

# Contractual Compliance Update

## Registrar Stakeholder Meeting

*16 October 2012*



# Agenda



- **General Updates (15 mins)**
- **Common Compliance Issues (10 mins)**
- **Q & A (20 mins)**



# 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

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

**New gTLD readiness**

2013

## Future Phase

Continuous Improvement

- Operations
- Plan for internal audit

**Consolidate Contractual Compliance Systems**

**Rollout Annual Audits**

**New gTLD readiness (cont.)**

# Grow staff in number and expertise

- **3 additional team members:**
  - Leticia Castillo
  - Sumi Lee
  - Victor Oppenheimer
- **8 languages** - Arabic, English, French, Hindi, Korean, Mandarin, Spanish and Urdu
- **Contractual Compliance reports to CEO**
- **15 Staff members strong**
  - Head of Compliance (1)
  - Registrar and Registry Compliance (12)
  - Risk and Audit Management (1)
  - Performance Measurement and Reporting (1)

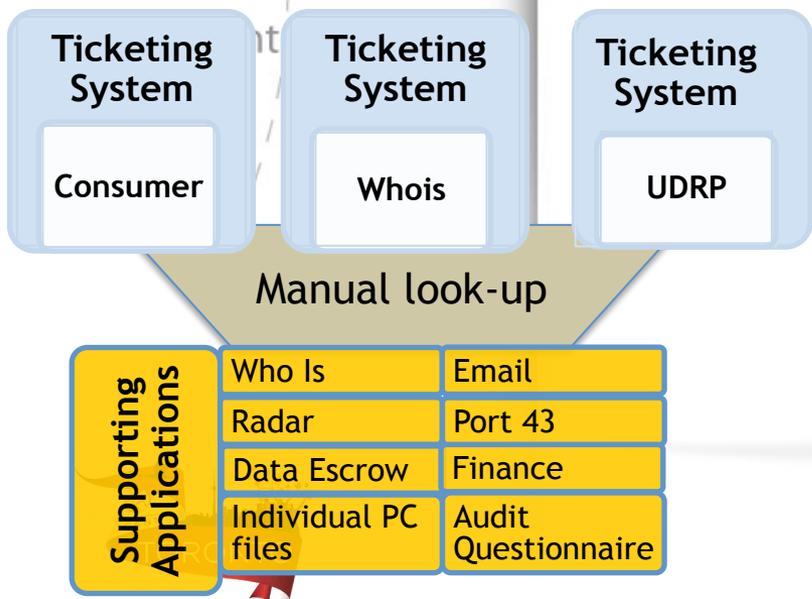
Link to Contractual Compliance Staff -

<http://www.icann.org/en/resources/compliance/staff>

# One Compliance Management Tool

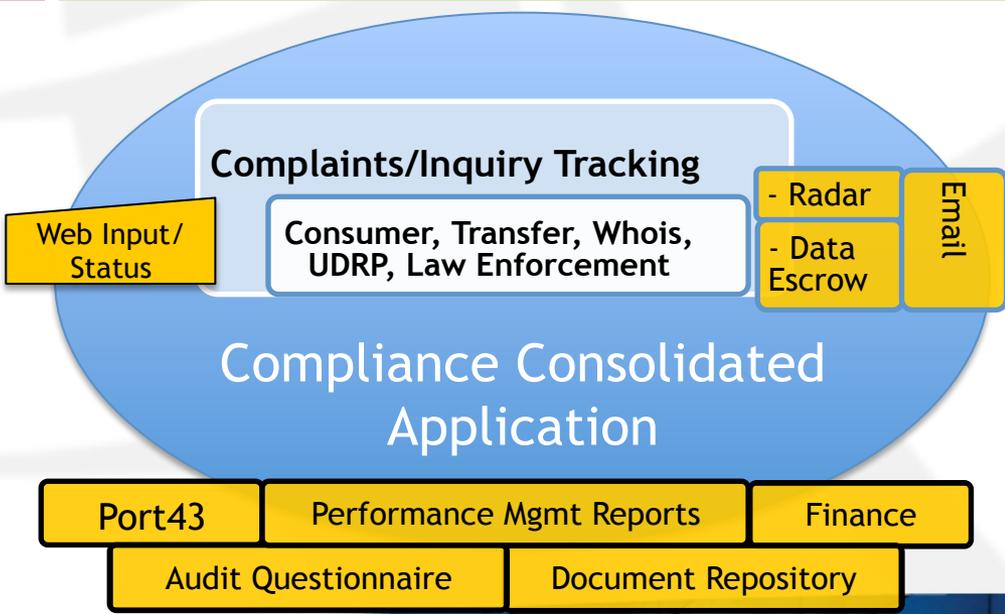
## Current

1. Separate ticketing systems
  - ✓ Common process
2. Limited workflow
3. Limited automation
4. Many sources for managing & reporting



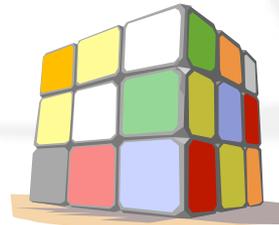
## Future

1. ONE complaint management system
  - ✓ Common process
2. Automated workflow
3. Exception based complaint administration
  - Interface with supporting applications
  - Automated pull and look-up validation
4. ONE source for managing and reporting



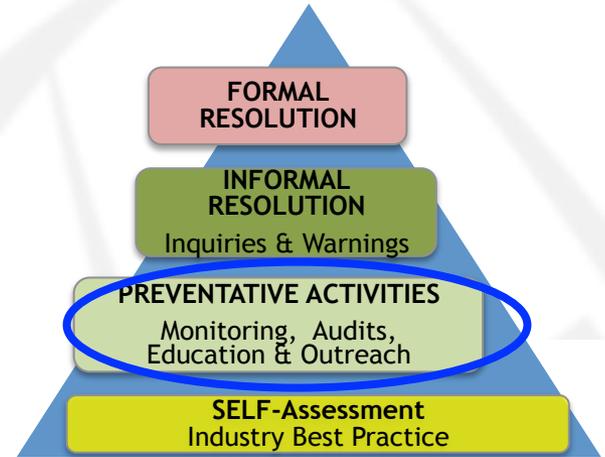
# 47 Metrics - 14 Reporting Dimensions

Metrics			Dimensions	
