
BUENOS AIRES – Contractual Compliance Program Updates and Q&A Session

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ICANN – Buenos Aires, Argentina

UNIDENTIFIED MALE: What's next is we finished the three-year audit program. We also have in the plans we updated the audit program and will be selecting a new sample of registrars for an audit for the next phase. And also the new batch of new gTLDs that will be audited for compliance with the registry agreement.

OWEN SMIGELSKI: Good morning. This is Owen Smigelski for the record. Just very quickly wanted to highlight some of the areas that we've seen, lessons learned, ongoing since ICANN 52 as well as other things that are ongoing. Next slide.

Here's some information about the WHOIS Accuracy Program Specification. The 2013 RAA states that ICANN and the registrars will consider the WHOIS Accuracy Program Specification (or WAPS) on or about the one-year anniversary. That is now ongoing. I know there's a public comment period open, as well as discussions that are ongoing now at ICANN 53.

There's a session this afternoon at 1:30 entitled the Registrars and Law Enforcement that will also be having a more open and broad discussion regarding WAPS. Next slide, please.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Some of the community feedback at ICANN 52 is wanting to have a little bit more understanding of what we were doing in terms of resolved or closure codes for various complaints that ICANN receives. One that had some particular interest was the abuse complaints. This is some examples of things that we would ask of registrars or examples of what they would do that would be acceptable for ICANN to resolve the complaint. So we want to see steps taken, when it was done. We also want to see abuse contact information.

Then there's things that registrars can do that would be acceptable, such as contacting a registrant, obtaining evidence of licenses. Those are things that would resolve a complaint, but aren't necessarily things that are required there. At a minimum, we're looking to see that they contact the registrant.

So here's the resolve codes that we have from there. The top part are more of some administrative type things, such as whether there was abuse contact information missing from the website or information in the WHOIS output. Then the ones below are a little bit more substantive. The main bullets are what the resolve code would be, and then the sub-bullets are examples of what those types of actions would be that could trigger that, such as either demonstrating the communicate [to the] report to the registrant would show that the registrar responded to the abuse report.

This is the summary of the top closure resolve codes for abuse. As you can see, a large portion of them were ones that were actually never sent to a registrar. That would be where ICANN requested the reporter

to provide some additional information regarding the nature of the complaint, such as communications with the registrar to demonstrate that there was contact made or you also get such as invalid TLD. That would be when somebody is submitting a complaint that may not necessarily apply to that or a duplicate complaint. Next slide, please.

ICANN Compliance participated in the WHOIS ARS. We had a compliance pilot. The WHOIS ARS pilot is mandated by the board and the WHOIS Recommendation Team to proactively identify gTLD registration data, find inaccurate reports and then forward them to registrars for action, as well as report on that.

As part of this pilot, which was to test the proof of concept of whether this was possible, results were sent to compliance to see how they could be integrated into our complaint processing system and then forwarded them to registrars.

This is just a general summary of what we did. There's a lot of work to get the large amount of records in there, get the data into our complaint processing system so it would then be forwarded to the registrars, just like regular WHOIS inaccuracy complaints, [inaudible] processing complaints. And based upon registrar feedback, compliance stopped forwarding them and ended up closing a lot of the complaints – a very large majority – because the data was incomplete or did not meet the requirements for valid WHOIS inaccuracy complaints. Next slide, please.

So those are the statistics for that. You'll notice the closure codes. Those numbers do not add up properly to match the number of tickets

that were created because some of the closure codes were done multiple across some of the tickets. But you'll see a lot of them were incomplete and that was just the way that the pilot was designed. So a lot to of what we've done, the efforts that we've gone into, is working with the WHOIS ARS production team to ensure that the output that comes out is something that is something that is [actionable] by compliance.

There is a WHOIS ARS session today at 5:00. That is on the schedule if you'd like to attend for some additional information on that.

JENNIFER SCOTT:

Good morning. This is Jennifer Scott, ICANN staff, for the record. I'm just going to briefly discuss some of the items that related to the registry operators and the new registry agreement. Here are some lessons learned since ICANN 52. Some of the items that we've been seeing, registries handled during the last few months.

The next three slides we are showing you some of those complaint types that ICANN Contractual Compliance does process for registry operators and their resolve codes. You'll see that some of these are resolve codes similar to what Owen mentioned for the abuse registrar complaints are ones that indicate the complaint was invalid and never went to the registry operator. For instance, things like duplicate complaints and ones that are invalid for the particular TLD.

MAGUY SERAD:

As promised, a very brief high level update since ICANN 52. As I said, the presentation is available online with lots of additional data. What we tried to target in this session on Wednesday morning is an update that can apply from a standpoint to everybody at the ICANN community. And during the closed sessions, we dive into different slides with our registrars and registries with more specifics.

