



#ICANN50



Contractual Compliance

# IPC Meeting

Tuesday, 24 June 2014

#ICANN50



# Contractual Compliance Update Since ICANN 49

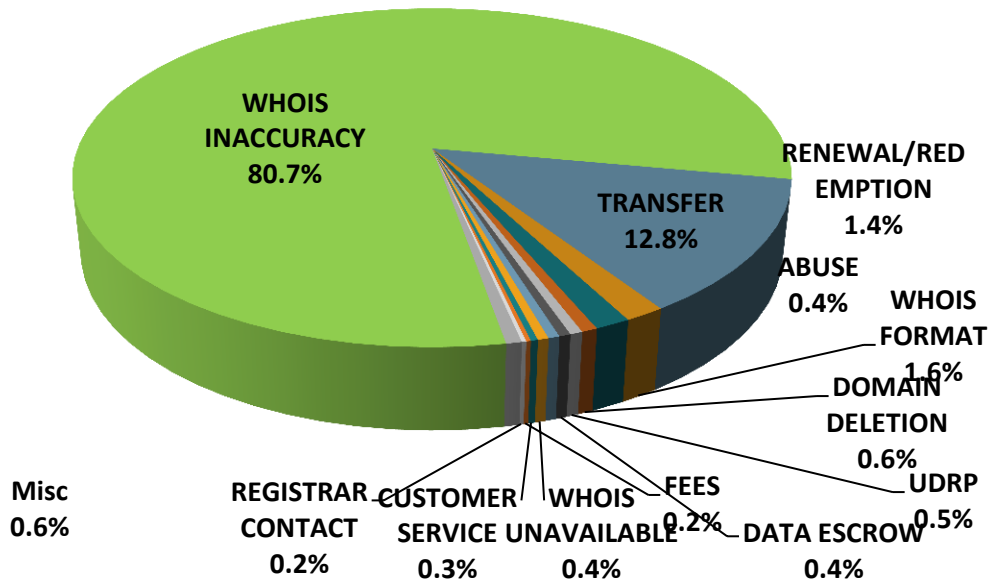
---

- Ongoing efforts and alignment on 2013 RAA and the new Registry Agreement
- Launched a quality process to periodically confirm compliance for suspended domains related to Whois Inaccuracy complaints
- Contributed to policy and working groups
- Completed Year-2 Audit Program
- Completed new Registry Agreement Audit plan and Registry outreach

# Contractual Compliance – Mar 2014 – May 2014

## Registrar Complaint Types

### Complaint Distribution



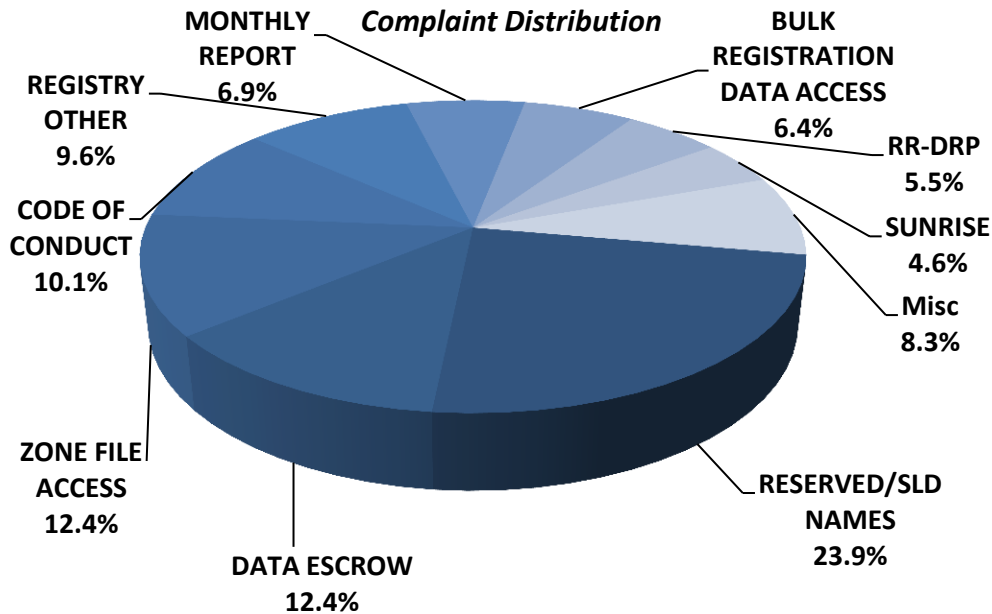
Registrar TAT	(in days)
Avg TAT 1st Notice	12.6
Avg TAT 2nd Notice	5.6
Avg TAT 3rd Notice	11.2

Enforcements	
Volume Breach	15
Volume Termination	0

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
<b>Total Complaints Processed</b>	<b>12,183</b>
<b>Total Complaints Closed</b>	<b>11,364</b>

