

Contractual Compliance Update

Registrar Stakeholder Meeting

26 - 27 June 2012



Agenda

One World

One Internet

- **Response to Submitted Questions**
- **Common Compliance Issues**
- **High Level Update**



Q: What are the recent changes to the WHOIS complaint process?

- No recent changes.*
- Change in October 2011: WDPRS sends the registrar a compliance notice if no response to the automated notice.*
- Follow through is manually tracked via email.*



Q: What are the retinal checks in place regarding the complaints?

- *Manual check is done after the 45-days notice.*
- *The system filters out duplicate complaints that have been submitted during the last 45 days.*

A duplicate complaint= the domain, complainant and the complaint categorization match with the prior complaint



Q: How are repeat false complaints handled to stop them from continuing?

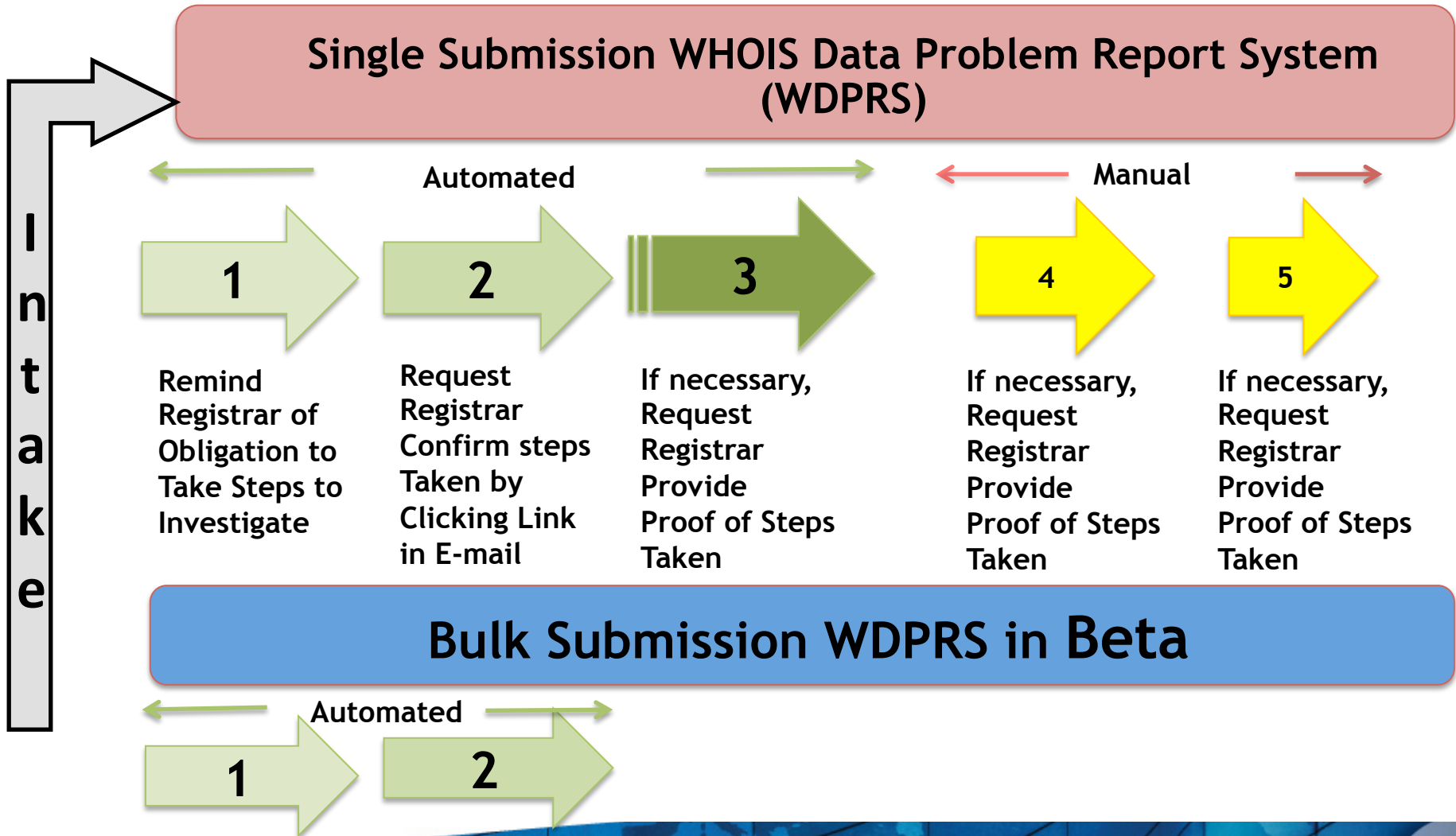
- Currently, there is no mechanism to filter “repeat false complaints”.*
- Manual tracking of reported abuse and the names of reporters involved.*



WHOIS Inaccuracy Ticketing

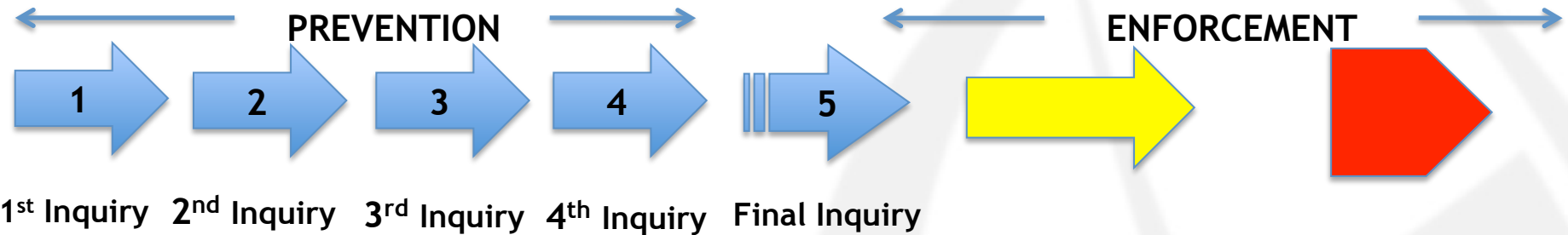
Current Approach

Work underway to align with the 1-2-3 phases



Single Submission WDPRS Process:

Current



Proposed



- **Currently** registrars are only required to show proof if they have not responded after 3 ICANN inquiries
- **Revised** - First notice will require registrars to provide proof of reasonable steps (including documentation)

WDPRS Compliance Process Changes

Coming Soon...