So with this, as promised, our 10-minute update or 15-minute update is over, and what I'd like to do is open it up for questions. Before you ask your question, please kindly state your name and the association you have during the ICANN meeting.

REG LEVY:

Can we go back to slide 13? Sorry, this is Reg Levy from Minds Machines. That was not my question, though.

You've got duplicate complaint up here. What does that mean? Does that mean that everything is identical or are multiple people complaining about a similar, the same issue?

OWEN SMIGELSKI:

It could be either. Our complaint processing system allows us to sort by domain name, so you can see a history of that domain. So we come in and we check. It could either be the reporter already has one open. Quite often, people get frustrated and keep submitting the same thing, or it is about the exact same TLD or domain name.

JORDAN BUCHANAN: Yeah.

MAGUY SERAD: I do take it very seriously. We review the comments and, as you can tell, it's been an interesting ride for us. Many of the surveys that we receive not at all easy or not satisfied with the overall is what we've learned is based on the resolution. Sometimes the resolution of a ticket is not satisfactory or to the expectation of the reporter and that has driven results trying to go down for ICANN 53.

Your feedback is definitely welcome. We appreciate your input, whether it's a continuous improvement input. But don't just complain. Tell us what is it that is not working and what would make sense or what is your suggested solution.

UNIDENTIFIED FEMALE: We have an online question. It's from Alan Woods of Rightside Registry. "Noting that [Yan] mentioned that you were preparing for a third round of audits for the new gTLD registry audit, is there any early indication of when the RFI for that third round will be sent? Thanks."

OWEN SMIGELSKI: At this point, we're planning to complete the second phase before the end of this month, so the RFI for the third round tentatively can go out as early as the end of July. The other program was updated based on the feedback received from the first and second phase.

MAGUY SERAD: Alan, thank you for your question. As the contracted party knows in the past, we will announce the audit in advance. We will conduct an outreach session for the contracted parties and we will inform you about the outreach session in our communication. We will also publish the outreach presentation, and then an RFI will be sent to the selected lucky few who will make the sample size for the next audit phase.

PAM LITTLE: Pam Little from Zodiac. I have a question for Allen Grogan. When you were appointed as the Chief Contract Compliance Officer, I believe there was another function. There was going to be a new role created like Consumer Safeguard Director or something like that to be reporting to you. Can you tell us whether that role has been filled and what you envisage that role would do? Thank you.

ALLEN GROGAN: Thank you. No, the role has not been filled. What I envision for that role is that that would be someone who would conduct outreach to try to address consumer safeguards beyond the context of contract interpretation of enforcement, liaison role to work cooperatively with law enforcement, regulatory authorities, and other consumer protection people.

I've interviewed a number of people for that. I'm still working to define what that role would be. There's a great deal of divergence of opinion

within the community as to what the appropriate nature of that role I and who would best fill it. I'm still talking to candidates and hope to fill it sometime in the next few months.

MAGUY SERAD: I love technology. Not only Adobe room, but people are texting me. It's related to the Compliance session, by the way. Any other questions from our audience?

YASMIN OMER: Thanks, Maguy. Yasmin Omer from ARI Registry Services. I have a question about the URS complaints that you received. Are they reported by the URS provider or registrants or third parties? Thanks.

JENNIFER SCOTT: Thanks for your question. We have received URS complaints both from providers and the parties. Some of the provider complaints have been about registry operators not responding to notice of the complaint in terms of locking the domain name within the 24-hour required timeframe, or not suspending within the required timeframe as well. The one from the parties are similarly about the suspension issue.

YASMIN OMER: As a follow-up to your question, have you received any complaints from registry operators about the URS provider?

JENNIFER SCOTT: I don't believe so, no. Not at this time.

YASMIN OMER: Is there an opportunity for registry operators to make a complaint regarding the URS provider through your reporting system?

JENNIFER SCOTT: Yes. There is a URS complaint form. Anyone can use it if it, for some reason, doesn't seem applicable. Just write in the narrative portion about who you are or what the complaint is about and we'll make it fit.

YASMIN OMER: Great, thank you.

JORDAN BUCHANAN: Seems like we can get to the really random questions now. Do you guys receive and track complaints regarding to the registrar implementation of the transfer emergency contact (the TEAC) – Transfer Emergency Abuse Contact. Whatever that stands for. Do you guys receive and track complaints related to the Transfer Emergency Action Contact at registrars?

OWEN SMIGELSKI: Yes, registrars can submit under the transfer complaints. They can complain about that, about not being contacted within that four-hour period. It's not a separate option in the complaint form, but we do

receive those. It's not something that happens very frequently. Maybe once every month or so and we have broken those numbers down. It's only less than ten since I think that has been implemented that we have received actual complaints on that.

