICANN with a proposal to negotiate the inclusion of DNS abuse mitigation requirements in their agreements. Subsequently, ICANN and the contracted parties worked hard and together to produce and propose specific amendments to the RAA and the base registry agreement. These amendments went through a public comments period. Afterwards, registrars and ccTLD registries voted in favor of adding the requirements to the agreements. And finally, the ICANN's board of directors approved them. So this means that the new requirements will become effective on April 5th, 2024. Then we will start enforcing them as explained in the advisory on the implementation and compliance with this new requirements produced last year. And that is also linked on this slide.

To be ready to enforce these requirements, ICANN is preparing on different fronts. For example, we are preparing our web forms to ask the questions and gather the information we need from anyone reporting a potential instance of noncompliance with the DNS abuse requirements. We are preparing our case processing system to assure that we can fully process the cases while tracking data to be able to report to the community on the complaints we receive on the enforcement actions

and their outcomes. This is explained in a little more detail on the next slide. Next slide, please.

We're preparing to launch a report dedicated to the enforcement of DNS abuse requirements. It will include data related to the enforcement of registrars' and registries' obligations once they are effective, of course. For example, the number of complaints we received broken down by the type of DNS abuse that for the purpose of the amendments are phishing, pharming, malware, botnets, and spam as a vector.

The number of cases resolved with contracted parties, whether the contracted party took mitigation actions to stop or to disrupt the DNS abuse or to contribute to stopping or disrupting the DNS abuse, what type of action, or whether no action was taken because there was no actionable evidence.

And finally, we will continue to enforce all other abusability actions that remain unchanged and to report to the community on those as we do today. And this is all from me. I'm going to pass it over to Jonathan Dennison. JD?

JONATHAN DENNISON: Yes, it is me. And I will be speaking about policy working groups and other initiatives that we're involved in. So outside of our processing of complaints, we're actively involved in policy development processes and other kind of outreach type activities. Our metrics and data often help inform community discussions and research on specific topics, such as domain name abuse or renewal. So definitely encourage everyone to visit our metrics and reporting pages. We have a lot of

information available. And we do use that information quite a bit when we're dealing with policy type work.

And then one of our main objectives when we're involved in these groups is to kind of provide our input on the clarity of policy language and, of course, its enforceability. Because, you know, ultimately Compliance inherits any policy that comes down the line. So the clearer it is and feasible it is, obviously the better it is for us. So we're definitely involved a lot there.

And when we're involved in these groups, we have subject matter experts that tend to be linked to these groups. For instance, you know, if there's a transfer policy that's being worked on, then we have a subject matter expert in the transfer side of the contract. Because typically they have seen the most variety of complaints. So they're intimately aware of the types of issues that come up and can better inform any of the working groups.

We also, as I said, participate in training and outreach sessions. A lot of times these are sessions that are organized by GDS or GSE. And we often have a member of Compliance that kind of tags along and conducts a session. Generally, discussions of contractual requirements and kind of giving a broader picture of what's expected and how we enforce. So we can go to the next slide for some examples.

Here we go. Yeah. Transfer policy PDP. You know, we're involved with the IDN guidelines. The RPM, Rights Protection Mechanisms Implementation Review Team. We're involved with the RDRS, Registration Data Request Service. New gTLD Program, Reg Data Policy,

etc., which you can see there. Again, there's reference to the metrics and dashboards, which the link was provided in the chat earlier.

And then some of the examples of outreach. Recently, October 2023, there was a brunch with Turkish registrars. And I believe that one was conducted in Turkish language. In December of last year, there was again a partnership with GSE and GDS. There was online training with Ukrainian registrars which was conducted in Russian. And then there was an outreach event for members of the African Internet community. And actually, tomorrow we'll be tagging along with GDS and GSE in Vienna. There's a session called Get Engaged with an ICANN Seminar for Registrars. I won't be there, but some other lucky member will be. So, if you're in that area, we'll be there and we'll continue to kind of be engaged in other outreach activities as they come up. And I do believe that's it for me.

MAY KIM: All right. Thank you. There are not any questions or comments currently in the Q&A pod. If there are any participants who would like to ask something, please go ahead and enter them now. Otherwise, you can send compliance questions to compliance@icann.org with the subject line ICANN 79 Prep Week Compliance Update. And this ICANN 79 presentation will be available at the link that you can see.

JAMIE HEDLUND: Well, thank you all for joining. We look forward to seeing many of you in Puerto Rico. And if you do see us there, please feel free to stop us and share whatever is on your mind, ask us any questions. We're also

reachable by email as well, and really appreciate your interest and your listening.

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