Notices	Sent to	Impact on Registrar
1 st Notice	WHOIS Contact	Registrars required to respond 15 business days from date of alleged WHOIS inaccuracy
2 nd Notice	WHOIS Contact & Primary Contact	Registrar will receive additional notification with 5 business days to respond.
3 rd Notice	WHOIS Contact & Primary Contact	Registrar will receive additional notification with 5 business days to respond.

Registrars are requested to provide ICANN with records of any **correspondence with the registrant** to demonstrate they took reasonable steps to investigate inaccuracy claims



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Registrar Primary Contact

ICANN's point of contact with registrar and where escalated compliance communications are directed

To change/update Primary Contact

Download and complete the primary contact update form <http://www.icann.org/en/registrars/primary-contact-update-form-en.pdf> and fax it to ICANN at +1-310-823-8649.

If you have any questions regarding your registrar's contact data, please contact registrar@icann.org.



Registration Agreement Records

Some registrars are not maintaining **Registration Agreement** records in compliance with the Section 3.4.2.2 of the RAA.

ICANN has observed that some registrars:

- are unable to produce any records clearly reflecting a registrant's agreement to the terms of a Registration Agreement
- produce a generic copy of their registration agreement as proof of a registrant's agreement to the terms of a Registration Agreement

Examples of Acceptable Proof of Compliance

Paper based:

- Maintain entire copy of Registration Agreement with registrant's signature affixed.

Electronic based:

- Maintain a time stamped record and IP Address or User ID evidencing when registrant clicked "Agree" concerning the Registration Agreement.
- Obtain and maintain electronic signature from registrant concerning the Registration Agreement.
- Reference the Registration Agreement and provide a link to it in the final message before finalizing the domain name registration transaction.

Registrar Website Obligations

- *Registrars accredited under the 2001 and 2009 RAAs that sponsor active names must provide an interactive web page to data on sponsored names. They can subcontract this obligation, but remain fully responsible for fulfilling the obligation.*
- *Registrars accredited under the 2009 RAA are required to provide valid contact details on their website including e-mail and mailing addresses.*



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Compliance Plan Update

Short Term: March - August 2012

Enhance current ticketing applications

- ✓ **Consumer Ticketing** updated with notification cycle
 - ❑ **WHOIS ticketing software** changes planned for July 2012 production release
 - ❑ **UDRP Process-Template** changes implemented June 2012
- ✓ **Document Management System** Deployed & staff trained
- ✓ **Business Intelligence & Reporting Tool** Prototype built, under review for technical & business value

Define & implement a consolidated compliance system

- ✓ **3 feasibility studies** conducted

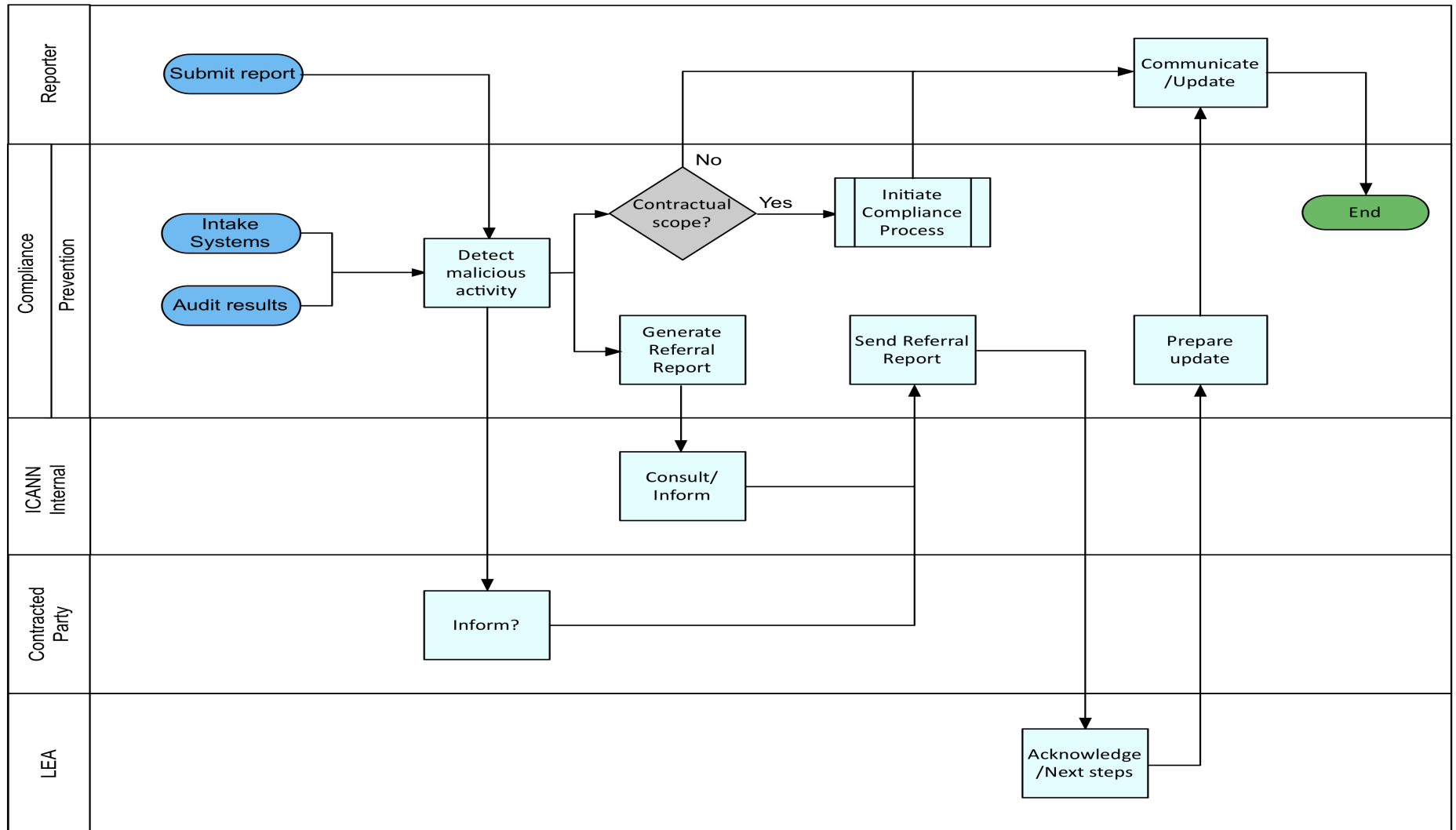
Defined Compliance **Audit Strategy and Approach**

ICANN Referrals to Law Enforcement Agencies

- Referrals will be made on a case-by-case basis
- **Criteria for referral if:**
 - ✓ The matter has caused, and if not addressed or rectified, will likely continue to cause substantial harm to registrants or Internet users.
 - ✓ The matter is likely to be a violation of applicable laws or regulations.
 - ✓ The referral will not cause ICANN to violate the terms of the agreements it has with contracted parties or any applicable laws or regulations.