It's an expedited form. Most of ours are 5-5-5 business days. The TEAC complaints are 24-hour turnaround. Also as part of the audit, that is one thing that [Yan] checks. I'll let him speak to that.

UNIDENTIFIED MALE:

On our slide that showed the results of the audit, the top issue was TEAC contact information was incorrect. What I mean by that is when we sent the RFI, one of the questions was "Please indicate who are your TEAC contact" and for some reason, as you can see more than 20% of the registrars gave us this information, which was totally different from what's in [RADER]. It has been remediated. I'm trying to say, again, for some reason, this information is not updated in [RADER] which was an issue.

OWEN SMIGELSKI:

So if I were to synthesize those two comments, it seems like perhaps compliance on this isn't great prior to the audit. Registrars are maybe not doing a great job of keeping this up to date, but no one is – turns out not to be that material and that people don't complain about it very often.

UNIDENTIFIED MALE: Owen, yes, that is correct.

MAXIM ALZOBA: This time I am speaking from the perspective of registrar. Actually, we had some issues with [RADER] where we couldn't change a thing for a few months. Maybe it has something to do with it. Can I comment on that?

UNIDENTIFIED MALE: Yes. During an audit, we found out that indeed for about a month-and-a-half there was some issue with [RADER] updates and IT is aware of that. We as an audit try to facilitate the process of updating, but I guess out of our hands.

The issue was that several registrars could not long in into [RADER]. To my knowledge, it has been remediated as of now.

MAGUY SERAD: Maxim, is your question who do you need to contact on [RADER] or you're just asking specific about an issue?

MAXIM ALZOBA: The question was more about classification. Because if you say that the information was not correct, it's not because of registrars. So it should be marked like other issues and not like registrars didn't fix this, because they're not the ultimate party to fix this.

MAGUY SERAD:

Thank you for the clarification. So as our contracted parties had asked of us at the last ICANN meeting, and you're going to see the update tomorrow, issues that are identified as ICANN issues. For example, the fact that you do not have access to update [RADER]. We appreciate that a response of that nature be provided when you are responding whether it's an inquiry, a notice or an audit and let us know. We're going to talk more about that tomorrow in our session and show you some of the efforts that were conducted based on your feedback.

So if you have experienced this during the audit and it was noted as a deficiency, we will ask you please to contact us. We're very happy to update the audit report. As [Yan] said, we have not sent the audit reports yet and we have not published it. But if there is an error or an ICANN issue, I have no problem updating it and republishing. Thank you.

UNIDENTIFIED MALE:

This is [inaudible] from [KNET]. Over the past month, we have got some compliance tickets from your team, because of some URS or UDRP provider complaining that we didn't respond in a timely manner. But I just want to say it's not our fault because we just got a transfer of our [TLD] from [inaudible] Global to our company just last December, but half a year has passed. The GDD portal still not workable. We still [inaudible] account number, so we cannot update our information there. So every time the URS UDRP provider just send to the wrong person

That's why when I got the information, 12 hours or 24 hour have passed, so these complaints I didn't respond timely, but I try my best. So I think it's some kind of a thing the Compliance team should have coordination with GDD Portal, so make everything work properly. Thank you.

JENNIFER SCOTT:

Hi, yes. We were aware that certain assigned TLDs did not have updated contact information in the GDD portal for URS providers to access. That has now been corrected. Hopefully that issue will not occur again.

MAGUY SERAD:

If I may add, we've been sitting in many of the registrar stakeholder group and the registry stakeholder group. In any industry, there is always a growing pain. I'm not making excuses. When this happens again, please inform us. We will take the corrective action and follow up internally and make sure it's addressed. So we appreciate your patience in advance. We have sent notices and inquiries in the past and it was an ICANN issue and we're taking every measure to not repeat it. But do bring that to our attention and we will definitely take care of it. Thank you.

JENNIFER SCOTT:

We have some online questions. The first is from Mick Zucks – I'm not sure if I'm saying that correct – from Afiliás regarding the registry complaint types and top closure reasons slide. "A full 75% of the SLA

complaints are listed as invalid TLD. Can you please elaborate on this?” I’ll go ahead and take that question.

Invalid TLD is code that refers to an invalid complaint which is closed before it reaches the registry operator and it refers to when the TLD that is complained about is not included in the requirements for this type of complaint. That could mean a pre-2002 round TLD, such as dot-com or dot-biz, what we call the legacy TLDs that aren’t subject to the new registry agreement SLA requirements.

