

Protection of Registrants in an Evolving Marketplace



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Agenda



- Welcome
- Recent Registrant Protection Measures
 - Registrar Data Escrow
 - Terminated Registrar Transition Procedure
 - Registrar Accreditation Agreement Amendments
 - gTLD Registry Failover Plan
- Registry Failover Exercise



Welcome



Protection of Registrants

- Recent Workshops
 - San Juan (ICANN meeting, June 2007)
 - Los Angeles, ALAC tutorial (ICANN meeting, October 2007)
 - Delhi (ICANN meeting, February 2008)
- Recent / Ongoing Initiatives
 - Registrar Data Escrow
 - Terminated Registrar Transition Procedure
 - RAA Amendments
 - Registry Failover



Registrar Data Escrow Program



- Requires registrars to back up all 'thick' gTLD whois data with escrow agent
- Secure transmission and encrypted storage of RDE data
- Data released to ICANN upon termination or expiration of registrar's RAA
- All registrars deposit data once per week
- High-volume registrars deposit daily



RDE Implementation Status



- Registrar adoption:
 - 753 registrars enrolled
 - 392 registrars currently depositing
 - 27 registrars exempt (no names under mgmt)
 - 82% of gTLD registration data now in escrow
- Compliance statistics will be reported on ICANN dashboard
- Names of non-depositors will be published after compliance deadlines have passed



Terminated Registrar Transition Procedure (Draft/Interim)



- Used by Staff to facilitate transition of registrations from de-accredited registrars
- Developed in consultation with community, largely through workshop in Delhi
- Currently posted for public comment (through 7 July 2008)
- Implemented on interim basis for transition of two recently de-accredited registrars



Registrar Accreditation Agreement

Draft Proposed Changes



- Prompted by increased interest in protecting registrants and updating contract
- Based on community consultation process
- Dialogue with registrars
- Posted now for further community input (see "Announcements" page on ICANN website)



Enforcement tools



- Registrar Audits – Allowing ICANN to conduct site visits and audits of registrars upon at least 15 days notice.
- Sanctions & Suspension – Providing for escalated compliance enforcement tools such as monetary sanctions and suspension of registry access.
- Group Liability – Preventing "serial misconduct" by registrars when another affiliated (by common control) registrar's RAA is terminated.



Enforcement tools (cont.)



- Registrar Fees – Revising registrar fee provision to be aligned with recent and current ICANN budgets; assessing interest on late fee payments.
- Registrations by Registrars – Creating liability by registrars to ICANN for any registrations created by a registrar for its use in providing Registrar Services.
- Arbitration Stay – Eliminating the existing automatic 30-day stay of termination registrars receive by initiating arbitration or litigation to challenge an RAA termination.



Registrant protections



- Private Registration & Registrar Data Escrow Requirements – Registrars are required to either escrow underlying customer data in the case of private or proxy registrations, or alternatively, give prominent notification that such data will not be escrowed.
- Registrant Rights and Responsibilities – Requiring registrars to include on their websites a link to a "Registrant Rights and Responsibilities" document to be created in consultation with the ICANN community.



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Registrant protections (cont.)



- Contractual Relationships with Resellers – Protecting registrants who are customers of resellers by obligating resellers to follow ICANN policies and requiring that they either escrow privacy/proxy customer data, or alternatively, give prominent notification that such data will not be escrowed.



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Promoting stable and competitive registrar marketplace



- Accreditation by Purchase – Requiring registrars to notify ICANN upon a change of ownership and to re-certify the registrar's compliance with the RAA.
- Operator Skills Training and Testing – Providing for mandatory training of registrar representatives to ensure better registrar understanding of ICANN policies and RAA requirements.
- Use of ICANN-Accredited Registrars – Maintaining ICANN's general policy of requiring registries to use ICANN-accredited registrars (in the absence of a reasonable and noted exception).



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Agreement modernization



- Notice Provision – Streamlining ICANN's obligation to provide notice to registrars of new consensus policies applicable to registrars.
- References to the Department of Commerce – Acknowledging ICANN's movement toward independence from the DOC by removing certain references within the RAA to a requirement of DOC approval.
- Registrar Data Retention Requirements – Clarifying data retention requirement for registrars to allow for more uniform practices.



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gTLD Registry Failover Plan



- Overall goals of the Plan are 1) the protection of registrants and 2) to ensure confidence in the DNS.



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gTLD Registry Failover Plan



- Draft plan posted on 20 Oct 2007
- Plan revised following ICANN Los Angeles
- 24-25 Jan 2008 ICANN gTLD Failover Exercise
- Updated Plan circulated 5 Feb 2008
- Feb - Jun 2008 consultation & feedback
- Revised draft 16 Jun 2008



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gTLD Failover Exercise



- Internal ICANN exercise based on common tabletop exercise practices – used staff in 8 locations worldwide, examined 5 scenarios
1. Escalation of Temporary Failures
 2. DNSSEC Compromise
 3. IDN/Natural Disaster/Gov't Takeover
 4. Complex attack on a backend operator
 5. Bad acts of a registry



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Example Exercise



- In our scenario we have an Urdu IDN.IDN gTLD
- Located in a fictional country
- TLD is owned by a commercial entity
- The country suffers an 8.0 earthquake
- The registry's primary data center and headquarters is damaged



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Example Exercise



- Infrastructure in the country cannot keep up, knocking the gTLD offline
- Registrants begin to contact their registrars
- Some registrars have difficulty communicating in Urdu with their registrants



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Example Exercise



- Registry enables backup location, name service is restored
- Outage also affects the gTLD's primary registrar in the region
- The registrar has not yet escrowed its data



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Example Exercise



- From this scenario, how can the affected registrants be best assisted?
- When should communications to registrants begin?
- What if the registry cannot recover?
- What can be done by ICANN in this situation to assist the registry? The registrar? The registrants?



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Thank You



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