ICANN Referrals to Law Enforcement Agencies

DRAFT - Brainstorming Activity



ICANN Referrals to Law Enforcement Agencies

DRAFT - Brainstorming Activity

- Link to Form -
[DRAFT FORM - ICANN Referral to Law Enforcement Agencies](#)



Questions & Feedback

Please send your feedback to
Compliance@icann.org

Subject
[ICANN44 Meeting]



Appendix



Three-Year Plan

Strengthen program and operations (Core Operations)

Establish performance measures and improve reporting
(Transparency and Accountability)

2011

Assessment Phase

Stabilize operations
Assess people, processes and tools
Develop improvement plan
Begin implementation of plan

2012

Transformation Phase

Grow staff in number and expertise
Standardize operations
Plan and develop

- Global metrics
- Audit strategy
- System enhancements/process
- Annual Compliance Report

New gTLD readiness

2013

Future Phase

Continuous Improvement
Consolidate Contractual Compliance Systems
Rollout Annual Audits

Contractual Compliance Dept

- 12 members currently
- Arabic, English, French, Hindi, Mandarin, Spanish, Urdu
- Organization
 - Head of Compliance (1)
 - Registrar and Registry Compliance (9)
 - Risk and Audit Management (1)
 - Performance Measurement and Reporting (1)
- 1 new member in July 2012
- 2 open positions



“Preventative” Initiatives for Registrars

March - May 2012

- ✓ Validated registrars’ responses to WDRP audit
- ✓ Published 2012 port 43 Audit Report
- ✓ Outreach to top 10 registrars with most # of WHOIS complaints
- ✓ Outreach to top 10 registrars with most # of transfer complaints
- ✓ Validate and evaluate registrar self-assessment & responses
- ✓ Complete staff training on transfer policy changes
- ✓ Continue to standardize processes and templates

Outreach -Top 10 WHOIS & Transfer

16 (One hour long) conference calls with registrars to:

- Share ICANN's analysis of complaints and findings
- Discuss registrar's transfer/WHOIS practices and procedures
- Explore possible ways of addressing the common issues
- Share general Compliance approach

Trend from March - May 2012 (T refers to Trimester)

- ❖ WHOIS: 8 out of the 10 registrars' monthly average complaints decreased
- ❖ Transfer:
 - No reduction in complaints against registrars in China
 - 3 non-AP registrars in T2 have all dropped out of top 10 list
 - 9 out of top 10 T3 list are in Asia Pacific
 - 7 out of top 10 T3 list are in China

UDRP Compliance Process Changes

Implemented on 20 June 2012

Notices	Sent to	Impact on Registrar
1 st Notice	UDRP Contact	Registrars required to respond 5 business days from date of UDRP inquiry shortened from 10 business days
2 nd Notice	UDRP Contact & Primary Contact	Registrars will receive additional notification with 5 business days to respond.
3 rd Notice	UDRP Contact & Primary Contact	Registrar will receive additional notification with 5 business days to respond.

Registrars are requested to provide ICANN with records of **communications /correspondence** with the Provider, the Parties (Complainant & Respondent) and ICANN to demonstrate compliance with UDRP and UDRP Rules