# Contractual Compliance – Mar 2014 – May 2014

## Registry Complaint Types



Registry TAT	(in days)
Avg TAT 1st Notice	6.6
Avg TAT 2nd Notice	2.9
Avg TAT 3rd Notice	n/a

Enforcements	
Volume Breach	0
Volume Termination	0

* 'Registry Other' breakdown:	Qty
Customer Service	3
Pricing	3
Invalid Registrar	1
Publish Data	1
Miscellaneous	13
<b>TOTAL</b>	<b>21</b>

REGISTRY Complaints	Qty
ABUSE CONTACT DATA	4
BULK REGISTRATION DATA ACCESS	14
BULK ZFA	1
CLAIMS SERVICES	3
CODE OF CONDUCT	22
DATA ESCROW	27
MONTHLY REPORT	15
PIC-DRP	2
REGISTRY OTHER*	21
RESERVED/SLD NAMES	52
RR-DRP	12
SLA	2
SUNRISE	10
URS	4
WILDCARD PROHIBITION	2
ZONE FILE ACCESS	27
<b>Total Complaints Processed</b>	<b>218</b>
<b>Total Complaints Closed</b>	<b>197</b>

# 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



# Whois Inaccuracy Verification & Validation

## Whois Accuracy Program Specification

- If valid complaint, registrar must verify or re-verify email address of Registered Name Holder (“RNH”) and if different, Account Holder (“AH”)
- The domain must be suspended or registrar must provide proof of manual verification
- 1st notice response deadline remains 15 business days
- Beginning with the 2nd notice, ICANN will inquire why registrars did not suspend or delete registrations

# 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



# 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.

# 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

# New Registry Agreement Lessons Learned

---

- Trademark Clearinghouse Rights Protection Mechanism Requirements:
  - Allocation of domain names before Sunrise
  - Failure to send LORDN timely
- Abuse Contact Data: Failure to comply with website posting
- Public Interest Commitment: Missing mandatory provision in RRA
- End-User Zone File Access: Delayed response/invalid denial
- Data Escrow: Missing registry operator's notification
- Submission of Monthly Reports requirements

# Risk and Audit Program

---

## ✓ **Three-Year Audit Program**

### ➤ **Year-2 of the Three-Year Audit Program**

- launched 14 October 2013
- Selected one third (1/3) of the Registrars and Registries
- Five rollover registrars from Year-1
- Excluded the Year-1 audited list

## □ **New Registry Audit Program**

- Audit Program scope developed
- Conducted three outreach sessions with Registries

## ✓ **Internal Audit**

- Conducted in July 2013 to assess compliance with the process and procedures
- 45 total controls were in scope
- 8 findings were identified and corrected by the September 2013

# Thank You

Please send general questions:

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

Subject line: **ICANN50 IPC**

Wednesday 25 June 2014

**Contractual Compliance Outreach Session**

**9:30 – 11:00**

Location: **Windsor Suite**

#ICANN50



# Registry Agreement Provisions under Consideration – Summary (1/2)

Registration Agreement Articles	Test Objective
1.3 Representations and Warranties. 1.3 (a) ii.	Registry Operator is still in good standing since application process
2.2 Compliance with Consensus Policies and Temporary Policies	To obtain an assurance that Registry is complying with all Consensus Policies - AGP (Add Grace Policy)
2.3 Data Escrow; Specification 2; PART B Legal Requirements	Content of the escrow deposits are per the contract
2.4 Monthly Reporting; Specification 3	To ensure the monthly Per-Registrar Transactions Report accurately represents the number of active domains
2.5 Publication of Registration Data (Whois); Specification 4	Availability and following Specification 4 (Section 1.4)
2.6 Reserved Names; Specifications 5	Names that Registry Operators are obligated to reserve are actually reserved
2.7 Registry Interoperability and Continuity; Spec 6.2.2 Name Collision Occurrence Assessment (Blocked Second Level Domain Names)	Names that Registry Operators are obligated to block are actually blocked

# Registry Agreement Provisions under Consideration – Summary 2/2

Registration Agreement Articles	Test Objective
2.7 Registry Interoperability and Continuity; Specification 6	Registry Operators have BCP
2.8 Protection of Legal Rights of Third Parties - (TMCH) Sunrise Period; Specification 7	Domain names registered during sunrise were eligible for registration
2.8 Protection of Legal Rights of Third Parties (TMCH) Claims Period; Specification 7	During the trademark claims period, Registry performed required validation
2.14 Registry Code of Conduct; Specification 9 Parts A, D, E	Compliance of the Registry on Code of Conduct
2.17 Additional Public Interest Commitments; Specification 11	To ensure that Registry Operator complies with its public interest commitments as incorporated into Specification 11 of the Registry Agreement
2.19 Community- Based TLDs Obligations of Registry Operator to TLD Community; Specification 12	Registry has a written Registration Policy and complied with it when registering with community based TLDs
Specification 13 . BRAND TLD PROVISIONS; 5.1 (ii)	To confirm that only Registry Operator, its Affiliates, or Trademark Licensees register domain names and control the DNS records associated with domain names at any level in the TLD.