london
ICANN FIFTY
22-26 JUNE 2014

#ICANN50

Contractual Compliance

Registrars Outreach
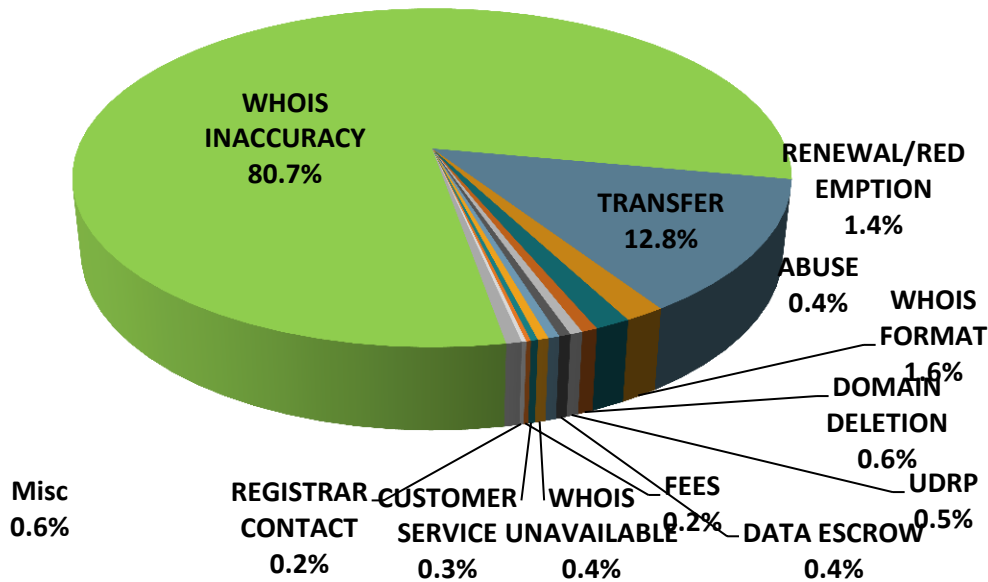
Thursday, 26 Jun 2014

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Agenda

- General Update

  - Quality process to periodically confirm compliance for suspended domains related to Whois Inaccuracy complaints

  - Compliance Checks

  - Risk and Audit Update

- 2013 RAA Discussion and Clarification

- Audit Program

- Question Answer Session

Contractual Compliance – Mar 2014 – May 2014 Registrar Complaint Types

Complaint Distribution

REGISTRAR Complaints	Quantity
ABUSE	53
CEO CERTIFICATION	10
CUSTOMER SERVICE	33
DATA ESCROW	54
DNSSEC, IDN, IPV6	1
DOMAIN DELETION	75
FAILURE TO NOTIFY	10
FEES	22
PRIVACY/PROXY	16
REGISTRAR CONTACT	21
REGISTRAR INFO SPEC	16
REGISTRAR OTHER	8
RENEWAL/REDEMPTION	167
RESELLER AGREEMENT	3
TRANSFER	1,558
UDRP	59
WHOIS FORMAT	189
WHOIS INACCURACY	9,828
WHOIS SLA	9
WHOIS UNAVAILABLE	51
Total Complaints Processed	12,183
Total Complaints Closed	11,364

Registrar TAT	(in days)
Avg TAT 1st Notice	12.6
Avg TAT 2nd Notice	5.6
Avg TAT 3rd Notice	11.2

Enforcements	
Volume Breach	15
Volume Termination	0

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Contractual Compliance – Mar 2014 – May 2014 Complaints per Notification Cycle