Summary of IRTP Changes

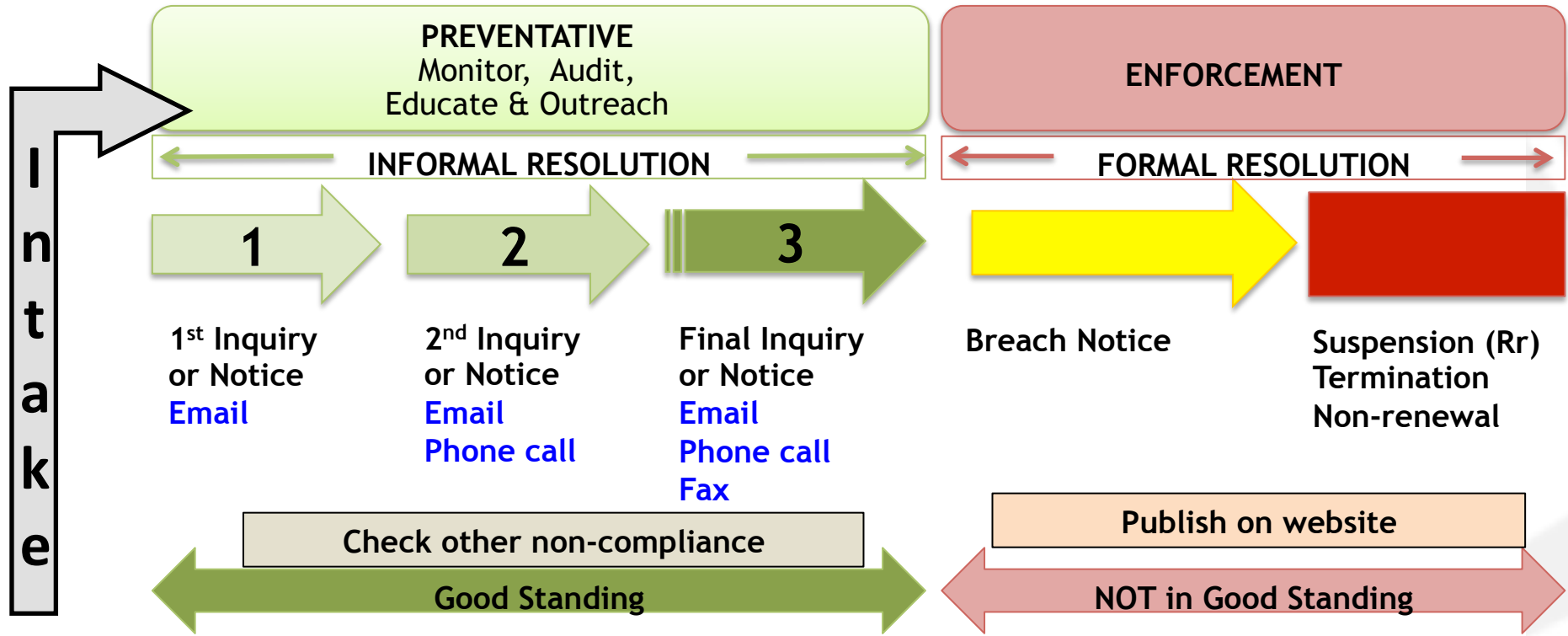
effective 1 June 2012

1. **Transfer Emergency Action Contact (TEAC)** (new requirement & obligations)
2. **Registrar of Record to send Form Of Authorization (FOA) to Registered Name Holder to confirm intent** (optional → mandatory)
3. **Add clarity to reason for denial #6** (express written objection from Transfer Contact and **mandatory** obligation to unlock)
4. **Delete reason for denial #7** (domain in “lock” status)

Transfer Impact on Registrars & ICANN

Changes	Registrars	ICANN
TEAC in RADAR	Must have TEAC contact information in RADAR by 1 June 2012 Must respond to Losing Registrar in 4 hours	Review RADAR info to assess compliance Receive non-compliance reports
Registrar of Record (ROR) to send FOA	Must send FOA to RNH from 1 June and per other existing IRTP requirements	Assess whether ROR sent an FOA to RNH May request copy of FOA from ROR when processing complaints
Clarify Reason for denial #6	Must obtain express and informed consent from Transfer Contact Must un-lock domain within 5 calendar days upon request	Assess whether Transfer Contact provided express and informed consent on an opt-in basis Assess whether registrar removed the lock or provided a reasonably accessible method for Transfer Contact to remove the lock within 5 calendar days
Delete reason for denial #7	No immediate impact	No immediate impact