Complaint Count	Complaints per domain	DNS Avail	Calendar Date	Complainant
DNS Name server Performance	DNS Performance	DNS Planned outage	Complaint TLD	Complaint Type
DNS Svc Up	Domain Count	Registrar Count	Data Source	Enforcement Cured
Registrars with complaints	Registry Count	Turn Around Time 1st, 2nd, 3rd Notice	Enforcement Notices	ICANN Region List
TLD Count	Volume 1st, 2nd, 3rd Notice	WHOIS Avail	Registrar Contract Year	Registrar List
WHOIS Performance	WHOIS Planned outage Notice	WHOIS Response Time	Registry List	Staff
WHOIS Svc Up			TLD	TLD Round



Multi-Dimensional Database

# Overall Audit Plan



- Rollout in 2013
- Each Registry and Registrar agreement
- Random selection over a three-year period
  - Year one: 1/3<sup>rd</sup> of Registry and Registrar Agreements
  - Year two: another 1/3<sup>rd</sup> from the remaining list
  - Year three: the remaining 1/3<sup>rd</sup> of all contracted parties
- New agreements may be included, at any time
- May be subject to more than one audit
- Three outreach sessions held in September with contracted parties

# Wednesday Outreach Sessions

## Room Queen's Quay

2:00 - 3:15 Performance Measurement & Reporting

3:30 - 4:45 Contractual Compliance Audit Program



# General Update - WDPRS

- ✓ Went live on 15 September 2012
- ✓ Aligned with 1-2-3 process
- ✓ Reduce process steps from 5 to 3
- ✓ Manual review of all tickets to:
  - ensure ticket quality
  - improve accuracy and speed in ticket processing



# Outreach to Improper WDPRS reporters

- Over 80% of reports are filed by top 25 reporters
- 17 of the top 25 submitters had improper/invalid reports (ranging from 20% to 100%)
- About 30% reports deemed improper/invalid tickets