Closure Rate 63%

Complaint Summary	Mar - May Total Complaints Processed	Mar – May Complaints Closed	Mar – May Complaints Remaining Open	Complaints Remaining Open After May 31
	18,333	11,561	6,772	1,926
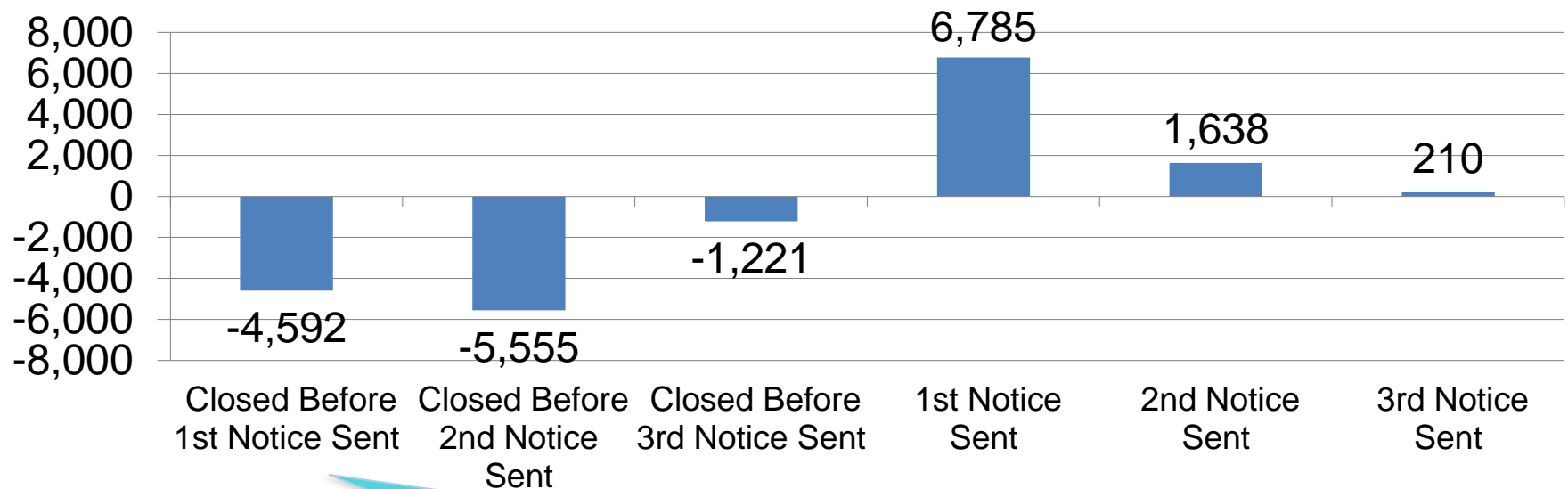
25% complaints closed before sending to Registrar

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Registrar/Registry Compliance Check

	Registrar	Registry
Purpose of Compliance Check	2013 RAA Adoption Renewal of Accreditation Transfer of Accreditation	Amendment of TLDs contracts* Assignment of RA (Transfer)* New gTLD Applicants* Renewal of Accreditation
Breach, Suspension or Termination Notice	Yes/No	Yes/No
3rd Notice and/or Enforcement Notice	Yes/No	Yes/No
Data Escrow	Yes/No	Yes/No
Performance History	Breach, Suspension or Termination within last 12 months Registrar Turnaround Time	Breach, Suspension or Termination within last 24 months Registrar Turnaround Time List of open complaints

* May involve both Registrars and Registry Operators checks

2013 RAA Lessons Learned

- CEO Certification: filling out the form correctly

- 2013 RAA Whois Format: complying with standards

- Whois Accuracy: distinguishing verification/validation

- Abuse Reports: establishing investigative processes

- Registrar Information Specification: posting information

- Privacy/Proxy: ensuring separate legal entity

- UDRP: verifying with providers and preventing improper transfer

2013 RAA: CEO Certification Section 3.15

COMPLIANCE CERTIFICATE

Date certificate is signed → _____, 20____

Pursuant to Section 3.15 of Registrar Accreditation Agreement (the "Agreement"), dated _____, 20____, by and between the Internet Corporation for Assigned Names and Numbers, a California non-profit, public benefit corporation ("ICANN"), and [Registrar Name], a [Organization type and jurisdiction] ("Registrar"), the undersigned certifies, in his/her capacity as an officer of the Registrar and not in his/her individual capacity, on behalf of Registrar as follows:

← Date RAA signed

The undersigned is the _____ (must be one of the following: Chief Executive Officer, President, Chief Operating Officer, Chief Financial Officer, or the functional equivalent thereof) of Registrar.

Officer title

Registrar has in place processes and procedures intended to establish, maintain, review, test, and modify registrar policies and procedures reasonably designed to achieve compliance with the Agreement.

To the best of the undersigned's knowledge and belief, Registrar has performed and complied with all covenants, agreements, obligations and conditions contained in the Agreement that are required to be performed or complied with by it for the calendar year 20___ ← Year certificate applies to

The undersigned signs this certificate as of the date indicated under the title.