General Approach & Turn Around-Time



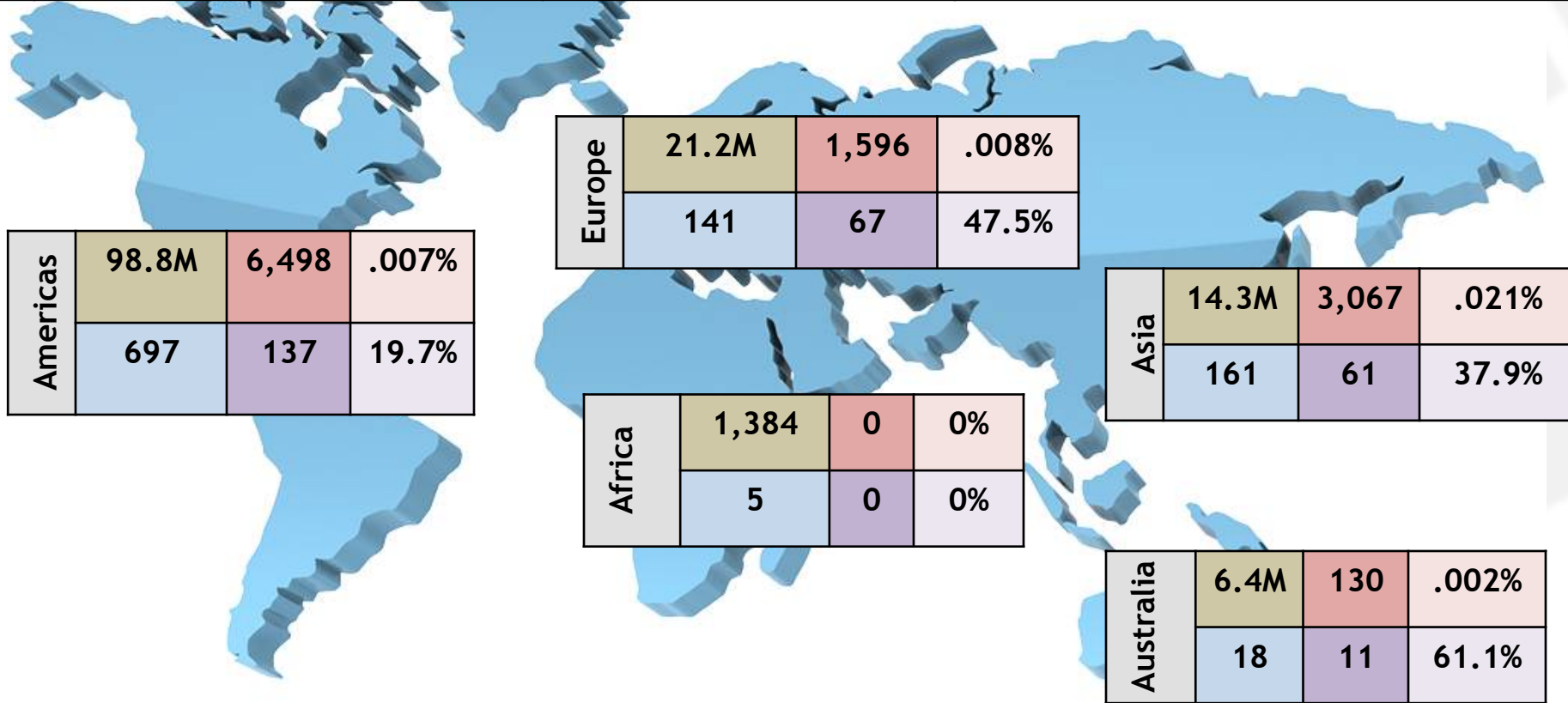
Turn Around Time in Business days



Complaints per Domain Volume

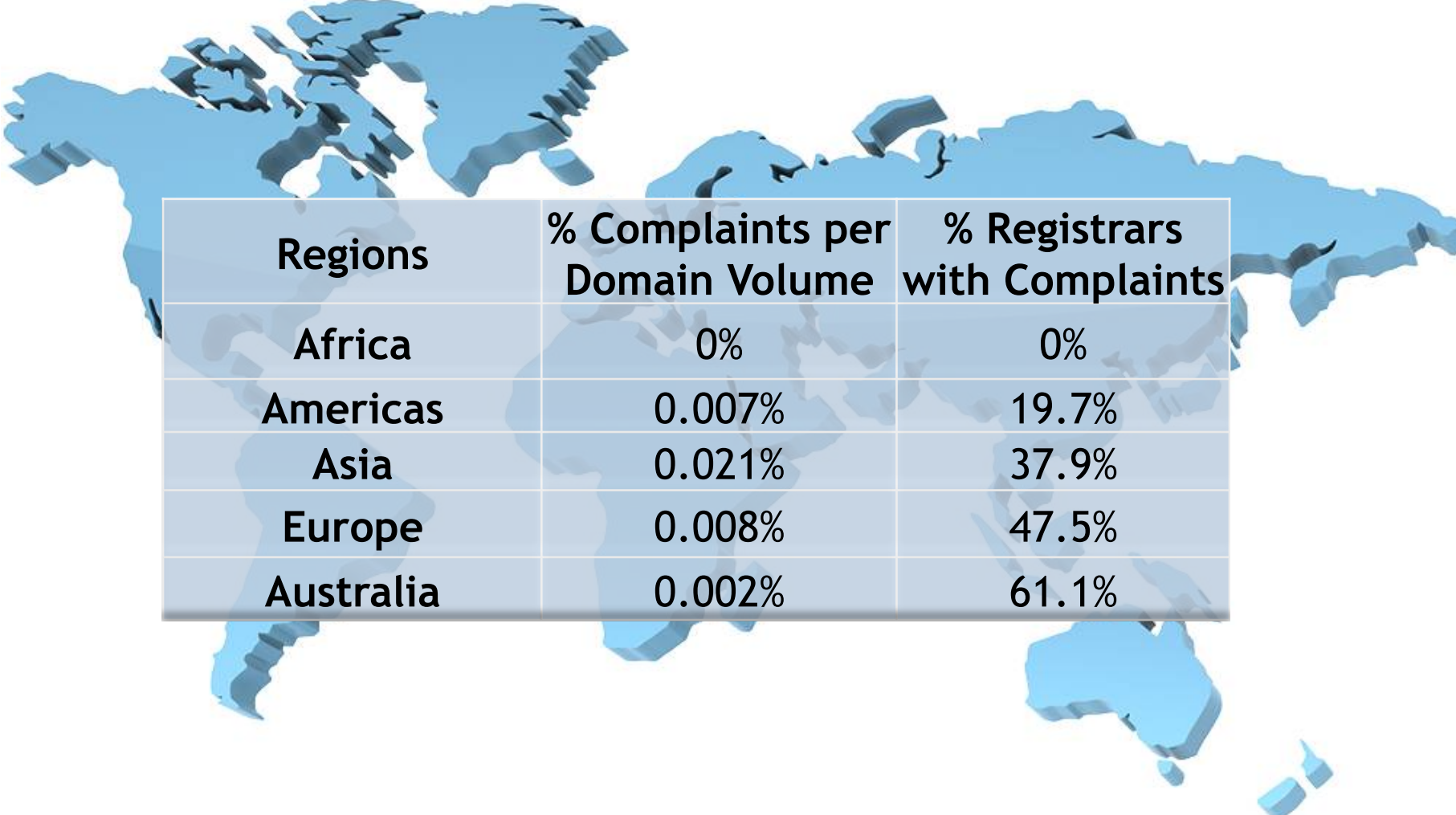
March - May 2012

LEGEND	Feb 2012 Domain Volume/Million	# Complaints	% Complaints per Domain Volume
	# registrars per region	# registrar w/ Complaints	% Unique registrars with complaints per region



Registrar Complaint Ratios

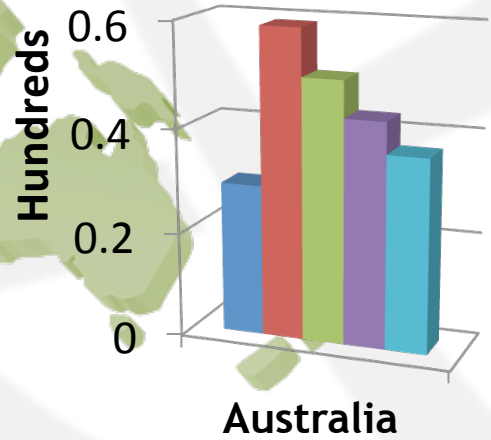
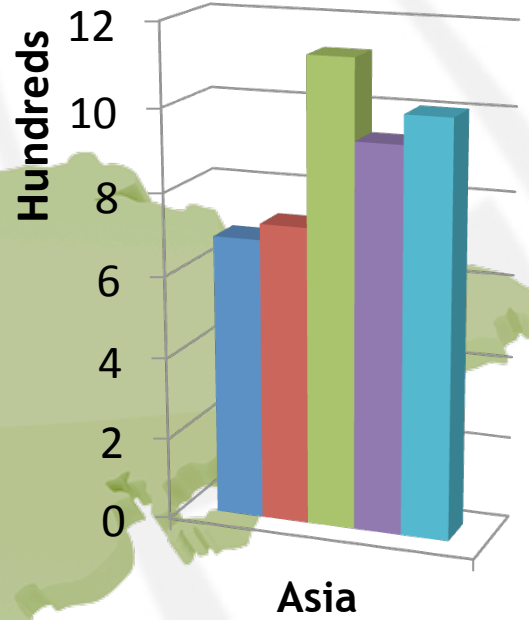
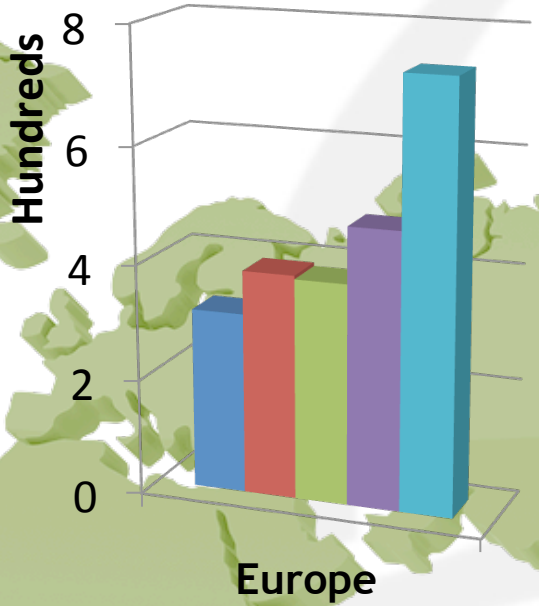
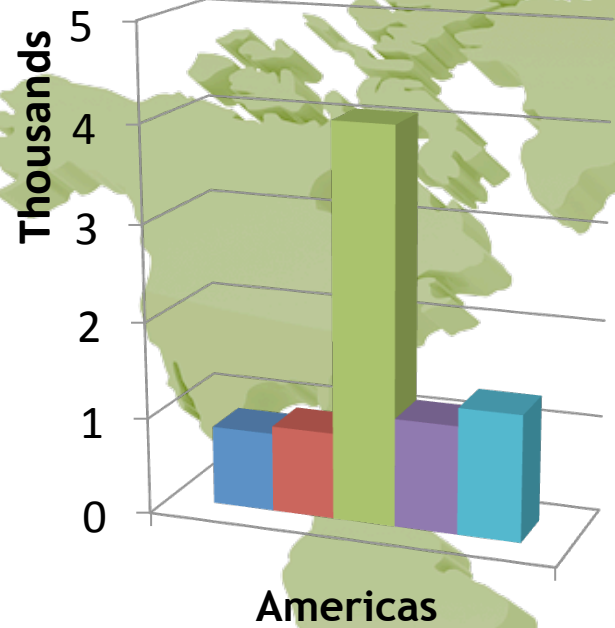
March - May 2012