There is a second question online from Michael Flemming as well as a comment. “My name is Michael Flemming with Brights Consulting. Recently, as a Trademark Clearinghouse agent, we have been conducting internal investigation for the trademark claims that we received from TMCH for domain names that were registered by third parties. What we found was that there was a number of domain names that were actually registered matching our trademarked terms in TMCH that we did not receive a notification for. After communicating with TMCH, we were told that it was due to the registries not submitting the necessary or current [LORDEN] files t TMCH. TMCH also told us that they reported the matter to ICANN. My question in this case that ICANN receives these types of complaints from TMCH. Does ICANN investigate the matter with the registry through the normal notification process? If so, has ICANN found that by notifying the registries directly, these types of problems are normally solved?”

He goes on with a comment. “As a separate complaint, I guess the overall concern is that when registries do not comply with the

necessary TMCH requirements, it reveals a fault in the RPM program. Although contracting compliance is likely not the best place to voice this concern, it creates worries for us and our customers when they register their marks in TMCH with the understanding that the service provides full notification for domain names registered by third parties.”

Again, I’ll take this one. As you’ll see on our lessons learned slide, we have been processing [LORDEN] file complaints since ICANN 52. Those do include situations when the TMCH has received complaints from trademark agents regarding the fact that notice, whether during claims – during the claims period – were not provided to the trademark holders. ICANN Contractual Compliance does process those complaints by reaching out to the registry operator to ask them if there was a failure and to investigate if a claims notice had been provided to the trademark holder.

[BRAD FOSTER]:

Thank you, Maguy. [Brad Foster] from [Uno] Registry. On the registry side of our business, we’re allowed to specify a compliance contract for ICANN so the compliance tickets come through the compliance contact that we’ve designated.

On the registrar side of the business, we don’t have that ability. I understand it’s been coming for some time. When will we be able to update the [RADER] so that we can actually designate a specific compliance contact for you?

MAGUY SERAD:

Thank you, [Brad]. We're anxiously awaiting an update of that nature to make it consistent effort across contracted parties.

For the date of update for [RADER] I would encourage you to contact Mike Zupke or your engagement manager. I don't have those date available to us, but there is a roadmap for the sales force progress as an enterprise solution where [RADER] would be available on sales force, and eventually also compliance.

So please reach out to – I'm looking in the audience. There are so many conflicting schedules at this time, we were not able to have our counterparts with us today, but that should be available through Mike Zupke.

JENNIFER SCOTT:

We have another online question again from Mick Zucks of Afiliias. "Specification 10 of the RA details a number of EPP checks to be performed on a regular basis by ICANN, which are not yet occurring. Is there a schedule for this additional monitoring to begin?"

I'll take this question as well. Specification 10, yes, does have certain thresholds regarding EPP checks. ICANN does proactively monitor certain technical requirements in the registry agreement and does have an automated monitoring tool that's running that will provide certain alerts when these thresholds are not being met. We're actually going to have I think more information about that in our closed registry session tomorrow where we'll give some more information

about ICANN’s monitoring tool and the alerts and communications that will be sent out to registry operators when certain thresholds in that specification are met.

PAM LITTLE:

Can you go to slide 47, please? I’m always interested in looking at the trends and the pie chart statistics. Can you – if my calculation is correct, the pie chart actually adds up more than 100%. Can you explain why that is? That’s also the case with your same pie chart presented in ICANN 52. So this one adds up to 106 and the ICANN 52 chart is 113. Thank you.

JENNIFER SCOTT:

Thanks for pointing that out. When we pull our metrics from our ticketing system some of the complaints are leftover from a prior time period that may or may not be closed during that time period. For instance, this chart is looking at January through May of 2015, so some tickets or complaints might be open in our system from December that weren’t closed. Conversely, some might still be open at the end of May and not closed. It might not add up to a full 100% of the complaint volume.

PAM LITTLE:

Sorry. Isn’t this about categorization about complaint types? Therefore, the total sum should be 100.

JENNIFER SCOTT: It is, but it's based on complaint volume.

PAM LITTLE: But a pie chart should be still 100%, isn't it? I'll drop it. You can figure it out and maybe come back to me if you have any further update. Thank you.

REG LEVY: Can we go to slide number 21, please? On both of these, there's a code for invalid registry. Can you give a little bit more context about what that means and why . . . I presume that that means that the complaint was about a registry that doesn't exist, so why they're so high. Because that is impressive.

JENNIFER SCOTT: Again, this is similar to the invalid TLD code where these complaint types are set up to address obligations in the new registry agreement, but we might receive complaints regarding registries that don't have this obligation that are applicable to them.

REG LEVY: Thank you.