[REGISTRAR] ← Registrar name

By: ___Officer signature_____

Name:

Title:

2013 RAA: Whois Format (Keys)
Registration Data Directory Service (Whois) Specification

Most common Whois formatting problems (keys):
1. Extra fields/wording (e.g., links to registrar's website, sales information)
2. Legal disclaimer before registrant information
3. Fields out of order
4. Required fields missing
5. Incorrect spacing (e.g., extra blank lines between fields or more than one space after the colon)
6. Not conforming to mappings specified in RFCs listed in Section 1.5

2013 RAA: Whois Format (Values)
Registration Data Directory Service (Whois) Specification

Most common Whois formatting problems (values):
1. Missing country code (RFC 5733)
2. Duplicate country code
3. Registrar requires value for key that is inapplicable to territory (e.g., postal code)

Whois Inaccuracy
Section 3.7.8 & Whois Accuracy Program Specification

- Registrars are required to take reasonable steps to investigate and correct Whois data inaccuracy claims
- ICANN requests:
  - The correspondence with the registrant, including dates and times and means of inquiries (To/From), telephone number, e-mail addresses, and postal addresses used
  - Verification/validation under Whois Accuracy Program Specification of 2013 RAA
  - 2 parallel Validation/Verification tracks for Whois inaccuracy

Common Registrar Issues
Whois Accuracy Program Specification

- Registrar's receipt of ICANN notice starts 15-calendar days

- If registrar has information suggesting Whois data is incorrect, it must contact Registered Name Holder ("RNH") to verify or re-verify email address of RNH and if different, Account Holder ("AH")

- Registrar must demonstrate affirmative response from RNH to verify

- If registrar does not receive affirmative response from RNH within 15 days, domain must be suspended or registrar must provide proof of manual verification

- If registrar does not receive affirmative response from AH, must provide proof of manual verification; suspension not required

Common Registrar Issues
Whois Accuracy Program Specification

ICANN looking for one of three results:

1. Whois updated (within 15 days of inquiry sent to RNH)

- Registrar provides validation of format of updates and verification (affirmative responses or proof of manual verification) of updates

2. No Response from RNH within 15 calendar days
- domain suspended/terminated until registrar has verified information

3. Registrar verified Whois information correct (within 15 days of inquiry sent to RNH) and registrar has provided documentation of verification

Common Registrar Issues

- The 1st notice response deadline remains 15 business days

- Beginning with the 2nd notice, ICANN will inquire why registrars did not suspend or delete registrations

- ❖ **Whois QA**: Periodic post-suspension review of domains to ensure suspension continues or Whois was updated – if updated ICANN will request verification/validation

Whois Inaccuracy (Verification)

Verification vs. Validation under 2013 RAA Whois Accuracy Program Specification

Verification: to confirm or correct information

- Affirmative response verification: receiving email from registrant email address listed in Whois data

- Manual verification: phone call contacting RNH may be enough depending on complaint (ICANN requires time, date, details of call)

Whois Inaccuracy (Validation)

Validation: ensure 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 territory or country
  - Not websites or map applications (unless relying on standards)
  - Not something obtained from the RNH

- The obligations to verify, validate and investigate alleged Whois inaccuracies under RAA Section 3.7.8 are not interchangeable

Abuse Reports Requirements
Section 3.18 of the 2013 RAA

- Registrars must take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse
- Law enforcement reports: can be from any applicable jurisdiction once designated by a registrar's local government
- Registrars must include abuse email & phone number in Whois output
- Abuse email address must be conspicuously on website, and cannot be a web form
- Registrars cannot require a court order to investigate reports of abuse, unless they inform ICANN of a specific local law or regulation

Common Registrar Issues

- Confusing Sections 3.18.1 and 3.18.2

  - 3.18.1: anyone can file an abuse report

  - 3.18.2: law enforcement, consumer protection, quasi-govt.

- Registrar must investigate reports

  - Investigative process can vary depending on report

- Court order NOT required to investigate

- No jurisdictional limitations to investigate: law enforcement entities designated by registrar's local government (3.18.2) or any jurisdiction (3.18.1)

- Home page must link to process and email address

Privacy/Proxy Services
Section 3.4.1.5 and Specification on Privacy and Proxy Registrations

- Privacy service: shows actual registrant's name, but with alternative contact information

- Proxy service: is the registrant, and licenses domain to beneficial user

- Registrant must be contactable for both privacy & proxy services

- Proxy service must be separate legal entity from registrar – "self registration" prohibited

- Registrar must verify/validate Whois data as required by 2013 RAA

General UDRP Issues

- Registrar not responding to verification requests from service providers

- Complexity of matters involving "mutual jurisdiction"

- Complainants not providing information for registrars to update Whois

- Registrars transferring names during proceedings or instead of implementing Decision

➢ Process Improvement Note: in June 2013 ICANN reached out to UDRP providers to instruct them to file formal complaints rather than emailing staff directly.