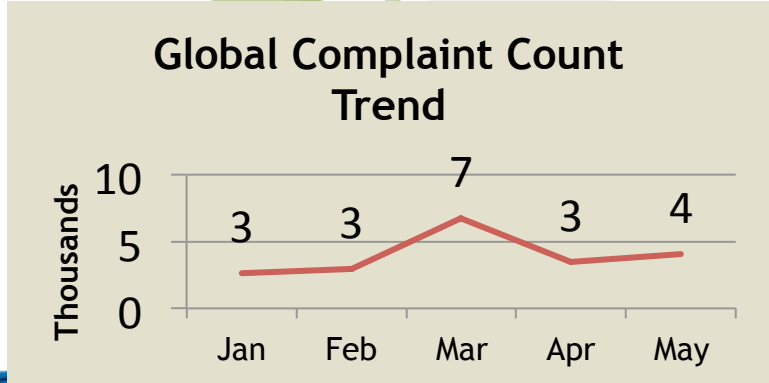
Regions	% Complaints per Domain Volume	% Registrars with Complaints
Africa	0%	0%
Americas	0.007%	19.7%
Asia	0.021%	37.9%
Europe	0.008%	47.5%
Australia	0.002%	61.1%

Global Complaint Trend

March - May 2012



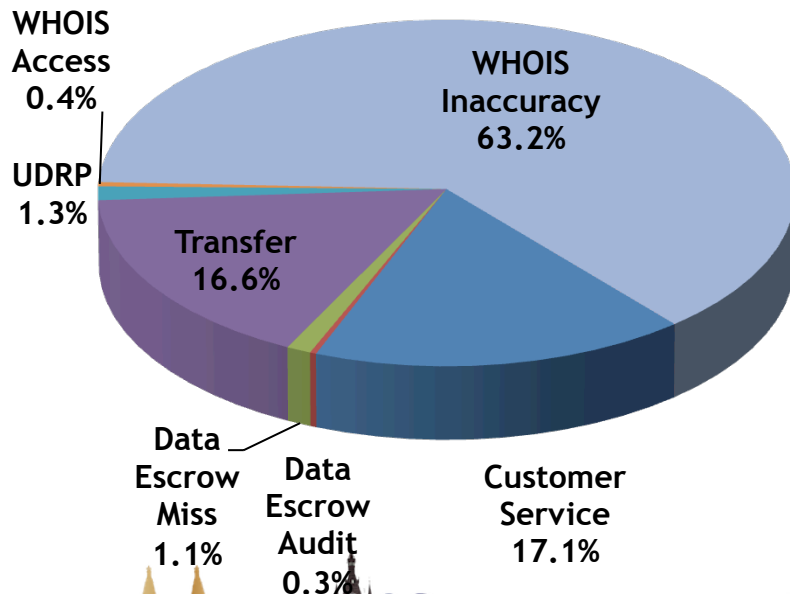
- January
- February
- March
- April
- May



Complaint Types and Phases

March - May 2012

15,292 Complaints



Mar 2012 - May 2012	All Complaints Received by Type	Quantity
Prevention phase	Customer Service	2,627
	Data Escrow Audit	44
	Data Escrow Miss	171
	Transfer	2,463
	UDRP	197
	WHOIS Access	61
	WHOIS Inaccuracy	9,728
	Law Enforcement	1
	Total Complaints	15,292
Enforcement Phase	Breach	7
	Suspension	0
	Terminated/ Non-Renewal	1



Informal Resolution Phase

March - May 2012 data

- % of Complaints sent in each phase
- Based on the 1-2-3 compliance approach
- Complaint Notices tracked manually past trimester