OWEN SMIGELSKI: It may look amplified because some of the registry complaints have a much lower volume than, say, WHOIS inaccuracy. So if there's five

complaint, that's why it would look like it's 40%, just because there's that many.

STEPHANIE DUCHESNAU: We see complaint that are denoted as invalid and are being filtered out by ICANN. Does ICANN also code for ones where the complaint gets to the registry, but there ends up being no issue, there's actually not a resolution that's required?

JENNIFER SCOTT: We do have resolve codes where we indicate the registry operator is demonstrated compliance or if there was an actual issue to fix that the registry has now fixed that issue.

STEPHANIE DUCHESNAU: I'm asking about something a little bit different. At the point that the complaint gets to the registry, whether there's actually anything required or whether perhaps the complaint shouldn't have been submitted in the first place and whether that's separated out.

I'm asking something a bit different. Once it gets to resolve, whether it's separated out, whether there's actually any action required to resolve it or whether perhaps it was a misunderstanding that the complaint was submitted in the first place and no action actually had to be taken for the case to be closed out.

JENNIFER SCOTT:

In the case where we don't have enough information, ICANN is still investigating the issue, we'll often send an inquiry rather than a notice and those are treated differently by ICANN in that there's no known compliance issue. That's where we're simply asking the registry operator an inquiry to give us more information.

If it turns out that information satisfies the complaint and ICANN's [assurance] of compliance, we will use a registry demonstrated compliance type of code.

There is also issue where perhaps it should never have been sent. For instance, like the gentleman was talking about next to you, the [inaudible] information wasn't in the GDD portal. That's an ICANN issue is how we call that.

If you look at the slide that's up here, we've got some metrics on the number of complaints in the registry space categorized by complaint type. You'll see a column on the right there for ICANN issue. So for the complaints that were processed during January through May of 2015 in the registry space, it looks like we've got five that should never have been sent out due to something internal to ICANN. But the rest were either notices or inquiries that were either closed before the first notice was sent to the registry operator. Or if they weren't closed after the first notice, they were something that were legitimate and investigated and reviewed by ICANN.

JORDAN BUCHANAN: That slide perfectly answered my follow-up question which is whether you were tracking – it’s great to see that you guys are tracking the ICANN issues. I think the number is surprising low to me, but I’ll trust you for the moment until I have more information to substantiate my instinct.

MAXIM ALZOBA: Maxim Alzoba, this time for [inaudible]. I have a question about bankruptcies. What were the nature of the claims? Someone claimed that they [inaudible] bankrupt or what was the reason?

JENNIFER SCOTT: So we do have a category for those registry operators that might become insolvent and are required to give notice to ICANN that they’re no longer able to continue their registry services because of financial issues. ICANN in this case did process two of those that never went to the registry operator for further investigation.

MAXIM ALZOBA: The question was the mechanism how these cases were opened. You were informed by third party who might be [inaudible]. Were they sending you financial reports for no reason. What was the reason for opening the cases?

JENNIFER SCOTT: I apologize. I don’t remember if these came from third parties, but ICANN also monitors blogs, media, as well as receives third party

complaints. So they could have been generated from new that perhaps a registry operator was struggling financially.

STEPHANIE DUCHESNAU: I'm wondering if it's possible at the complaint closure to see how it's being coded, because I think that everyone is a little bit surprised with the five statistic for what's being categorized as an ICANN issue.

MAGUY SERAD: Can you speak a little bit to that or we can take it in tomorrow's session.

STEPHANIE DUCHESNAU: So you have all of these status codes once a complaint is resolved and we can see it here in the report, but if we, when an individual complaint would be closed could actually see how ICANN is recording that in your system if the registry operator for the individual complaint could just perhaps in association with a survey or something actually get to know how it's being classified.

MAGUY SERAD: So we received – okay.

JENNIFER SCOTT: The e-mail that you send out at the end when it says it's closed, that can just very easily have the code in there.

MAGUY SERAD: Thank you for the suggestion. If I may restate what I think I heard you say. At the closure notice to the contracted party, you would like to know the reason it was closed. Correct?

STEPHANIE DUCHESNAU: Yeah, exactly. How it's being classified up here, the reason that it's being closed.

MAGUY SERAD: All right. We received similar requests yesterday in some of the stakeholder sessions we were in. We will take a look at that and see what it means to implement this, because we'll have to see what is the system implication and the time and we will get back to you.

But in the meantime, if there is a specific complaint that's being closed and you want a little bit more information about it, please respond by sending an e-mail to compliance@icann.org because a closed ticket gets closed and it gets archived. We do not have visibility to it in this current system we have.

So if you have additional follow-up to a closed ticket for additional information or questions, please e-mail compliance@icann.org and we will follow up with you. Also, by next ICANN meeting, we hope to have some update about closure verbiage to accompany a closure notice. Thank you.