Proposed Implementation of Revised UDRP Rules

- Announcement of 6 month implementation deadline for changes anticipated in November/December 2014

- Lock defined: measures to prevent modification to the registrant and registrar information by UDRP Respondent

- Registrar must lock domain subject to UDRP within 2 business days of request for verification from Provider

Deceptive Notices

- Increased complaints for allegedly deceptive transfer and renewal notices

- Emails sent to registrants who never requested transfer or renewal

- Emails require action and ask recipient to contact current registrar or complete transfer/renewal by:
  - clicking on link to complete transfer/renewal
  - obtaining AuthInfo code and unlocking domain name

- Notices may violate RAA and Registrants' Benefits and Responsibilities

Agenda

- General Update

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  - Compliance Checks

  - Risk and Audit Update

- 2013 RAA Discussion and Clarification

- Audit Program

- Question Answer Session

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Year-2 Audit Program Sample

Registrars	#
Total Selected Registrars	**322**
Including Y1 Rollovers	**5**

Registries	#
Total Selected Registries	**6**
US	**4**
Ireland	**1**
Switzerland	**1**

Country	Registrars
United States	191
India	24
Canada	11
United Kingdom	10
Germany	8
China	10
Korea (South)	6
Japan	5
Spain	5
Australia	4
Italy	4
France	5
Mexico	3
Brazil	3
Sweden	3
Netherlands	2
Belgium	2
Lithuania	2
Russian Federation	2
Israel	2

Country	Registrars
Thailand	1
Finland	1
Czech Republic	1
Cayman Islands	1
Austria	1
Taiwan	1
Ghana	1
Hong Kong	2
Ireland	1
Argentina	1
Singapore	1
Viet Nam	1
Kuwait	1
Latvia	1
Liechtenstein	1
Malaysia	1
Panama	1
Philippines	1
Indonesia	1

Over 95% of all Registrars collaborated with, or immediately remediated their initial deficiencies if any were noted. The rest 5% were either not responsive or remediation takes an extended period of time and efficiency to be tested during Year 3 audit.

Year-2 Audit Program Timeline

2012-2015 Audit Process Flow

	Week 1 to Week 12	Week 13 to Week 15	Week 16 to Week 28	Week 29 to Week 31
Planning Phase	Start → Create Audit Scope → Build Audit Schedule-(2 Wks)			
Organizing Phase	Develop Metrics Goals / Establish Roles	Assign Resources (1 Wk)		
Pre-Audit Notification Phase		Send 2 Weeks Notification to Rg/Ry		
Audit Phase			1) Request sent for Information-RFI (1-2-3 Process) 2) Collect and Collate Data (3 Weeks) 3)Conduct Audit(6-8 Weeks)- Q&A (2 Weeks)-by CC	
Reporting Phase				Reporting -Results -Statistics
Remediation Phase				Remediation -Work w/ Rg/Ry → Stop

Year Two Audit Program Timeline									
Planning	Pre-Audit Notification	Request for Info (RFI)			Audit Phase		Reporting Phase		Remediation
		1st Notice	2nd Notice	3rd Notice	Begin	End	Begin	End	
18 Sep – 11 Oct 2013	1-Oct-13	14-Oct-13	4-Nov-13	11-Nov-13	2-Dec-13	7-Mar-14	11-Mar-14	25-Mar-14	11 Mar – 30 May 2014