# Improper or invalid reports are:

- Domain use issues, such as spam or website content
- “Known” domain name
- Irrelevant/Invalid comment (i.e., there is no requirement for a domain registrant to respond to inquiries)
- Privacy/proxy protection service
- Contains profanity or other offensive comments.
- Not consistent with the current Whois data
- For a country code top level domain (ccTLD) name
- Incomplete (i.e., lacks sufficient detail)
- Too broad (i.e., lacks sufficient specificity)
- Duplicate of another prior pending ticket



# General Update Transfers (IRTP)

- Transfer Policy Outreach Webinar
  - In Mandarin for Registrars in China on 25 Sept 2012
  - Over 40 participants from 27 registrars out of 33
- 3 TEAC (Transfer Emergency Action Contact) complaints received and resolved
  - Call non-responsive registrar immediately
  - 1-2-3 process (24 hours turn-around time)



# Agenda

- **General Updates (15 mins)**
- **Common Compliance Issues (10 mins)**
- **Q & A (20 mins)**



# UDRP Procedural Issues

- Increase in registrars not responding to verification requests from service providers
- Confusion over “Mutual Jurisdiction”
- Complainants not providing information for registrars to update Whois
- Issued one notice of breach resulting from registrar failure to respond to ICANN inquiry



# Registration Data & Records Issues

Some registrars are:

- **Not maintaining required registration data and records**
- **Unable to produce records** or only provide a copy of registrar's standard registration agreement

**Note:** 3.4.2.2

“During the Term of this Agreement and for three (3) years thereafter, Registrar (itself or by its agent(s)) shall maintain the following records relating to its dealings with the Registry Operator(s) and Registered Name Holders:

...

In electronic, paper, or microfilm form, all written communications constituting registration applications, confirmations, modifications, or terminations and related correspondence with Registered Name Holders, including registration contracts;”

# Registration Agreement Records Issues

- Some agreements do **NOT** include all of the provisions required by Section 3.7.7 of the RAA
- To be in compliance: Must include the same or equivalent language in Sections 3.7.7.1 - 3.7.7.12 of the RAA.

**Note:** 3.7.7 Registrar shall require all Registered Name Holders to enter into an electronic or paper registration agreement with Registrar including at least the following provisions ...



# Registration Agreement Issues -

Copy of registrar's standard registration agreement - **not sufficient.**

## Examples of Acceptable Proof

### Paper based:

1. Copy of entire Registration Agreement with **registrant's signature** affixed and dated.

### Electronic based:

1. **Time stamped record and IP Address or User ID** evidence when registrant clicked "Agree" concerning the Registration Agreement.
2. Evidence of entering into a legally binding agreement electronically

# Thank You

Please send questions to [Compliance@icann.org](mailto:Compliance@icann.org)  
Subject line: ICANN45 Registrar Stakeholder Meeting