JENNIFER SCOTT:

We have some more online questions. The next one is from Michael Flemming, Brights consultant. “In regards to registries posting abuse contact on a registry website, does the abuse contact have to exactly state the words ‘abuse contact’ or can the contact be specified something like ‘abuse manager’? For issues, please contact, etc. I suspect that there are a number of ways that a registry can specify what the abuse contact is on the webpage, but is there an exact requirement for how it needs to be specified? The registry agreement does not specify exactly how the contact needs to be specified, aside from noting what contact details (contact name, e-mail, etc.) need to be provided.”

I’ll take this one as well. The abuse contact requirements do require the postal address and associated with the postal address, we look for role designation. Therefore, it doesn’t have to say a specific name of a person, but can, as the example used by Michael, say something like ‘abuse manager’. But the abuse contact details do need to be – it does need to be clear that they’re provided for the purpose of receiving abuse complaints.

There’s another one from Alan Woods, Rightside. “Just to clarify, Maguy mentioned about reporting to Compliance where we believe an ICANN issue is involved (admittedly, the audit reports). But to clarify, say if a compliance notice or an inquiry is closed for a reason that ultimately is an ICANN issue, without an actual formal report from the registry, is that being considered in the metrics?”

MAGUY SERAD: Thank you for your question, and the answer is yes.

UNIDENTIFIED MALE: [inaudible] from [KNET]. Actually, this is a question from our one Chinese registrar, because they just cannot make such a [inaudible]. It's too far away. Simply a question that they got a notice from Compliance [team] that there are some inaccurate WHOIS information. So they just contact the reseller, reseller to contact the [registrant]. But do you ask the reply after the correction? You [inaudible] provide evidence your communication.

But in China, the most communication way is through the cell phone. They get a cell phone to get the information corrected. So they just wondered do they need to recording everything to provide evidence, say, how [inaudible]. That's a problem.

OWEN SMIGELSKI: There's no specified way that a registrar or reseller has to contact a registrant if it's via text message or telephone call or QQ, Skype, whatever way. We just need some sort of way to verify that that happened. So if it was a telephone call, we'd need to see the time, the date, what number was called, who at either the registrar or reseller did and the nature of the call. That's it. We don't need a recording or anything. We just need something to show when that took place and who is involved with that.

UNIDENTIFIED MALE: So for telephone, we take a picture about the cell phone to [inaudible] communication type? Okay, good.

JENNIFER SCOTT: We have another online question, this one again from Michael Flemming. He wants to jump on the question about financial reports. “If ICANN was to notice something in the news about a registry operator struggling financially or some other related matter, would ICANN send an inquiry to the registry operator about their ability to operate as a registry? I know that there is no special treatment with contractual compliance, but I would assume if the answer is yes, then ICANN would ask the same to a brand TLD that was recently in the news for some financial statement.”

As I mentioned earlier, contractual compliance does monitor media reports, blogs, news for items that would potentially be compliance issues. We review that. We validate the information. If we need to go to the registry operator to get additional information, we’ll use an inquiry.

For instance, in the case of those two bankruptcy tickets that you see on the registry metrics there, they were never sent to the registry operator. We were satisfied that that didn’t need to happen. But if there’s a clear case of a compliance issue, then we’ll send a notice and we’ll go from there.

There is another question online from Michael Flemming. “Is it just needs to be the contact details and needs to be specified that the

contact is provided for the means of handling abuse complaints? Would using the words ‘abuse’ and specifying the contact gain me any brownie points or would that be interpreted by ICANN as specifying that the contact is for abuse?”

I think the question he’s asking related to abuse contact is whether or not it has to be specified for abuse and the answer to that would be yes. The same contact information can be used for other contacts, but there does need to be a contact that is specifically identified for receiving abuse complaints.

In terms of the postal address, there needs to be at least a role designation, such as abuse manager, associated with the postal address for receiving abuse reports through the post. I hope that answers the question.

JORDAN BUCHANAN: Can we go to I think it’s slide 20? This SLA chart says – so first of all, the SLA complaints, are some of them generated by ICANN monitoring systems or are these all generated by third parties?

JENNIFER SCOTT: Yes, a lot of these are generated by ICANN’s technical monitoring.

JORDAN BUCHANAN: So presumably, those are not the ones in the invalid TLD?

JENNIFER SCOTT: Correct.

JORDAN BUCHANAN: So despite that, though, it looks like the universal complaints you have falling into only three categories here, which is I guess someone's complaining – a lot of complaints for an invalid TLD. The requested evidence isn't provided, so you never even sent that to the registry provider or that the registry fixed the issue. Does that imply to me that there's zero instances in which the registry was in compliance prior to – you never found that the SLA violation that had been proposed actually didn't happen?