Year-2 Audit Program Results by end of Audit Phase

Registrar Deficiency Profiles
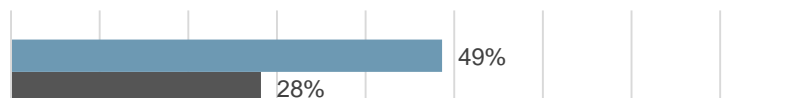
- 4%
- 22%
- 11%
- 30%
- 33%
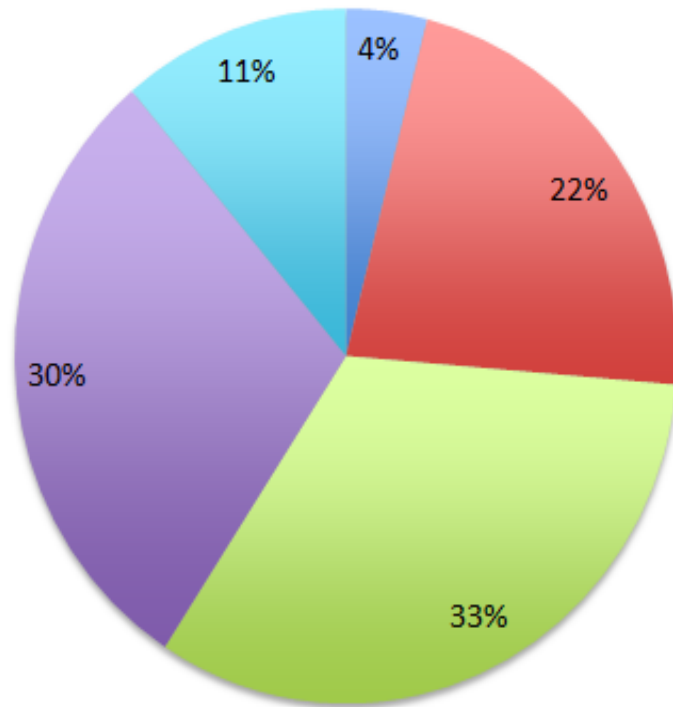
- ■ % of Registrars with No Deficiencies
- ■ % of Registrars with 1 to 2 Deficiency Areas
- ■ % of Registrars with 3 to 4 Deficiency Areas
- ■ % of Registrars with 5 to 6 Deficiency Areas
- ■ % of Registrars with 7 to 8 Deficiency Areas

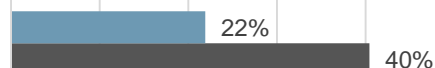# Top initial deficiencies noted after audit phase

Year 1 vs Year 2

Bar chart comparing Year 2 (Y2) and Year 1 (Y1):

- 5.11 Update Primary Contact Information in RADAR — Y2: 49%, Y1: 28%
- 4.3.1 Consensus Policies — Y2: 84%, Y1: 53%
- 3.16 Registrar contact details on registrars website — Y2: 22%, Y1: 40%
- 3.12 Reseller agreement (mandatory provisions) — Y2: 32%, Y1: 25%
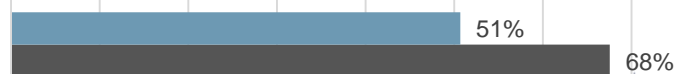- 3.10 Insurance — Y2: 26%, Y1: 15%
- 3.7.5.3 to 3.7.5.6 EDDP-Domain name renewal, provision of applicable information to registrants — Y2: 8%, Y1: 7%
- 3.4.2 Retention of Registration Data — Y2: 59%, Y1: 56%
- 3.3.1 to 3.3.5 Whois- Port43/Web, Corresponding Data Elements — Y2: 51%, Y1: 68%
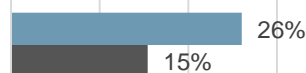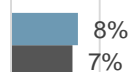
■ Y2 ■ Y1

Audit Program phases statistics

Statistics	Year 1	Year 2
Total number of Registrars in scope	317	322
Breakdown	175 non-family Rrs + 136 Rr from 14 families	138 non-family Rrs + 180 Rr from 14 families
Received breach notices during RFI stage	10	7
Did not pass RFI stage (termination/acquisition)	3	3
Total number of "clean" reports issued upon completion of the audit phase	6	6
Total number of audit reports requiring remediation, issued upon completion of the audit phase	180	146
Terminated upon completion of remediation phase	0	1
Rrs completely remediated all deficiencies during remediation phase	170	129
Rrs partially remediated, working on a corrective actions plans and rolled in future full re-audit	5	5
Registrars partially remediated, working on a corrective actions plans; ICANN will verify effectiveness in Q4 2014	5	10

Year-3 Audit Plan Scope and Dates

- Remaining Registrars and Registries

- Same timeline as Year 2
  - Planning & Organizing Phase : September – October 2014;
  - Pre-Audit (2 weeks prior to RFI) Notice: beginning of October 2014
  - Request for Information (RFI) Notice: mid-October 2014
  - Data Collection: mid-October - beginning of December 2014
  - Audit Phase: December – April 2015
  - Reporting Phase: March 2015
  - Remediation phase: March – May 2015
  - Final Reporting: May 2015