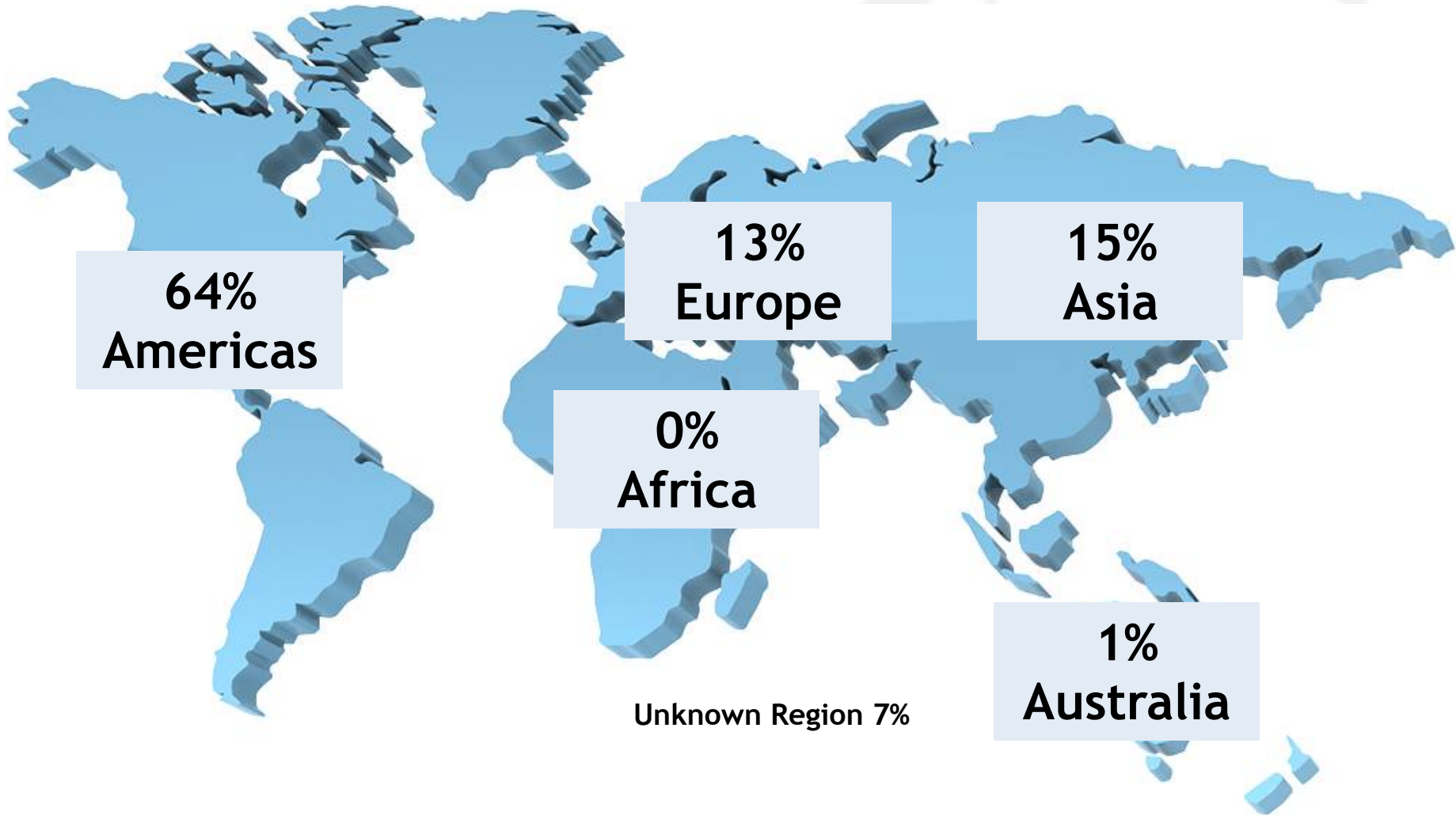
Complaint Type	Notification Phase %		
	1 st	2 nd	3 rd
Customer Service	N/A	N/A	N/A
Data Escrow Audit	77%	20%	2%
Data Escrow Miss	91%	6%	2%
Transfer	78%	17%	5%
UDRP	60%	40%	0%
WHOIS Access	81%	19%	0%
WHOIS Inaccuracy	62%	21%	17%

N/A = Not Available



WHOIS Inaccuracy Complaints by Region

March - May 2012



WHOIS Inaccuracy Complaints by TLD

March – May 2012

Region	biz	com	info	mobi	name	net	org	unknown	Total
Africa	0	0	0	0	0	0	0	0	0
Americas	183	3,647	853	0	1	1,167	327	0	6,178
Asia	17	993	105	0	0	112	32	0	1,259
Europe	12	685	22	0	0	726	28	0	1,473
Australia	0	85	0	0	0	10	12	0	107
Unknown* Region	12	250	213	12	1	185	37	1	711
Total	224	5,660	1,193	12	2	2,200	436	1	9,728

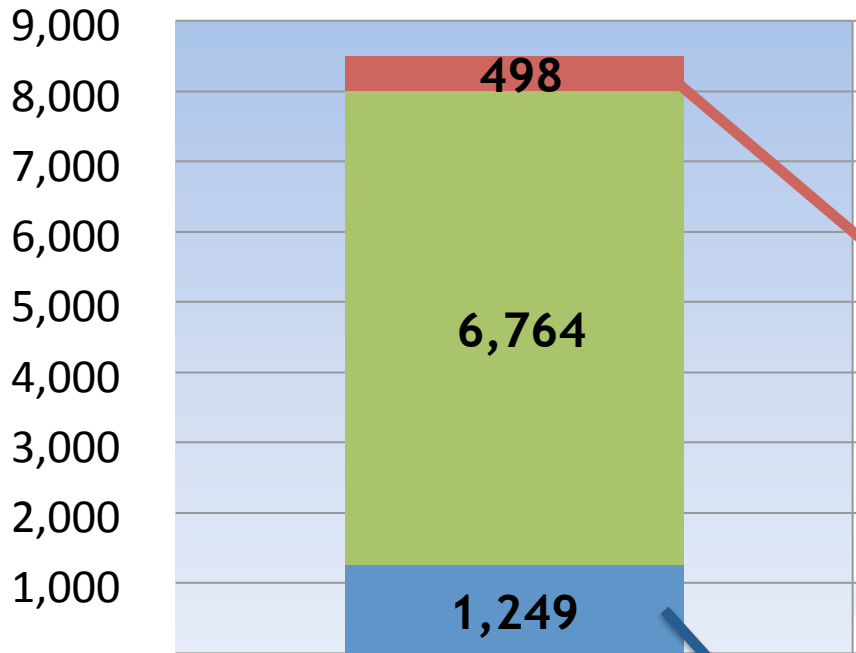


* 710 Tickets Pending Systematic Classification

WHOIS Inaccuracy Complaints Closed

March - May 2012

Total Closed = 8511



WHOIS Complaints Closed	Percentage
Rejected	15%
Systematically	79%
Manual	6%

- Manually Closed
- System Closed
- Rejected

1,249 Rejected	
Reporter Unconfirmed	565
Invalid	6
Invalid On Hold	294
Not Found	17
Not Processed	367

498 Manually Closed Complaints	
Domain Expired/Deleted	24
Data Updated	153
Domain Transferred	7
Invalid Report	26
Privacy/Proxy	70
Registrar Verified Data Correct	74
Domain Suspended	144

*Additional tickets closed, but software updates needed to capture stats on additional closures.