JENNIFER SCOTT: I don't want to say that's correct because I don't have the full metrics here, but as Owen mentioned earlier, there might be so few tickets that it looks like there's a lot of invalid TLD type of complaints.

For instance, the next highest resolve code might be registry demonstrated compliance. I just don't have that information in front of me right now, but just based on my knowledge, the majority of the tickets in this category that do go to the registry operator are for actual compliance violations since the SLA requirements are pretty black and white about when there's a violation.

JORDAN BUCHANAN: My last follow-up is if I'm interpreting this correctly, you get at least three times as many complaints from third parties about invalid TLDs

as ICANN’s own internal monitoring tools generate. Could you shed any light on where the volume of invalid TLD complaints – is there some third-party with automated systems that’s sending you invalid complaints or just a lot of people confused about what this category is supposed to be?

JENNIFER SCOTT:

I think in this case it’s people are using the wrong complaint form, their complaint is off-topic. They’re confused, as you suggested. It might be about a TLD such as a legacy TLD where the new registry agreement SLAs aren’t applicable. It could be a variety of things.

STEPHANIE DUCHESNAU:

I’m just going to restate and ask from a past meeting because there are complaints that are coming from third parties and complaints that are coming from ICANN. Would it be possible to get statistics on what fraction is being generated by ICANN versus what is coming in from third parties? I know we’ve asked at past meetings also.

MAGUY SERAD:

Thank you, Stephanie. The response is still the same. Today in the current tool we do not capture it that way, but we’ve taken it as an additional requirement when we go to sales force.

UNIDENTIFIED MALE:

The question about your monitoring of blogs about financial stability. [inaudible] blogs stating that [inaudible] had to pay fees for financial

things. As we see in the URL mentioned by Pam Little in the chat, Alan stated that there were no formal [inaudible], but as I understand it, you have to open case yourself. Am I right? Because it's financial charges and some violation of law. And formally, you have right to investigate it and maybe to ask them to either have management changed or TLD shut down.

JENNIFER SCOTT:

Without speaking directly to anything that we've processed during the confidential [informal] phase, I can say again that ICANN does monitor the blogs and is aware of certain information on those blogs that comes out regularly. So if you have a concern that perhaps a registry operator is in violation of their contract, I would encourage you to submit a complaint.

UNIDENTIFIED MALE:

So is it selective – so you monitor once and you do not [inaudible], because it was big-time use. It was more than just blogs. And if you say that some of registries were investigated and [inaudible] wasn't, is it just selection of choices you want to do or not? Is it something we don't understand?

JENNIFER SCOTT:

I think you're asking me to get into the details of the ICANN thought process of how we decide whether or not something that is monitored actually turns into a complaint that goes to the registry operator. All I can say to that is it's determined on a case-by-case basis. If you're

really concerned that ICANN might be missing something that you feel is a compliance issue, again, I would encourage you just to file a complaint regarding that issue.

MAGUY SERAD: Reg, just one second. I see Maxim shaking his head not happy. Maxim?

MAXIM ALZOBA: The issue is does it mean someone has to file a formal complaint for you to start investigating established fact? Because you can check it – it was one of the decisions, of course. It's not just blogs.

MAGUY SERAD: So let me restate your question. Your question is does ICANN require a formal complaint to investigate? So if there is an issue and you are aware of it, yes, please file it. If we discover something in the process of monitoring or reviews, we will follow up based on the information we have. You're shaking your head forward. That's a yes in the American culture. Did I answer your question? Okay, we'll take it offline.

The reason I'm insisting on Maxim because he's an amazing collaborator and responds timely. That's why I'm giving him extra time. Reg, please?

REG LEVY: I think I know the answer to this question, but to follow up on what Maxim said, if a formal complaint is lodged through the complaints tracking system, does the complainer get a response about why ICANN closed that complaint?

JENNIFER SCOTT: Yes. In the case of the situation where ICANN has already reviewed that exact type of complaint, it will just say that it's been an identical complaint. But in the first instance, the first reporter will get explanation as to why the complaint was closed.

REG LEVY: Just to follow up, the complainer gets a reason why the complaint was closed, but the person complained about does not.

JENNIFER SCOTT: Currently, that's how our system is set up. We've tried to scale it to a point where we have some automation built in. In certain circumstances, like Maguy said, if you'd like more information, you could always reply to compliance@icann.org.

REG LEVY: Thank you.

YASMIN OSMER: [inaudible] from [inaudible] Registry Services. I just want to make a comment regarding the metrics that are being recorded. It's great that

you're now reporting on the complaint types because they do indicate the inquiries that are sent out that do not actually find compliance issues with registry operators.