- Same process as the Year 1 follow Compliance 1-2-3 approach
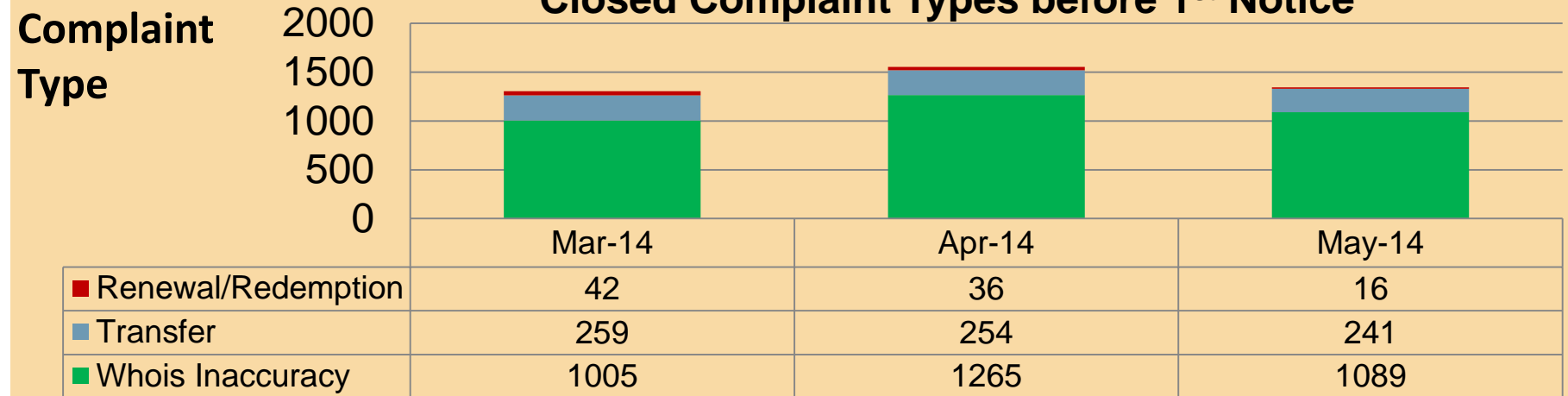
Thank You

Please send general questions:
To: **Compliance@icann.org**
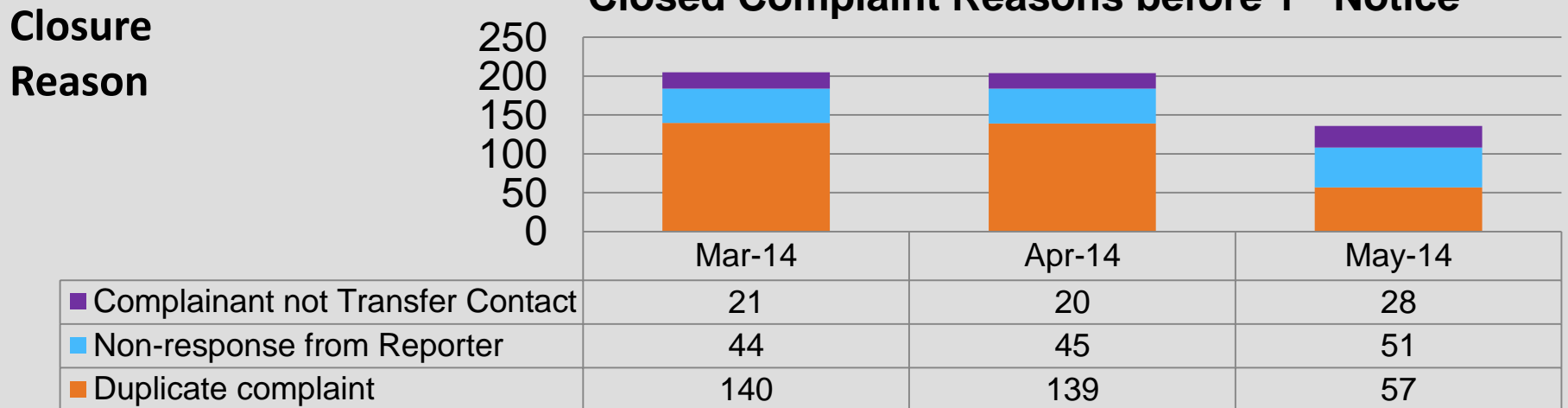Subject line: **ICANN50 Compliance Registrar Outreach Session**