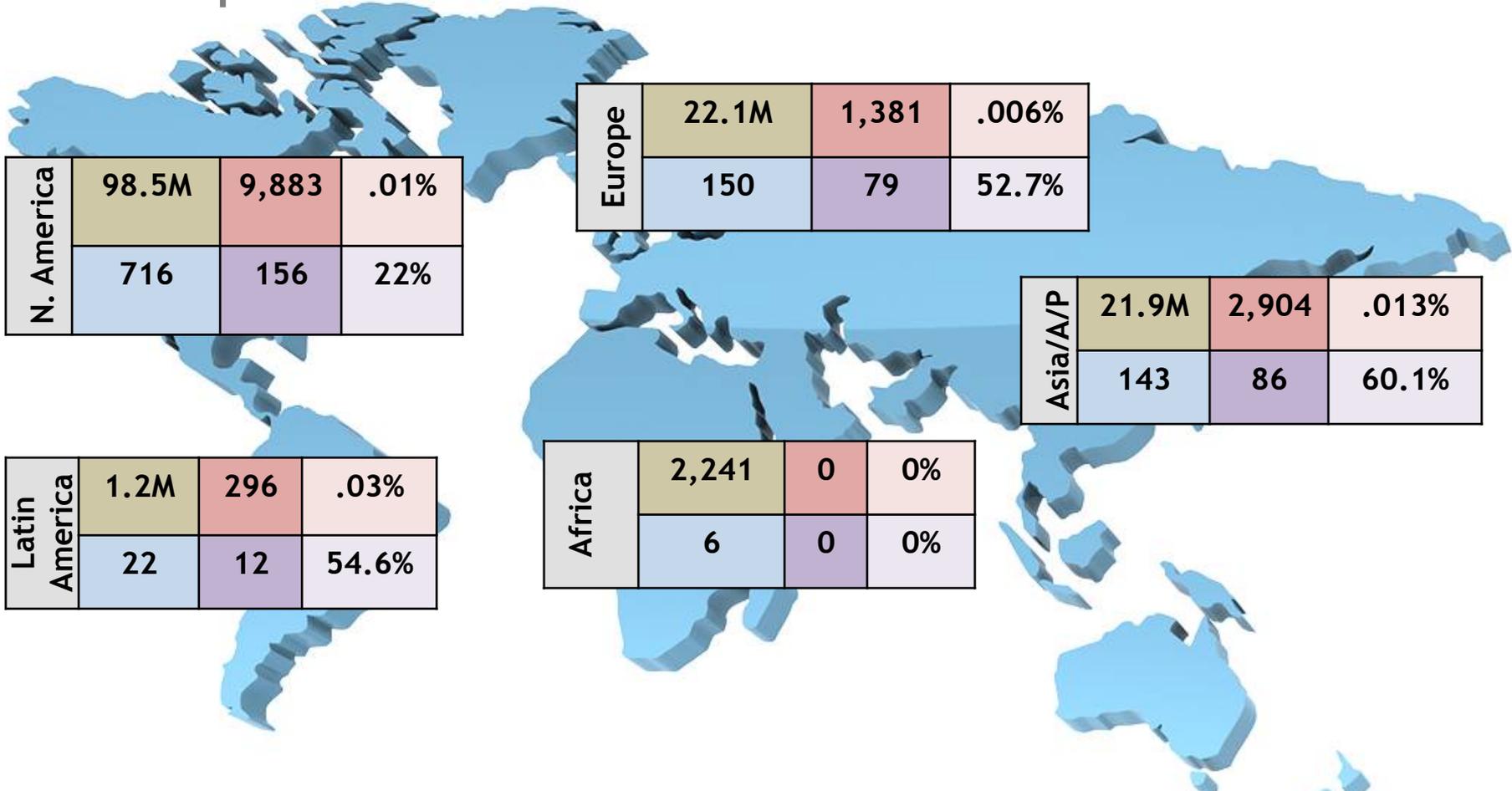
# Appendix

- Metrics
- Details on WDPRS process changes
- Additional good practices to stay in compliance



# Complaints per Domain Volume

June - September 2012



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

# Complaints by TLD Round

June - September 2012

- Data to measure complaints by TLD Round
- 16.7% of complaints not associated with TLD

Pre-ICANN	2000	2004
COM	AERO	ASIA
NET	BIZ	CAT
ORG	COOP	JOBS
	INFO	MOBI
	MUSEUM	POST
	PRO	TEL
		TRAVEL
		XXX

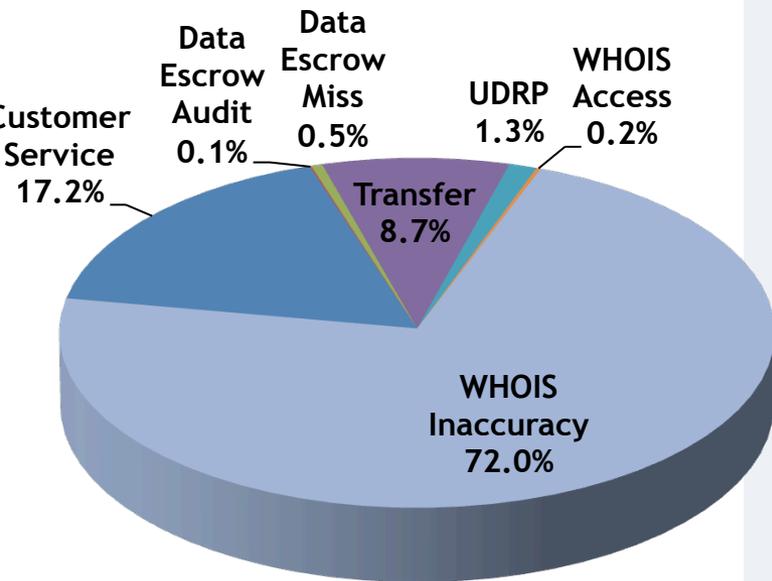
	Pre-ICANN	2000-round	2004-round	Unknown TLD	Total
Asia/Australia/Pacific	2,251	323	30	300	2,904
Europe	1,295	45	0	41	1,381
Latin America/Caribbean	273	13	0	10	296
North America	6,363	3,357	0	163	9,883
Unknown Region	1,426	507	22	2,669	4,624
Total	11,608	4,245	52	3,183	19,088