My comment relate to the manner in which this information is conveyed to the general community, specifically the GAC. I'd like to think that when we're reporting information – and it's great for us to see the volumes because it gives us an indication as to how much you're actually dealing with. But I'd like to think that when compliance is reporting to the GAC and the wider community, [inaudible] interested in whether registry operators are good actors, that the reporting focuses on the complaint types and not necessarily the volumes because I think the volumes present a skewed version of whether or not we're in compliance, whereas the complaint types do demonstrate that, yes, there are complaints and a pretty high number of those complaints actually do indicate that the registry operators are actually in compliance.

MAGUY SERAD:

Thank you, Yasmin, for your question, for your statement. As you see on this slide, we have, based on the feedback we received from the contracted parties at ICANN 52, we wanted to reflect that. It was never our intent to show – you just dive in and want to report. This community expects transparency, so we started reporting and we continue to evolve and improve on our reporting.

This chart you see here is also part of our monthly dashboard that is published. What we try to do in our quarterly update is also put a bit of

a perspective, especially in the areas that are so sensitive to the community and provide a little more explanation.

But if you find other opportunities you would like us to elaborate more on or provide more clarity, you're looking at it from a different perspective. We try to put ourselves in the different aspects and constituencies that we are serving. But if we're missing a special message, please let me know personally and I'll make sure we work with you to clarify it. Thank you.

JORDAN BUCHANAN:

I'm sure the answer to this is no, but maybe a useful thought experiment in any case. I notice up there what the most common complaint type was zone file access. I'm curious, there's been some discussion with ICANN about setting a specific amount of time that registries have to respond. Have you guys made any attempt to look at what response time registries actually provide and what fraction of them would be compliant under any proposed new threshold for a specific time.

For example, if ICANN were to say you need to respond within 10 days or something like that and you looked at the existing data about those zone file access complaints and you saw most of them are people complaining after 3 days or 30 days or whatever it is, what fraction of them would be resolved by that new threshold? That might be helpful for the other parts of the organization figuring out what the threshold should be to be informed by some of the compliance data.

JENNIFER SCOTT:

As Jordan indicated, the registry agreement doesn't have a specified timeframe for processing third-party zone party access requests. The short answer is, no, ICANN hasn't undertaken any kind of statistical analysis based on the complaints that we've received. I think that might be difficult, given that registry operators, some of them don't have a set schedule or time policy for how they address these complaints or process the request. But we did hear the community at the last ICANN meeting where they were voicing concerns about receiving notices when it related to a zone file request that hadn't been processed yet since there wasn't anything in the contract that required a certain timeframe.

So we have changed from sending notices to making those inquiries and simply asking the registry operator when will you handle this request?

JORDAN BUCHANAN:

I guess I'm trying to attack it from a slightly different angle and saying to what extent can we use compliance data to help inform future revisions to the agreement or other ways that the non-compliance parts of ICANN might interact with the registries so we can make smart decisions?

It may be that if you guys were to look and say we do get a lot of complaints, but it turns out 80% of the time within ten days registries have responded based on what you find in your compliance process.

That might be useful information for the GDD to say, “If we’re going to set a threshold, maybe ten days is a reasonable one, because it would capture the vast majority of existing activity.”

MAGUY SERAD:

Thank you for your question and your statement. We do inform policy efforts, working group efforts, even the team that’s preparing for any kind of contract amendment or contract changes. We have our internal – we track some of the opportunities. We look at the data and we work from there to provide a voice, whether it’s an improvement or a recommendation to the different venues.

We are at the closure of our session. We have Adobe?

JENNIFER SCOTT:

Last question from Adobe is from Constantine of .MUSIC. Constantine [Rusos] from .MUSIC. “My question pertains to the creation of minimum requirements for a valid abuse complaint that is under discussion with ICANN Compliance. Would ICANN Compliance consider a minimum requirement threshold based on overwhelmingly high take-down requests against a domain name? For example, a domain receiving over 10,000 take-down requests based on Google’s outgoing transparency report. If so, will there be any public comment period opened or a process to offer such recommendations directly to ICANN Compliance to consider?”

MAGUY SERAD:

Constantine, thank you for your question. Actually, this question was also provided to us from the registry stakeholder session, I think you asked. If you don't mind, I'm sorry to ask to do this to you, let's address that question tomorrow in our registry outreach, and if you are not able to join us, we will follow up with you via e-mail. The only reason is we need to leave this session. There's another session following.

Thank you, everyone for being with us this morning. We thank you for your feedback and your participation. Have a great rest of the day.

[END OF TRANSCRIPTION]