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Contractual Compliance – Mar 2014 – May 2014 Complaint Type & Closure Reasons – Top 3

Complaint Type

Closed Complaint Types before 1st Notice

	Mar-14	Apr-14	May-14
■ Renewal/Redemption	42	36	16
■ Transfer	259	254	241
■ Whois Inaccuracy	1005	1265	1089

Closure Reason

Closed Complaint Reasons before 1st Notice

	Mar-14	Apr-14	May-14
■ Complainant not Transfer Contact	21	20	28
■ Non-response from Reporter	44	45	51
■ Duplicate complaint	140	139	57

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Contractual Compliance – Jul 2013 – May 2014
Complaint Types & Top 5 Closure Reasons - Registrar

Domain Renewal: Closure Reasons
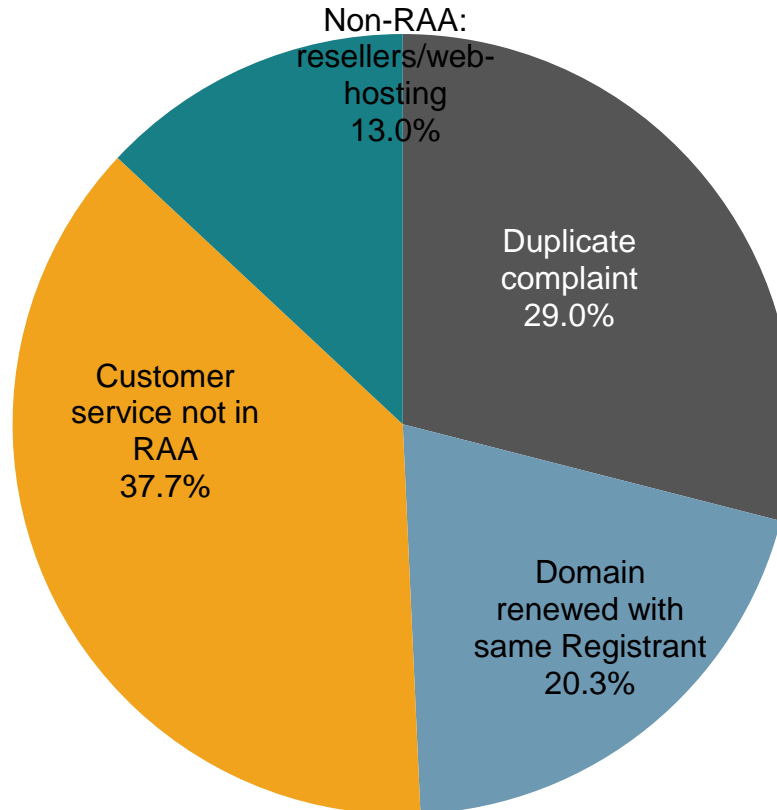
- Non-RAA: resellers/web-hosting 13.0%
- Duplicate complaint 29.0%
- Customer service not in RAA 37.7%
- Domain renewed with same Registrant 20.3%