# Complaint Types and Phases

June - September 2012

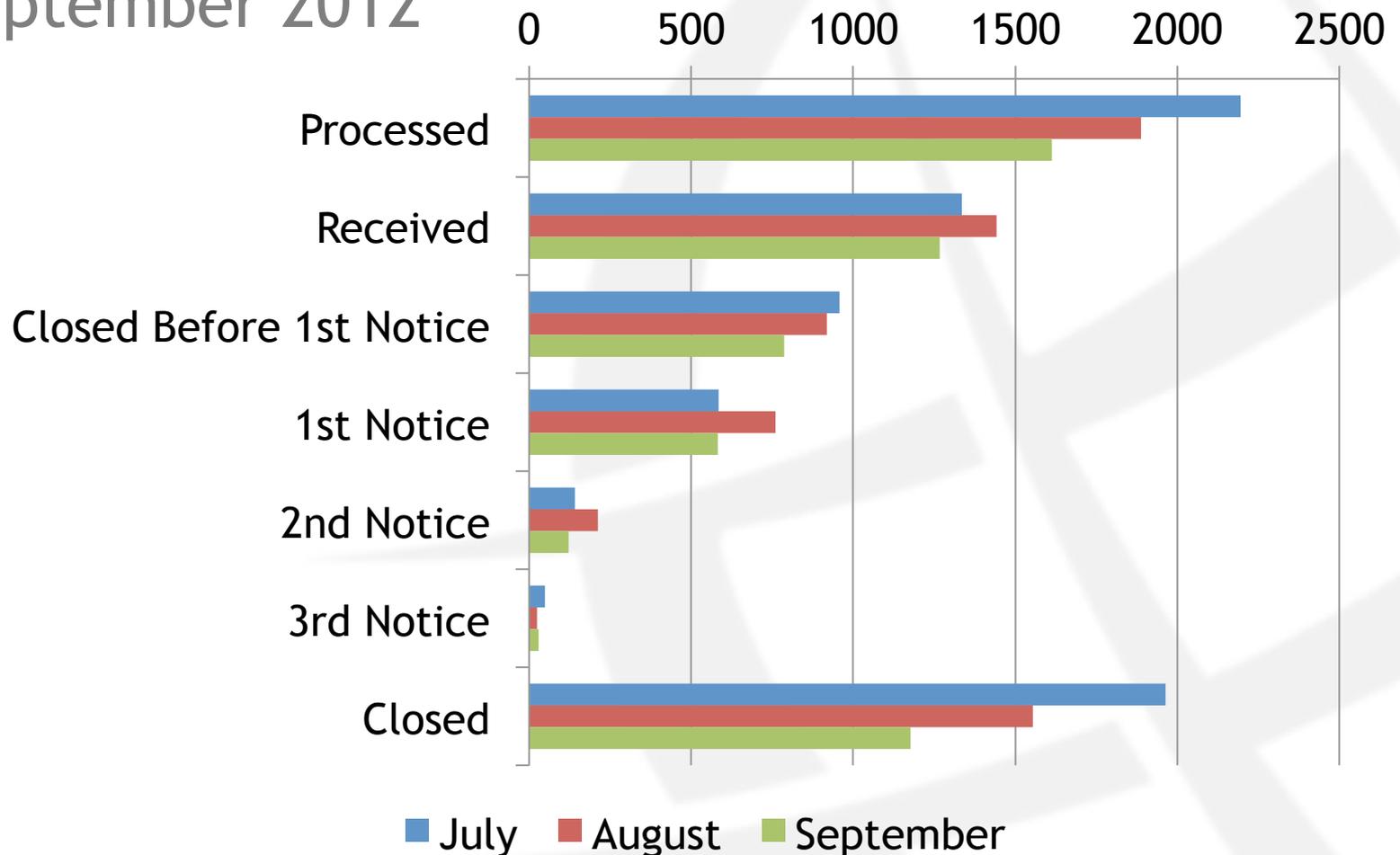
**19,172 Complaints**



	Jun-Sep 2012	All Complaints Received by Type	Quantity	
			Open	Closed
Prevention Phase		Customer Service	3,304	2,850
		Data Escrow Audit	15	14
		Data Escrow Miss	100	83
		Transfer	1,660	2,350
		UDRP	247	225
		WHOIS Access	39	28
		WHOIS Inaccuracy	13,806	8,395
		Law Enforcement	1	1
		<b>Total Complaints</b>	<b>19,172</b>	<b>13,946</b>
Enforcement Phase		Breach	11	9
		Suspension	0	
		Terminated/ Non-Renewal	3	3