UDRP Monitoring

March - May 2012

2 Intake Systems for receiving complaints and inquiries

- **General Complaint Intake** - 191 UDRP inquiries processed and closed, i.e., UDRP FAQ, Process questions and Advice requests
- **UDRP Intake** - 6 complaints about registrars failing to implement UDRP Provider decisions

Resolved within	1 ST NOTICE	2 ND NOTICE	3 RD NOTICE**
MARCH 2012	0	1*	0
APRIL 2012	5	1	0
MAY 2012	1	2	0

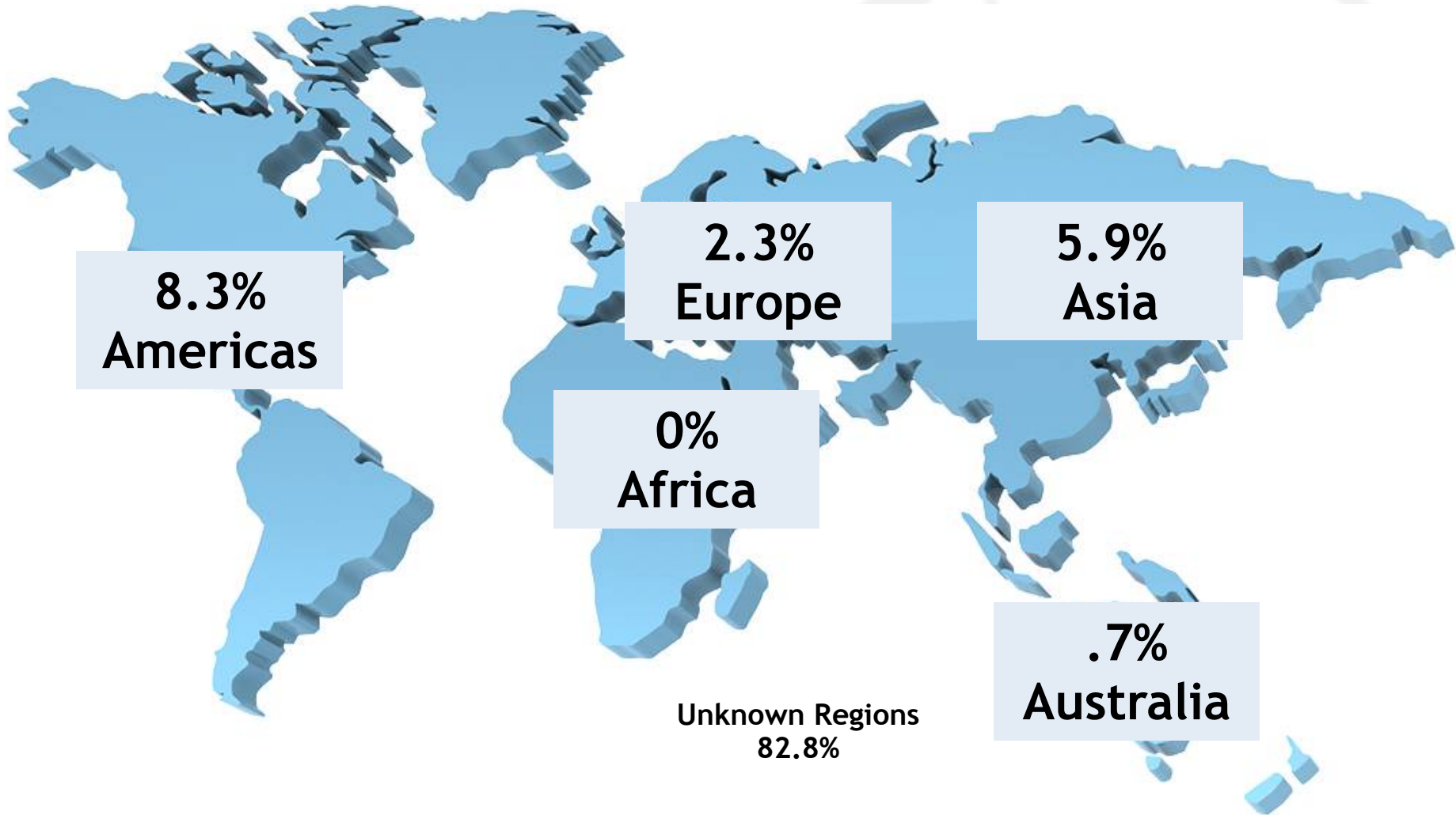


*Notice refers to complaint submitted prior to Trimester 3

** Decisions have been implemented

Customer Service Complaint Demographics

March - May 2012



Customer Service Complaint Breakdown

March - May 2012

Complaint Category	Africa	Americas	Asia	Europe	Australia	Unknown Continent	Total
CCTLD	-	-	-	-	-	100.0	100.0
Contact Update	-	1.4	1.4	2.5	-	94.6	100.0
CPanel	-	27.3	4.5	4.5	-	63.6	100.0
DN Dispute	-	11.2	4.5	2.6	1.5	80.2	100.0
Domain Renewal	-	7.1	5.8	3.6	0.9	82.7	100.0
Financial Transaction	-	12.8	8.5	-	-	78.7	100.0
GTLD	-	-	-	-	-	100.0	100.0
Name Password	-	4.0	12.0	8.0	-	76.0	100.0
Ownership Transfer	-	16.1	19.5	2.5	1.7	60.2	100.0
Redemption	-	13.6	-	-	9.1	77.3	100.0
Registrar Service	-	5.9	3.8	-	0.5	89.7	100.0
Reseller Provider	-	10.2	6.8	1.7	0.8	80.5	100.0
RIR PEN	-	50.0	-	-	-	50.0	100.0
Spam Abuse	-	20.4	11.7	6.8	-	61.1	100.0
Website Content	-	3.5	8.0	-	-	88.5	100.0



Additional Resources

- Inter-Registrar Transfer Information
<http://www.icann.org/en/resources/registrars/transfers>
- Amended transfer policy
<http://www.icann.org/en/general/consensus-policies.htm>
- Learn more about ICANN Compliance
<http://www.icann.org/en/resources/compliance>