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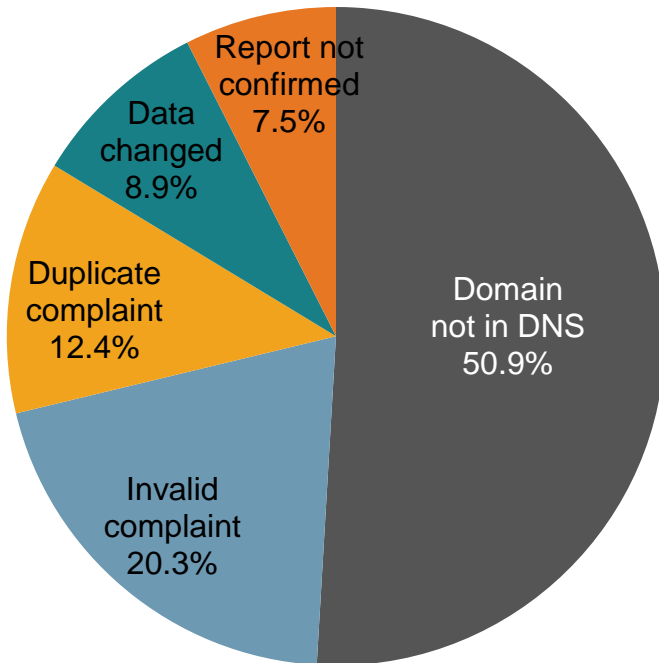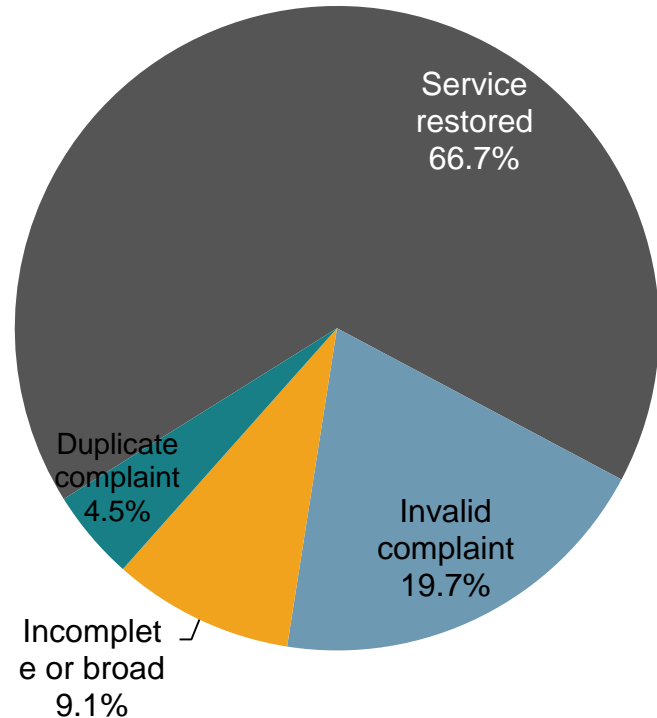
Contractual Compliance – July 2013 – May 2014
Complaint Types & Top 5 Closure Reasons - Registrar

**Whois Inaccuracy:
Closure Reasons**

**Whois Unavailable:
Closure Reasons**

Whois Inaccuracy pie chart:
- Domain not in DNS 50.9%
- Invalid complaint 20.3%
- Duplicate complaint 12.4%
- Data changed 8.9%
- Report not confirmed 7.5%

Whois Unavailable pie chart:
- Service restored 66.7%
- Invalid complaint 19.7%
- Incomplete or broad 9.1%
- Duplicate complaint 4.5%
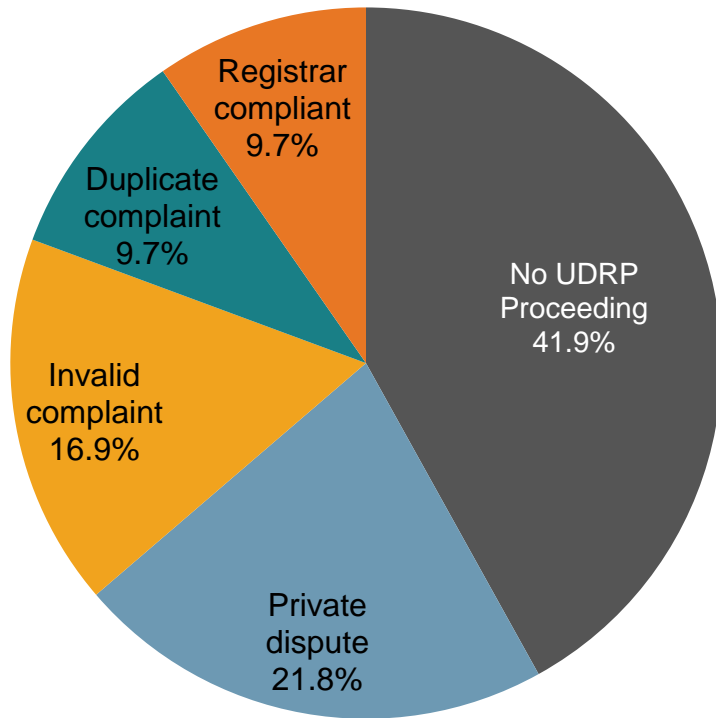
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Contractual Compliance – July 2013 – May 2014
Complaint Types & Top 5 Closure Reasons - Registrar

UDRP: Closure Reasons

- Registrar compliant 9.7%
- Duplicate complaint 9.7%
- Invalid complaint 16.9%
- Private dispute 21.8%
- No UDRP Proceeding 41.9%

Transfer: Closure Reasons

- Complainant not Transfer Contact 13.8%
- Duplicate of pending 19.4%
- Transfer completed 19.3%
- Duplicate complaint 18.3%
- Auth-code provided/Domain unlocked 29.2%

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