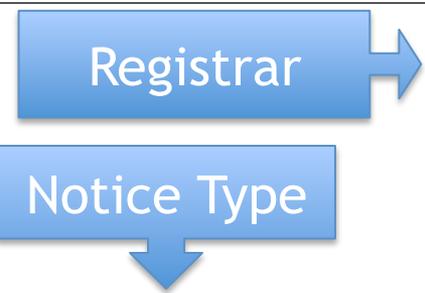
# Complaints per Notification Cycle

June - September 2012



*Note: Whois related complaints unavailable in this format*

# Enforcement Activity - 2012 YTD



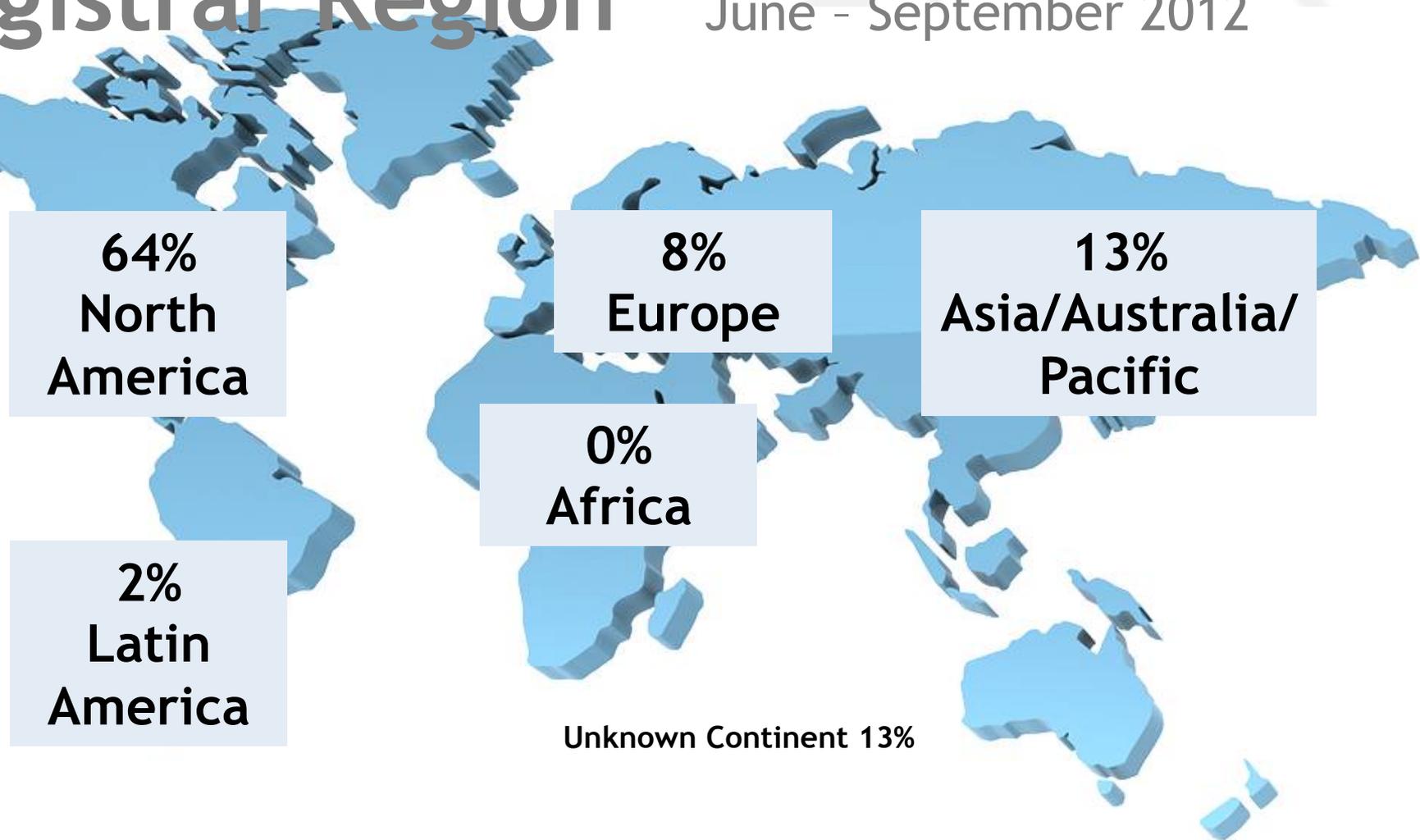
	AB Connect SARL 1378	Alantron Bilinsim Ltd Sti. 898	Alice's Registry, Inc. 275	Asadal, Inc. 632	DomainAllies.com, Inc. 709	eName Technology Co., Ltd 1331	Infocom Network Ltd. 1484	InTrust Domains, Inc. 653	Name For Name, Inc. 1103	Net 4 India Limited 1007	Pacnames Ltd. 103	Planet Online Corp. 815	Server Plan Srl 1460	Tucows.com Co. 69	Visesh Infotecnics Ltd./ Signdomains.com 249	Xin Net Technology Corporation 120	Ynot Domains Corp. 924	0101 Internet, Inc 816
Communicate contact data changes (RAA 5.11)																		
Escrow registration data (RAA 3.6)																		
Link to ICANN's registrant rights & responsibilities website (RAA 3.15)																		
Maintain registration data (RAA 3.4)																		
Pay accreditation fees (RAA 3.9)																		
Provide AuthInfo code (IRTP 5)																		
Provide communication records (RAA 3.4.3)																		
Provide evidence relied on for transfer (IRTP 4)																		
Provide Registrar Services (RAA 3.1)																		
Provide Whois Services (RAA 3.3.1)																		
