ICANN’s Contractual Compliance Program

Cartagena Meeting

December 2010
Agenda

• Contractual Compliance Overview
• ICANN’s Authority
• Contractual Compliance Enforcement Summary
• Compliance Notice Summary
• Ongoing Audits
• WDPRS Enhancements
• Staffing Update
Program Overview

• Manage relationships with 960+ ICANN Accredited Registrars and 17 Registries
• Enforce ICANN’s Contracts
• Investigate Claims of Non-Compliance
• Conduct Contract Audits
• Manage Consumer Complaint Systems
• Develop Processes for Addressing Compliance Issues
ICANN’s Authority

• ICANN’s authority is contractual, not regulatory.
• Accordingly, its authority is limited by the provisions contained in its contracts.
  • gTLD Registrar Accreditation Agreement (RAA)
  • gTLD Registry Agreements
ICANN’s Authority Under the RAA (Registrar)

• RAA requires registrars to
  • Investigate all Whois inaccuracy claims
• RAA allows registrars to
  • Cancel a domain name if the registrar is unable to verify Whois information
  • Cancel a domain name when a registrant willfully provides inaccurate Whois information
ICANN’s Authority Under the RAA

(Registrar)

- RAA requires registrars to
  - Escrow registration data
  - Comply with the UDRP
- RAA allows ICANN to terminate a RAA
  - If there has been a conviction of a registrar principal
  - Or, after issuing a notice of breach and providing an opportunity to cure.
57 Registrars Terminated or Non-renewed from 2003-2010
Compliance Notice Summary August - November 2010
Total Enforcement Notices Transmitted - 1,588

- TRANSFER COMPLAINT, 1319
- WHOIS Server, 20
- UDRP, 8
- WDPRS, 137
- IRTP AUDIT, 19
- RDE, 75
- MISCELL, 4
- FINANCIAL, 6
Ongoing Audits

Inter-Registrar Transfer Policy (IRTP) Audit Plan

• Gain a better understanding of transfer problems encountered by consumers
• Gauge level of registrar compliance
• Raise registrar awareness of their obligations and improve overall compliance
• Inform community of audit results (to assess effectiveness of the existing policy)
Ongoing Audits

Port 43 Whois Audit

• ICANN is committed to enforcing its existing policy relating to Whois
• ICANN has developed a beta version of an automated port 43 monitoring tool
• Currently tuning the monitoring tool to more effectively capture data necessary to audit registrar’s Whois service
Ongoing Audits

Port 43 Whois Audit

• ICANN sent 6 compliance inquiries based on the first round of monitoring.
• ICANN issued two breach notices based on registrar failure to provide Port Whois 43 service.
• ICANN will continue to monitor Port 43 Whois compliance on an ongoing basis.
WDPRS Enhancements

• Automated Message RE: Invalid Reports i.e. suspended, deleted or expired at the time of submission

• Registrar Action Message after 15 days includes multiple choice options to demonstrate what action was taken:
  a) registrar verified contact info is correct
  b) domain suspended, deleted or expired (system automatically closes ticket)
  c) contact info updated
  d) more time requested (one time option)
WDPRS Enhancements

• 45 Day Automated Compliance Notice for Failure to Respond or take any action regarding a Whois inaccuracy claim.
Staffing Update

• Open Positions
  • Senior Director
  • Compliance Manager
  • Senior Auditor

• Identifying qualified candidates and conducting interviews
Thank You