Publish contact data (RAA 3.16)																		
Publish deletion, recovery and auto-renewal policies (RAA 3.7.5.5/6)																		
Respond to audits (RAA 3.14)																		
Additional concern-conduct re. UDRP & UDRP Rules																		
Maintain and provide communication records (RAA 3.4.2/3)																		



Cured
Not Cured
Terminated
As of Sept 30, 2012

# WHOIS Inaccuracy Complaints by Registrar Region

June - September 2012



# WHOIS Inaccuracy Complaints by TLD

## June - September 2012

	asia	biz	com	info	mobi	name	net	org	Unknown TLD	Total
Africa		-	-	-	-	-	-	-	-	-
Asia/ Australia / Pacific		60	1,168	258	30	-	138	73	7	<b>1,734</b>
Europe		15	823	24	-	3	228	50	5	<b>1,148</b>
Latin America/ Caribbean		10	177	2	-	-	28	29	-	<b>246</b>
North America		26	4,319	3,314	-	1	860	287	10	<b>8,817</b>
Unknown Region	8	15	1,082	466	10	2	142	53	83	<b>1,861</b>
<b>Total</b>	<b>8</b>	<b>126</b>	<b>7,569</b>	<b>4,064</b>	<b>40</b>	<b>6</b>	<b>1,396</b>	<b>492</b>	<b>105</b>	<b>13,806</b>



# UDRP Monitoring

June - September 2012

## 2 Intake Systems for receiving complaints and inquiries

- **General Complaint Intake** - 240 UDRP inquiries processed and closed, i.e., UDRP FAQ, Process questions and Advice requests
- **UDRP Intake** - 7 complaints about registrars failing to implement UDRP Provider decisions

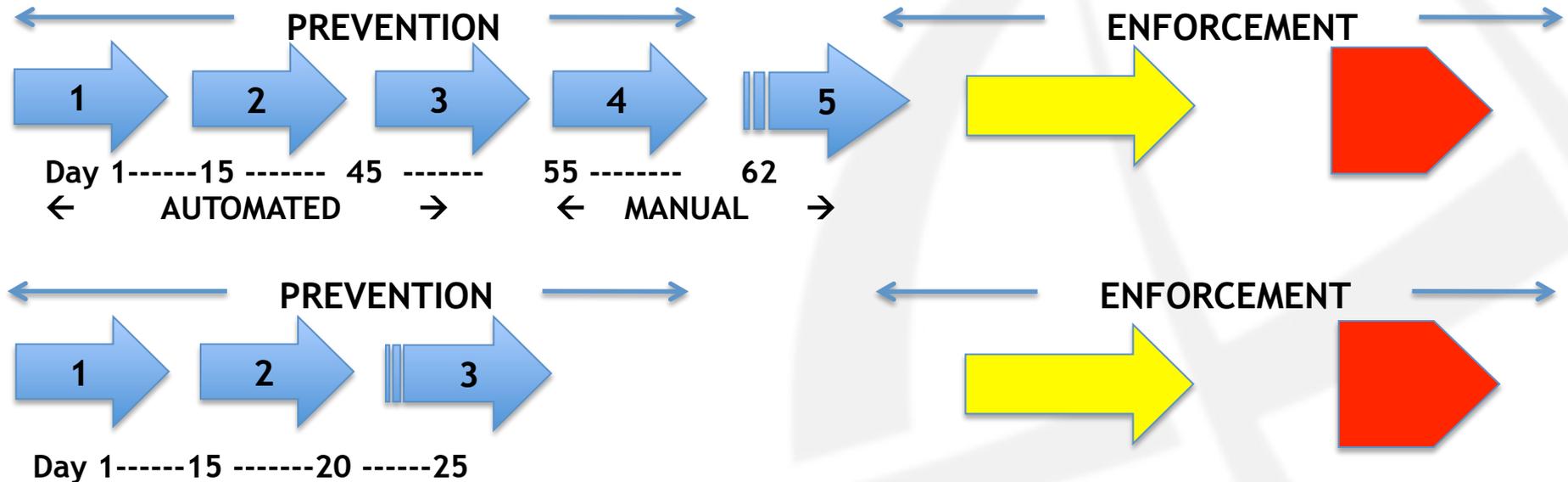
Resolved within	1 <sup>ST</sup> NOTICE	2 <sup>ND</sup> NOTICE	3 <sup>RD</sup> NOTICE**
JUNE 2012	0	1	1
JULY 2012	2	0	0
AUGUST 2012	0	0	1
SEPTEMBER 2012	0	2*	0



\* 1 resolved / 1 in-progress

\*\* Decisions have been implemented

# WDPRS Process : Previous vs. Revised



- **Previously** - Registrars were only required to show proof if they have not responded after 3 ICANN inquiries
- **Revised** - First notice requires registrars to provide proof of reasonable steps (including actual documentation)



# WDPRS Compliance notices

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

Registrars must provide the **correspondence with the registrant** (including dates and times and means of inquiries, telephone number, e-mail addresses, and postal addresses used)



# UDRP Compliance Notices

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

Registrars must provide the correspondence with ICANN, the Provider and the Parties.



# Summary of IRTP Changes

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)



# 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](mailto:registrar@icann.org).



# Standardize Operations

## Internal Collaboration Tool



Centralized repository  
Registrar/ Registry docs

Compliance templates, process, validation procedures, etc.

## Systems - Process



Bridge Gap Solution

Increased Efficiency & Tracking

Update current systems to align business process

## ONE Compliance Management Tool



Improve user experience:

- interface
- follow-up/thru
- Multiple complaints

Efficiency & Effectiveness

**Scalability**

Proactive complaint Management

New gTLD & Registry

## Metrics Data Analytics



Data Mining Trending & Analytics

Complaint Management

Metrics, KPI and Dashboard

